

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 18, 2014, 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Jon Pike
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
City Manager Gary Esplin
City Attorney Shawn Guzman
City Recorder Christina Fernandez**

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Alex Cutler, a scout, and the invocation was offered by Reverend Jimi Kestin.

Mayor Pike read a proclamation proclaiming Saturday, November 8, 2014, National Adoption Day.

Leisure Services Director Kent Perkins mentioned the St. George Marathon and Move It events. He introduced Jimi Kestin who spoke about the Mayor's Walk that will take place October . Additionally, he introduced Nikelle Tolman who presented a video and explained the I Am Able/Kid's Run event that will take place October 4, 2014.

Councilmember Bowcutt mentioned that the Dixie Roundup Rodeo turned out well.

City Manager Gary Esplin advised that item 6I will be tabled until October 2, 2014.

AWARD OF BID:

Consider award of bid for the Stone Cliffs Water Tank construction project.

City Manager Gary Esplin advised this is item in cooperation with the developers of Stone Cliff to relieve water pressure issues.

Purchasing Manager Connie Hood explained that seven bids were received. The low bidder was PCI at the amount of \$387,832.48.

MOTION: A motion was made by Councilmember Randall to approve the bid to PCI for \$387,832.48.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider approval of a professional services agreement to update the City Transportation Master Plan.

City Manager Gary Esplin stated this agreement is to update the Transportation Master Plan. Public Works recommends going with Horrocks Engineering. This is being done in conjunction with the MPO doing a regional analysis. A portion of the contract will be paid by the MPO.

Purchasing Manager Connie Hood advised the MPO will cover 49% of the cost. The total cost of the agreement is \$78,250 with the City's portion being \$39,907.50. She stated there was a typo in the request for council action as it states the contract amount is \$76,250, the correct amount is \$78,250.

MOTION: A motion was made by Councilmember Hughes to approve the agreement with Horrocks Engineering in the amount of \$78,250.

SECOND: The motion was seconded by Councilmember Bowcutt.

Public Works Director Cameron Cutler advised that with regard to transit and bike pedestrians, the MPO is doing a supplemental study and will pay for that portion.

Councilmember Almquist asked Mr. Cutler if staff hours and fee estimate submitted by Horrocks, were reviewed.

Mr. Cutler explained that the amount includes an estimate of the hours and that he will review the requests.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

PROMISSORY NOTE/RESOLUTION:

Consider approval of a resolution approving the Promissory Note from the Replacement Airport Fund to the City in the amount of \$7,545,757.

City Manager Gary Esplin stated the next four items relate to completing the replacement airport. In order to recover the cost spent on the replacement airport, the FAA requires a promissory note to pay the City back for the money invested in the new airport. If the old airport is sold for more than \$34 million, the City would be into the new airport for nothing. He explained that the first resolution is for the general funds and sewer funds that were used to build the new airport. The second resolution is for excise bonds that were County issues and the third resolution is for sales tax bonds that were going to be used for road improvements. Any money left over goes into a special fund to finance any improvements at the Airport.

City Attorney Shawn Guzman advised that item 5D authorizes the City to submit the request to the FAA to release the old airport site.

City Manager Gary Esplin explained that this money has already been expended, there is no additional debt.

Mayor Pike stated that it is encouraging to know that if the property is sold, the funds will benefit the Airport.

MOTION: A motion was made by Councilmember Arial to approve the resolution for \$7,545,757.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

PROMISSORY NOTE/RESOLUTION:

Consider approval of a resolution approving the Promissory Note from the Replacement Airport Fund to the City in the amount of \$10,227,000 plus interest.

MOTION: A motion was made by Councilmember Hughes to approve the promissory note for the Replacement Airport Fund to the City for \$10,227,000 plus interest.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

Mayor Pike advised that he did not call for a roll call vote on item 5A.

VOTE: Mayor Pike called for a roll call vote for item 5A, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

PROMISSORY NOTE/RESOLUTION:

Consider approval of a resolution approving the Promissory Note from the Replacement Airport Fund to the City in the amount of \$9,147,636.34 plus interest.

MOTION: A motion was made by Councilmember Almquist to approve the resolution for \$9,147,636.34 for the Promissory Note for the Replacement Airport Fund.

SECOND: The motion was seconded by Councilmember Bowcutt.

City Manager Gary Esplin advised that the interest should be included in the motion.

AMENDED

MOTION: Councilmember Almquist amended his motion to include interest.

SECOND: The amended motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

RELEASE OF PROPERTY/RESOLUTION:

Consider approval of a resolution authorizing the submission of a request to the FAA for release of the property on the former airport site.

MOTION: A motion was made by Councilmember Hughes to approve the resolution to submit the property lease request to the FAA.
SECOND: The motion was seconded by Councilmember Randall.
VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

APPOINT ADMINISTRATIVE LAW JUDGE:

Consider approval of a resolution re-appointing Brad Young as the Administrative Law Judge.

City Manager Gary Esplin advised that Brian Filter recently resigned leaving an open Administrative Law Judge position. He explained that Brad Young was appointed to the position in May of 2009. In 2010 he resigned as the primary judge but continued to serve as the reserve judge. Currently, there is no one appointed as the full term Administrative Law Judge. Typically, there is a selection process which will take place following this decision. Timing may create a void if issues arise prior to appointing a full time Administrative Law Judge. There are two choices, either appoint Mr. Young to act as the full time Administrative Law Judge until full time appointment is made or go without a Judge until the appointment occurs.

City Attorney Shawn Guzman stated that the City can advertise the position and take applications as has happened in the past. Additionally, an individual can be appointed without advertising the position. He explained that Human Resources and Legal staff review the applications and make a recommendation to the Mayor. Historically, the position has been filled using both processes. City code states that the Mayor and City Council appoint and can do so without going through the hiring process. Currently, Mr. Young is acting as the alternate judge, and was appointed by the previous Mayor and Council. Staff's recommendation is to continue to use Mr. Young as the interim Administrative Law Judge. If he does not continue as the acting Judge, hearings cannot be held. Typically, hearings are held at least once a month.

Councilmember Almquist commented that it sounds logical to fill the position temporarily; however, he believes the job should be posted.

City Attorney Shawn Guzman provided background information on Mr. Young. The requirement that the Administrative Law Judge be an attorney was removed because it unnecessarily limits the candidates. It is preferred that they be an attorney, but it is not required.

MOTION: A motion was made by Councilmember Arial to approve the resolution re-appointing Brad Young as the Administrative Law Judge for the City.
SECOND: The motion was seconded by Councilmember Almquist.

Councilmember Hughes inquired about the time frame or plan to find a permanent replacement.

City Attorney Shawn Guzman advised he would like to advertise the position as soon as possible and will discuss the process with the City Manager. It may take a while to receive applications as the pay is not very much and the schedule is not always consistent.

Councilmember Almquist asked Councilmember Arial to amend her motion to have the hiring process begin within the next month.

Councilmember Arial agreed to amend her motion.

Councilmember Hughes stated that he would like to see the motion appointing Mr. Young as the interim Administrative Law Judge.

City Attorney Shawn Guzman stated that is fine; however, there is a need for an alternate.

Councilmember Bowcutt inquired if Mr. Young continues to serve as the interim Judge, can the motion be that he do so until there is a pool of applicants.

City Attorney Shawn Guzman advised he would like Mr. Young to serve as the Judge until another Judge is appointed. He can be appointed as the Interim Judge tonight and when a new appointment is made, a backup Judge can be appointed at that time.

Councilmember Randall stated that her concern is that Mr. Young has been a Code Enforcement Officer previously. She feels the person appointed for the position be someone who does not have that background.

Mayor Pike commented he believes the code enforcement background is actually a good qualification for the position.

Councilmember Bowcutt commented that he may find it challenging to be impartial having worked with the Code Enforcement Officers.

Councilmember Hughes stated that he agrees with Councilmember Bowcutt; however, no matter who is appointed, they will work for the City. It makes sense to leave Mr. Young in the position but find an impartial replacement.

City Manager Gary Esplin recommends the position be advertised in addition to screening the candidates. Staff can make a recommendation to the Mayor and City Council. The process would be the same as with any other open position.

Councilmember Randall asked if Mr. Young has presided over any proceedings since Mr. Filter resigned.

City Attorney Shawn Guzman replied that he could have but has not. He stated that the Council can appoint Mr. Young as the Interim Administrative Law Judge with the understanding that he be in the position until the new Judge is appointed. At that point staff would recommend at least one alternate.

Councilmember Hughes inquired with an alternate or backup Judge, can a citizen pick a different judge.

City Attorney Shawn Guzman advised that does not happen, even in a Justice Court. If a Judge cannot be present, he/she makes sure there is a back up Judge.

VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - nay
Councilmember Bowcutt - nay
Councilmember Arial - aye

The motion carried.

LOCAL CONSENT:

Consider approval of a local consent for a single event alcohol permit. Bonnie Hallman, applicant.

Bonnie Hallman, applicant, stated that they are requesting a local consent to serve alcohol at a Habitat for Humanity event. Although this is the third annual event, this will be the first time for a Masquerade Ball.

MOTION: A motion was made by Councilmember Randall to approve the single event alcohol permit for the Habitat for Humanity Masquerade Ball.
SECOND: The motion was seconded by Councilmember Arial.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

Ms. Hallman mentioned that she had to follow the process to obtain this permit as a business would. The process is cumbersome. She asked that the process be looked at.

City Manager Gary Esplin stated that when it comes to these permits, staff is very cautious.

LOCAL CONSENT:

Consider approval of a local consent for a full service restaurant liquor license. Priscilla Taylor, applicant.

City Manager Gary Esplin stated that this is an existing business that is changing ownership. There have been no problems at that location.

MOTION: A motion was made by Councilmember Hughes to approve the full service restaurant liquor license for Sil's Java House.
SECOND: The motion was seconded by Councilmember Randall.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

STREET CLOSURE/FEE WAIVER:

Consider approval of a street closure and special event fee waiver request for a Neighborhood Block Party event. Karlinda Madrid, applicant.

Karlinda Madrid, applicant, stated this event has been held for the past eight years.

MOTION: A motion was made by Councilmember Hughes to approve the street closure and special event fee waiver for the Neighborhood Block Party.
SECOND: The motion was seconded by Councilmember Arial.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

STREET CLOSURE:

Consider approval of a street closure request for a Dixie State University Tailgates event. KaylInn Larson, applicant.

KayInn Larson, applicant, stated this is their seventh year for their event and are requesting the street closure of 500 South between 600 East and 700 East.

Mayor Pike advised this request is for the entire season.

MOTION: A motion was made by Councilmember Arial to approve the street closures for Dixie State University.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

Councilmember Arial stepped out.

FEE WAIVER:

Consider approval of a fee waiver request for the use of Town Square for The Celebrating Families Through Adoption event. Ben Ashcraft, applicant.

Tasia Roth and Connie McGregor stated they are requesting a fee waiver for their fourth annual event.

MOTION: A motion was made by Councilmember Randall to waive the fee for the use of Town Square for The Celebrating Families Through Adoption event.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

Councilmember Arial returned.

FINAL PLAT:

Assistant Public Works Director Wes Jenkins presented the final plat for Desert Edge Phase 3, a 10-lot residential subdivision located at approximately 6050 South and 3470 East, zoning is PD-R. The developer will be required to dedicate 15% of open space.

FINAL PLAT:

Assistant Public Works Director Wes Jenkins presented the final plat for Desert View Phase 1, a 6-lot residential subdivision located at approximately 6080 South and 3390 East, zoning is PD-R.

FINAL PLAT:

Assistant Public Works Director Wes Jenkins presented the final plat Hoopes Subdivision, a 3-lot residential subdivision located at approximately 650 East 600 South Street, zoning is R-1-8. There will be an easement over the hatched area for access and utilities.

Mayor Pike asked the final plats be approved individually.

MOTION: A motion was made by Councilmember Almquist to approve the final plat for Desert Edge Phase 3.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

MOTION: A motion was made by Councilmember Hughes to approve the final plat for Desert View Phase 1.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

MOTION: A motion was made by Councilmember Randall to approve the final plat for the Hoopes Subdivision subject to approval from the Legal Department.

SECOND: The motion was seconded by Councilmember Hughes.

Councilmember Almquist inquired if the dotted lines also represent the required setback.

Mr. Jenkins replied yes; however, one of them is incorrect and needs to be fixed.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

FINAL PLAT:

Assistant Public Works Director Wes Jenkins presented the final plat for Oakwood Estates Phase 1, a 33-lot residential subdivision located at approximately 3000 East and 3150 South, zoning is R-1-10. The developer is proposing to move the detention basin to a different lot.

MOTION: A motion was made by Councilmember Hughes to approve the final plat for Oakwood Estates Phase 1.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried

FINAL PLAT:

Assistant Public Works Director Wes Jenkins presented the final plat for River Stone Phase 4, a 21-lot residential subdivision located at approximately 1000 West and 4100 South, zoning is R-1-10. This development was originally part of the Los Colinas Development.

There are lots that are less than 10,000 square feet; however, the development came in prior to the ordinance requiring that at least 50% of the lot meet the zone requirements. All of the lots do not meet the R-1-10 requirements, but they do meet the density requirements.

City Attorney Shawn Guzman inquired if this was the subdivision that had a proposal to have the drain line under the sidewalk.

Mr. Jenkins replied that yes it is. If the drain cannot be located in the right of way, it will not be located in the sidewalk.

MOTION: A motion was made by Councilmember Arial to approve the final plat for the River Stone Phase 4.
SECOND: The motion was seconded by Councilmember Hughes.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

FINAL PLAT AMENDMENT:

Assistant Public Works Director Wes Jenkins presented the final plat amendment for Los Colinas Phase 3 Amended and Extended. The property is zoned PD-R and is located at 890 West and Los Colinas Drive. The purpose of the amendment is to increase the size of lots 306 and 312. This item did not require a public hearing because they received 100% consent from the property owners in the subdivision

MOTION: A motion was made by Councilmember Randall to approve.
SECOND: The motion was seconded by Councilmember Almquist.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to construct a detached garage with a maximum ridge height of 24'6" behind the home located at 2373 East Mountain Ledge Drive. David Clark applicant.

Planner Ray Snyder presented the request for a conditional use permit to construct a detached garage with a height of up to 24'6" behind the home located at 2373 East Mountain Ledge Drive. The Planning Commission recommends approval. He presented arial maps and photos of the area in addition to the site plan and elevations. He read staff reports which include comments from the Planning Commission, suggested conditions and findings. No letters were received in opposition.

City Attorney Shawn Guzman asked about easements. For future property owners, it needs to be recorded that this sits on City easements.

Mr. Snyder stated that there are existing easements. Staff has allowed others to build on easements in the past.

City Manager Gary Esplin asked if the representative is available to speak. He asked if there was room to honor the easement.

Reggie Anderson, contractor, replied that there is not enough room. He stated that there is not a need for the easement as many of the utilities are in the streets.

City Attorney Shawn Guzman provided background on easements. He explained they are required because they may be needed in the future.

City Manager Gary Esplin stated that if the Council is inclined to approve the request, he believes it should be subject to review by the Legal Department and the JUC to indicate there is not a need for an easement.

City Attorney Shawn Guzman stated it is difficult to inform someone that they have to remove and rebuild a garage at their cost. His concern is what will happen when others want to encroach on an easement to build a garage. There are some implications here that will impact others.

Mayor Pike suggested asking the JUC if the easement is needed, if not, it should be abandoned.

City Manager Gary Esplin advised if the easement is needed in the future, the City would have to pay the cost to move the building. The item can be tabled for 2 weeks, allowing the JUC to review.

Mr. Anderson commented that the owner recently purchased the home and does not have a place to store their belongings.

Mr. Snyder suggested approving a 7.5-foot setback around the entire lot.

City Manager Gary Esplin stated that may be difficult on the one side.

MOTION: A motion was made by Councilmember Hughes to approve the conditional use permit with the conditions outlined by the Planning Commission, adding number 5 - JUC approval. If not approved by the JUC, modify condition number 1 to show the setbacks of 7.5 feet, noting that number 4 states the request is subject Legal Department review.

SECOND: The motion was seconded by Councilmember Randall.

Councilmember Bowcutt commented that he does not understand why the ordinance allows 2-foot setbacks for accessory buildings.

City Manager Gary Esplin explained the requirement was more agriculture related. That requirement can be re-visited.

City Attorney Shawn Guzman stated he would hate to lose the ability for those that are truly using it for agriculture uses.

Mr. Anderson stated that he is looking to build a garage at his home. Per the code, he can build the structure on the property line. He asked if the code meets City requirements.

City Attorney Shawn Guzman explained that if there is not a City easement, he can go to the zero lot line. This particular property does have an easement.

Councilmember Almquist stated that this type of situation should be worked out in the platting stage. He feels the property owner should be able to use their land.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye

Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to use the landmark home located at 278 North 100 West for a vacation rental. Chris Potter, applicant.

Planner Ray Snyder presented the request for a conditional use permit to use a Landmark Site as a vacation rental. The property is located at 278 North 100 West and is zoned RCC. He presented maps and photos of the area in addition to a site plan. He read staff reports which include comments from the Planning Commission, suggested conditions and findings. Planning Commission recommends approval.

Councilmember Bowcutt stated that it was mentioned in the Planning Commission meeting that the conditional use goes with the land not with the owner.

City Attorney Shawn Guzman stated that the Planning Commission's condition on landscaping states that the applicant shall maintain the level of the landscaping; however the current landscaping is in a state of disrepair. If the Council wants something more than what is there currently, he suggests they ask applicant to specify their plans.

Chris Potter, applicant, explained that with regards to the landscaping, he does not have actual plans yet. He is going to work on the inside of the building first and plans to improve the landscaping as well as repair the outside.

MOTION: A motion was made by Councilmember Arial to approve the conditional use permit for a vacation rental following the suggested conditions from the Planning Commission, landscape plans and subject to review by the Legal Department.

SECOND: The motion was seconded by Councilmember Almquist.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

DONATION AGREEMENT:

Consider approval of the donation agreement for Desert Canyons open space.

City Manager Gary Esplin advised this item is part of the Desert Canyons project and development agreement, the developer is required to dedicate open space with each plat. Staff has agreed to accept approximately 1.791 acres from Phase 1 of the Desert Edge Subdivision and Phase 1 of the Desert Plateau Subdivision.

MOTION: A motion was made by Councilmember Hughes to accept the dedication.
SECOND: The motion was seconded by Councilmember Randall.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

AGREEMENT:

Consider approval of an agreement with Dinosaur Crossing, L.C. for the construction of Mall Drive.

City Manager Gary Esplin advised this item is an agreement with Dinosaur Crossing, L.C. for the construction of Mall Drive. In this agreement, the City agrees to construct Mall Drive from Riverside Drive to the bridge in addition to installing rip-rap improvements along the Virgin River, sleeves underneath the existing road, a traffic signal and approximately 400 feet of culinary water line. Dinosaur Crossing agrees to install certain storm water lines. As the development occurs, they will widen the road to 90 feet.

City Attorney Shawn Guzman explained this is a dedication. The City will be receiving property in exchange for the roadway. The agreement will be subject to approval by the Legal Department.

MOTION: A motion was made by Councilmember Hughes to approve the agreement with Dinosaur Crossing, L.C. for the construction of Mall Drive subject to approval by the Legal Department.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

APPOINTMENT:

Councilmember Randall stated that Councilmember Arial replaced her on the Arts Museum Board.

MOTION: A motion was made by Councilmember Randall to approve Councilmember Arial to sit on the board for the St. George Art Museum.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the City Council meeting held on August 21, 2014.

MOTION: A motion was made by Councilmember Hughes to approve the minutes.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the City Council meeting held on August 28, 2014.

MOTION: A motion was made by Councilmember Arial.
SECOND: The motion was seconded by Councilmember Randall.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the City Council meeting held on September 4, 2014.

MOTION: A motion was made by Councilmember Randall.
SECOND: The motion was seconded by Councilmember Almquist.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.

ADJOURN:

MOTION: A motion was made by Councilmember Arial.
SECOND: The motion was seconded by Councilmember Almquist.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Almquist - aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye

The vote was unanimous and the motion carried.