

**ST GEORGE CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
DECEMBER 4, 2014 5:00 PM
CITY COUNCIL CHAMBERS**

PRESENT:

Mayor Jonathan T. Pike
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
City Manager Gary Esplin
City Attorney Shawn Guzman
Deputy City Recorder Annette Hansen

OPENING:

Mayor Pike welcomed all those who were in attendance and called the meeting to order. The pledge of allegiance was offered by Councilmember Almquist, the invocation was offered by Barry Bundy from the St George Morningside Stake.

Mayor Pike mentioned the Dickens Festival which was going on at the Dixie Center until Saturday. He also mentioned the downtown businesses doing a Gingerbread tour starting on the 6th of Dec. and running through the 12th. He encouraged all to go downtown and support the merchants and their efforts to promote the area and help preserve a hometown holiday atmosphere.

COMMENTS FROM THE PUBLIC:

St. George City resident Paul Linford addressed the Council regarding road conditions and road maintenance in the Bloomington area. He mentioned that the area most in need of attention was the west side corner of Bloomington Drive and Fairway Road. He stated that he has noticed that in the last 2 years many road pavement and repairs have happened around town but Bloomington seems to have been left out in the planning as there have been no major repairs to this road for many years. He said that there are certain parts where chunks of pavement have come up and he would like to make a formal request to have this looked into because he and the other Bloomington residents pay taxes same as everyone else in the city does. Mayor Pike noted that the Bloomington area has not been ignored, but there is a regular schedule of maintenance that the city follows. City Administrator Gary Esplin stated that at the time the area was annexed into the city the streets in that area were not built to city standards. Policy of the city states that we can only repair non-standard streets not replace them and noted that Bloomington Ranches had to create a special service district and paid extra to have their new streets put in. He mentioned that it would be nearly impossible to bring all of the streets that have been annexed into the city up to city standards, as this is a huge unfunded expense. Mr. Linford recognized the situation and stated that even bringing the main road of Bloomington Drive up to city standards would be a

huge improvement. Gary agreed that this would be something that the Council should address and look into adding that into the next budget year. Mr. Linford also mentioned a sharp corner on Ute Road that should be looked into for safety reasons. Mayor Pike agreed to look into it and thanked Mr. Linford for his comments.

St. George City resident Richard Kohler addressed the Council regarding Bluff Street and the construction and planned future enhancements to be done there by the State. He presented a flyer highlighting his concerns to each Councilmember and told of his experiences when he served on the UDOT committee work group in 2011. He disputed the traffic study numbers that UDOT is using of a projected 65,000 cars a day, which in Utah are only carried on freeways, and he expressed his concern that Bluff Street will be made into a freeway unnecessarily. He stated that businesses along the entire length of Bluff Street would be at risk. He asked the Council for their support in meeting with the Utah Transportation Board. Mayor Pike noted that Gary had the chance to meet with David Mayer yesterday and discussed this issue. Gary stated that Mr. Mayer was aware of the erroneous traffic count. He reiterated that these are State highways and that it is unfortunate that we have so few streets in this area to accommodate the growth of the area. Mr. Kohler stated that he feels that what UDOT is doing is more than necessary and would like Council support in seeing that Bluff Street not become a freeway. Gary noted that due to funding schedules UDOT must plan much further ahead than the city does so their projects tend to be bigger than necessary for the time. Mayor Pike thanked Mr. Kohler for his time and his concerns were noted.

BID OPENINGS:

Consider approval of a change order for the Engineering Consultants Professional Services Agreement for the All Abilities Park project.

Purchasing Manager Connie Hood addressed the Council and presented the reasons for the change order with Creamer and Noble Civil Engineering which included asking the consultant for additional design concept drawings relating to the grading, parking and lighting layouts. The change order is for the amount of \$33,606.00. Gary stated that we are well below the estimated engineering consulting fee even with the change order and that the city would be at 43% of what was originally anticipated on being spent on this project. He believes the city has been given a significant discount due to the nature of the project itself.

- MOTION:** A motion was made by Councilmember Almquist to approve a change order for the Engineering Consultants Professional Services Agreement with Creamer and Noble for the All Abilities Park project to the amount of \$33,606.00
- SECOND:** The motion was seconded by Councilmember Randall.
- VOTE:** Mayor Pike called for a vote, as follows:
Councilmember Hughes – aye
Councilmember Almquist – aye
Councilmember Randall – aye

Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

Consider award of bid for the All Abilities Park Civil Works project.

City Manager Gary Esplin explained that this bid is for the first phase of the All Abilities park for which includes site grading, underground utility installations, roadway and parking lot construction. Purchasing Manager Connie Hood stated that the city received a total of 11 qualifying bids for the civil works portion of the project. JP Excavating was the low bid at \$824,950.75. The city has worked with JP in the past and would recommend using them as the lowest bidder. Mayor Pike noted that this bid is under by a few hundred thousand dollars which is a significant amount of money. He is excited about the community's willingness to become involved and tighten their belts to help make this project a reality.

- MOTION:** A motion was made by Councilmember Hughes to award the bid for the All abilities Park Civil Works project to JP Excavating for the amount of \$824,950.75
- SECOND:** The motion was seconded by Councilmember Arial.
- DISCUSSION:** Councilmember Almquist asked if the savings was due to additional use of city equipment and resources such as employee labor. Gary stated that it was not, that all the work was included in this bid.
- VOTE:** Mayor Pike called for a vote, as follows:
Councilmember Hughes – aye
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

Mayor Pike mentioned that January 5th is the scheduled start date for this project and will hopefully be completed by June.

City Manager Gary Esplin requested that at the end of the meeting Council view a short video presentation put together by Park Planning staff regarding the All Abilities Park.

PUBLIC HEARING:

Public hearing to consider amending the City General Plan Use Map by changing the land use designation from Residential, Commercial and Open Space to Business Park on 93 acres and to Open Space on 17 acres for the southerly extension of the Ft. Pierce Industrial Park.

City Manager Gary Esplin stated that Planning and Zoning manager Bob Nicholson would now address the Council for what would be his last time. He mentioned that Mr. Nicholson would be retiring after 29 years with the city and has seen the City through the huge growth and deserved a lot of credit for all his work and planning and expressed his gratitude for all his hard work. The Council and audience gave Mr. Nicholson a standing ovation to express appreciation. Mr. Nicholson thanked Council for the great privilege it is to work for such a wonderful city.

Mr. Nicholson stated that SITLA representative Kyle Pasley was in attendance to answer any questions from the Council on the request to amend the City's general plan and land use map. Council was shown several visual maps of the areas that were requested being changed. City Manager Gary Esplin mentioned that right now the area is currently undeveloped so it would have little impact on area residents, and future residents will be aware of the general plan. He also mentioned that the Planning Commission was in favor of the change. Council briefly discussed roads and other future needs and felt that this change was necessary.

Mayor Pike then opened the meeting to a Public Hearing to listen to any comments or concerns from the public. Hearing none, he closed the Public Hearing portion of the meeting.

MOTION: A motion was made by Councilmember Hughes to amend the City General Plan Use Map by changing the land use designation from Residential, Commercial and Open Space to Business Park on 93 acres and to Open Space on 17 acres for the southerly extension of the Ft. Pierce Industrial Park.

SECOND: The motion was seconded by Councilmember Almquist.

City Attorney Shawn Guzman recommended a roll call vote.

VOTE: Mayor Pike called for a roll call vote, as follows:
Councilmember Hughes – aye
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

ORDINANCES:

Consider approval of an ordinance creating the Airport Advisory Board.

City Attorney Shawn Guzman explained that in the City Code Section 7- 06-1 there was a placeholder for a creation for an airport, and proceeded to read the section of the code to Council. Mr. Guzman then read the entire proposed portion of the ordinance to the Council.

Mayor Pike felt that this proposed ordinance was much better language and make the duties and responsibilities much more clearly defined. He mentioned that if this ordinance passed today he would like to come back to the next council meeting with names to appoint to the board.

Councilmember Jimmie Hughes left the meeting at 5:53 pm.

- MOTION:** A motion was made by Councilmember Bowcutt to approve the ordinance creating the Airport Advisory Board as it was presented to the Council.
- SECOND:** The motion was seconded by Councilmember Arial.
- VOTE:** Mayor Pike called for a roll call vote, as follows:
Councilmember Hughes – absent
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

RESOLUTIONS:

Consider approval of a resolution approving an incentive agreement between the City of St. George and Industrial Brush Company.

City Manager Gary Esplin explained that this is a formalization of an agreement that gives incentives to Industrial Brush Co. (IBC) to relocate its manufacturing facility from out-of-state to St. George. IBC designs, manufactures, and sells brushes for numerous industries. Real and personal property tax incentives of 80% property taxes for 5 years. IBC is investing \$6,000,000 in its new manufacturing facility, and paying 23 employees wages and benefits equal to 175% of the Washington County average. He also mentioned that they are a great addition to the community and that this type of value added manufacturing is exactly why we are allowed to use incentives in the Ft. Pierce business park and have done this same incentive for other companies as well. He also mentioned that the State won't grant any incentives unless the local community does.

Councilmember Almquist mentioned that as the city receives a minimal amount of taxes on undeveloped property this would not impact the city negatively financially.

Mr. Esplin noted that there are companies that try to relocate here and request similar incentives, but there are certain criteria and requirements in place that the business must meet in order to qualify for these incentives.

- MOTION:** A motion was made by Councilmember Arial to approve a resolution approving an incentive agreement between the City of St. George and Industrial Brush Company.
- SECOND:** The motion was seconded by Councilmember Randall.
- VOTE:** Mayor Pike called for a roll call vote, as follows:
Councilmember Hughes – absent
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

STAFF REPORTS:

Presentation of the annual financial report with auditor's report.

City Manager Gary Esplin mentioned to the Council that action was not required on this item but he wished to present to the Council the findings and auditors report. Steve Palmer with Hinton-Burdick CPA's addressed the Council and updated them on the recently completed 2013 fiscal year audit of the city's financial statements and also the audits required for the federal and state funds that the City receives. He stated that the results of these audits reflected an unmodified or clean opinion and that in their opinion the entire city's funds were fairly presented and accounted for. There were no questioned costs which is a great accomplishment for the city as their firm performs over 70 audits a year and commended the finance staff for their remarkable job in performing their duties. He was also pleased to report that the all required government reports are submitted or in the process of being submitted. He expressed his appreciation to the city staff for all their help.

Councilmember Almquist asked if the infrastructure increase of 11 million was due to the bridge. Mr. Esplin stated that it was. He also inquired about bond ratings and council discussed the issue briefly.

City Manager Gary Esplin commended the city's Finance Manager Philip Peterson who has been with the city for 30 years and done an incredible job. He stated that Mr. Peterson always goes above and beyond the call of duty in performing his responsibilities and that he takes his job very seriously.

Mayor Pike wished to thank everyone who was involved in the audit process and mentioned that the city would not have been able to survive the financial downturns in the economy if it weren't for the sound fiscal management by the city. He also expressed appreciation to the auditing firm for their oversight in making sure the finances of the city are sound.

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City Manager Gary Esplin stated that it was nice to work with the auditors and they are very professional and thorough in their evaluations. The city has maintained a good working relationship with their firm and commended them on their work.

Mayor Pike mentioned that all city financial information is public record and can be viewed at any time and is also online.

Consider approval of local consent for a full service restaurant liquor license for the Peppers Cantina 0317 located at 1812 West Sunset Boulevard #5. Jessica Rivera, applicant. City Manager Gary Esplin explained that the applicant is requesting local consent for a Full Service Restaurant License for Peppers Cantina 0317 located at 1812 W Sunset Blvd. #4. Ms. Rivera also has an alcohol license for the Peppers Cantina in the Bloomington Courtyard. Applicant has met all the requirements of the city and the business license department is recommending approval.

- MOTION:** A motion was made by Councilmember Randall to give local consent for a full service restaurant liquor license for the Peppers Cantina 0317 located at 1812 West Sunset Boulevard #5
- SECOND:** The motion was seconded by Councilmember Bowcutt.
- VOTE:** Mayor Pike called for a vote, as follows:
Councilmember Hughes – absent
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

Set a date and time for a public hearing on an employee appeal of the City Manager's decision to uphold a department heads recommendation for demotion.

City Manager Gary Esplin explained that city policy is that if an employee has an issue they are to go to their department head and then if need be to the City Manager. In this instance an employee was demoted from a level 2 firefighter to a level 1 due to lack of required completed certification. The employee has a right to appeal the decision and in order to do this a public hearing must be held. He requested setting the date for the next council meeting scheduled for December 11.

- MOTION:** A motion was made by Councilmember Randall to set the date of December 11, 2014 for a public hearing on an employee appeal of the City Manager's decision to uphold a department heads recommendation for demotion.
- SECOND:** The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote, as follows:
Councilmember Hughes – absent
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Ariel – aye

The vote was unanimous and the motion carried.

Consider approval of the Mayor’s recommendation to appointment the new Energy Services Director.

Mayor Pike mentioned that Energy Services Director Phil Soloman has retired and there was a need to replace his position. After consideration and interview he recommends appointing Laurie Mangum as the Director. He mentioned that she has previously worked for the city but has worked elsewhere for the past few years. He stated that he feels good about the recommendation

MOTION: A motion was made by Councilmember Ariel to accept the Mayor’s recommendation to appoint Laurie Mangum as the new Energy Services Director.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote, as follows:
Councilmember Hughes – absent
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Ariel – aye

The vote was unanimous and the motion carried.

Mayor Pike mentioned that she will begin starting December 15, 2014.

Consider approval of the implementation of the pending ordinance doctrine.

City Manager Gary Esplin explained that this is in regards to the off premise billboard signage and new changes regarding state law and how they are operating. He suggested that Council relook at the city’s ordinances to make sure they are correct and up to date. This action by Council would put a time period of up to 6 months in place for Council to review and possibly amend the ordinance.

Mayor Pike questioned the exact wordage needed for a motion and City Attorney Shawn Guzman asked that the exact wordage be as such: Setting forth a temporary land use regulation on all property within the City of St. George for off-premise signs; and requested that the minutes reflect the actual wordage.

- MOTION:** A motion was made by Councilmember Randall to approve the implementation of the pending ordinance doctrine as was read to the Council.
- SECOND:** The motion was seconded by Councilmember Arial.
- VOTE:** Mayor Pike called for a roll call vote, as follows:
Councilmember Hughes – absent
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

REPORTS

Reports from Mayor, Councilmembers and City Manager.

Council was presented with a short video put together by city park planners in regards to the All Abilities Park. City Manager Gary Esplin commended park planning staff and the capabilities they have as professionals in their field. He noted that this video is currently on the city's website and has had great feedback. Mr. Esplin stated that he feels that this video will help show the public what the vision for the park is as well as help facilitate donations for the park. The video was put together by parks planner Van Phetsomphou. Council was impressed with the video and thanked staff for their amazing hard work in bringing this together.

MINUTES:

Consider approval of the minutes from the City Council Meeting held November 6, 2014

Councilmember Gil Almquist requested a change be made on page 2. He stated that the minutes reflect that Mr. Jared Keddington wanted to speak in public forum, but was not able to because he was not a resident. He stated that further on in the meeting Council invited Mr. Keddington to attend any future discussions on the subject and Councilmember Almquist wanted it to be clear in the minutes that Mr. Keddington was invited by Council to participate in future discussions on any changes to the special events permit process.

- MOTION:** A motion was made by Councilmember Almquist approve the minutes with the amendment made reflecting that an invitation was made to Mr. Keddington to participate in future discussion on any changes to the special events permit process.
- SECOND:** The motion was seconded by Councilmember Arial.
- VOTE:** Mayor Pike called for a vote, as follows:
Councilmember Hughes – absent
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

Consider approval of the minutes from the City Council Meeting held on November 20, 2014

- MOTION:** A motion was made by Councilmember Almquist to approve the minutes from the November 20, 2014 city council meeting.
- SECOND:** The motion was seconded by Councilmember Randall.
- VOTE:** Mayor Pike called for a vote, as follows:
Councilmember Almquist – aye
Councilmember Arial – aye
Councilmember Bowcutt – aye
Councilmember Hughes – absent
Councilmember Randall – aye

REQUEST CLOSED SESSION

CLOSED SESSION:

Mayor Pike requested a Closed Session to discuss pending litigation and potential litigation.

- MOTION:** A motion was made by Councilmember Randall to proceed into the closed session portion of the meeting to discuss pending litigation against the city.
- SECOND:** The motion was seconded by Councilmember Arial.

DISCUSSION: At the request of Councilmember Almquist, City Attorney Shawn Guzman explained the purpose of holding a closed session to the public. Mr. Guzman explained that by law there are few circumstances in which the city can legally hold a closed session. One is to discuss pending litigation by or against the city, another is to discuss the professional competence of an individual and last to discuss property purchase. In this instance it is to discuss pending as well as possible litigation.

Councilmember Almquist thanked Mr. Guzman for clarifying to the public why it is necessary for the Council to convene in closed session from time to time.

- VOTE:** Mayor Pike called for a roll vote, as follows:
Councilmember Hughes – absent
Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

Councilmember Hughes returned to the council meeting while in closed session at 6:57 pm.

ADJOURN:

MOTION: A motion was made by Councilmember Almquist to adjourn.

SECOND: The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.