
Minutes
Regular Meeting
January 28, 2015

Present: Mayor Kenneth Neilson, Councilmen Garth Nisson, Kress Staheli, Thad Seegmiller, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, City Recorder Danice Bulloch, Community Development Director Drew Ellerman, Public Works Director Mike Shaw, Police Chief Jim Keith, Audience: Carol Stiedaman, John Stiedaman, Steve Gustaveson, Thomas Dyches, Brandee Walker, Macen Walker, Karl Larson, Jim Raines, Jennifer Libby, Dustin Halterman, Steven Hooper, Katherine Staheli, John Peschke, Gretchen Peschke, David Houston

Meeting commenced at 6:00 P.M.

Invocation: Councilman Seegmiller

Pledge of Allegiance: Councilman Turek

1. APPROVAL OF THE AGENDA

Councilman Seegmiller made a motion to approve the agenda. Councilman Turek seconded 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 Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. ANNOUNCEMENTS

Councilman Seegmiller announced the Washington City Little League is currently accepting enrollment.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

** Councilman Staheli arrived.*

4. CONSENT AGENDA

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meeting of 1/13/15 and 1/14/15.

ALCOHOL LICENSES:

- A. Consideration to approve the renewal of the following Off-Premise Licenses for: First Stop**
- B. Consideration to approve the renewal of the following On-Premise Licenses for: St. Helens of Washington**
- C. Consideration to grant Local Consent to the Green Spring Golf Course for an On Premise Beer - Recreational License**

Councilman Truman made a motion to approve the consent agenda. Councilman Seegmiller seconded 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>

5. PRELIMINARY PLAT

- A. Consideration to approve a Preliminary Plat for the Nichols Peak Subdivision Phase 4, the property is located east of Kay's Circle, or approximately 2100 S. 600 East. Applicant: Judd Palmer**

Community Development Director Drew Ellerman reviewed:
The applicant is requesting approval of a Preliminary plat for the Nichols Peak Subdivision, Phase 4, located at approximately 2100 South 600 East. The applicant is wishing to develop 11 lots on an area covering 4.52 acres. The location of this particular project is zoned Single-Family Residential - 10,000 Sq. Ft. Min. (R-1-10). The surrounding zoning is R-1-12 to the north and west, R-1-10 to the east, Agricultural to the south.

The proposed subdivision conforms to the subdivision requirements and 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 reviewed this request at their January 7, 2015 meeting.

The Planning Commission unanimously recommended approval of the Preliminary plat for the Nichols Peak Subdivision, Phase 4, 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. The preliminary plat conforms to the Zoning and Subdivision Ordinances 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. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.
12. Rock Fall Hazard assessment recommendation from Geotechnical report shall be completed prior to final plat approval.

Councilman Seegmiller asked if the flag lots have enough width for access, and how they would be accessed by emergency services.

Community Development Director Ellerman stated they meet the requirements for a flag lot. If it is necessary, the developer may be required to install a fire hydrant for fire protection.

Councilman Truman commented with regard to the flag lots, he thought a turn-around was required for a driveway of this length.

Community Development Director Ellerman stated the Fire Marshall has reviewed this preliminary plat. He believes because there are only two lots accessed by flag lots, he does not have any issues.

Councilman Truman asked if staff was comfortable with the subdivision being able to follow the Hillside Ordinance Guidelines.

Community Development Director Ellerman stated the applicant will be required to follow the guidelines. However, the property is an extension of an existing development, and there are significant cuts to the hillside already.

Councilman Turek explained he does not see this as an extension of an old subdivision, but rather a new application. He does have some concerns about the hillside development.

Community Development Director Ellerman stated there has already been significant cuts to the hillside. However, he does hope there will not be additional excavation.

Councilman Truman asked if there is a buffer planned for the neighborhood commercial area adjacent to this property.

Community Development Director Ellerman explained they have not planned for a buffer, due to the fact all of the commercial proposals have been denied. The owners felt the Council would prefer to have residential, so they are planning to place all residential in the area.

Brandie Walker stated they are in possession of a rock fall hazard report for the area. The contractor, Judd Palmer, has indicated the grading is complete. They plan to do some cleanup of the property, but no further cutting into the hillside. The geotech report has indicated there will need to be some cleanup along the rock retaining wall for the flag lots.

Councilman Staheli asked how visible the cuts will be from Washington Fields Road.

Ms. Walker stated the developer is excellent at constructing block walls, which will be very aesthetically pleasing. Once the homes are built, most likely, you would not be able to see the walls or cuts from the road.

Councilman Staheli asked if it was possible to overlay the map with an aerial.

Community Development Director Ellerman stated he is certain it is possible, but he would not be able to show it tonight.

Councilman Truman clarified the applicant has indicated whatever damage done is done, and there will not be any further cuts to the hillside.

Community Development Director Ellerman confirmed he was correct.

Ms. Walker stated if there are conditions requested, the owner would prefer the plat not have to

come back to Council with construction documents.

Councilman Truman stated if the developer does not plan to cut into the hill there should not be any reason to come back before the Council.

Ms. Walker stated if the geotech comes back with corrections to the cut, there is a possibility they may need to do some sheering off to meet any recommendations.

Councilman Truman stated he understands cleanup, but if there is any cut of significance of 5 to 10 more feet, he feels the plat should come back before the Council.

City Attorney Jeff Starkey stated the condition should be clear as to what type of cut to the hill.

Councilman Seegmiller made a motion to approve the Preliminary Plat for the Nichols Peak Subdivision Phase 4, the property is located east of Kay's Circle, or approximately 2100 S. 600 East with the findings and conditions of Staff and as recommended by the Planning Commission with an additional condition, which acknowledges the Council concern to the hillside cuts and any additional excavation or cutting back into the slope of an additional 10 feet of the existing cut be brought back to the Council. Councilman Truman seconded 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>

6. FINAL PLAT

A. Consideration to approve the Final Plat for The Meadows at Stucki Farms, Phase 4, located at approximately 4700 South (Marlberry Way) and Washington Fields Road. Applicant: Karl Larson

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for The Meadows at Stucki Farms, Phase 4 subdivision, located at approximately 4700 South (Marlberry Way) and Washington Fields Road. This particular subdivision is proposing 14 lots on an area covering 4.598 acres. The specific location of this subdivision is zoned Planned Community Development (PCD). The Amended Preliminary Plat was approved back on January 14, 2015.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved amended preliminary plat.

The Planning Commission unanimously recommended approval of the Final plat for The Meadows at Stucki Farms, Phase 4 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

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

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. When applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners" are used, they shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.
6. Note 9 of the General Notes shall be removed before the recording of the final plat. Is not a valid statement.

Councilman Staheli made a motion to approve the Final Plat for The Meadows at Stucki Farms, Phase 4, located at approximately 4700 South (Marlberry Way) and Washington Fields Road with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Seegmiller seconded 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 the Final Plat for The Meadows at Stucki Farms, Phase 5, located at approximately 4800 S. Cattail Way. Applicant: Karl Larson

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for The Meadows at Stucki Farms, Phase 5 subdivision, located at approximately 4800 South Cattail Way. This particular subdivision is proposing 11 lots on an area covering 1.824 acres. The specific location of this subdivision is zoned Planned Community Development (PCD). The Amended Preliminary Plat was approved back on January 14, 2015.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved amended preliminary plat.

The Planning Commission unanimously recommended approval of the Final plat for

The Meadows at Stucki Farms, Phase 5 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

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

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. When applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners" are used, they shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.
6. Note 1 of the General Notes needs to be worded that common areas are to be blanketed with a PUE and Drainage Easement, due to the fact that lot lines do not exist as per individual pads.
7. Note 8 of the General Notes shall be removed before the recording of the final plat. Is not a valid statement.

Councilman Seegmiller stated he has the same concerns about the public parking being next to the single family lots. However, it would not be a great enough concern to keep him from moving forward with the development.

Councilman Staheli made a motion to approve the Final Plat for The Meadows at Stucki Farms, Phase 4, located at approximately 4700 South (Marlberry Way) and Washington Fields Road with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Turek seconded 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>

7. PUBLIC HEARINGS AND RELATED ORDINANCES

A. Public Hearing for consideration of Amending the Washington City Code, by amending portions of Title 9 Zoning Regulations, Chapter 12 Overlay Zones, Section E Vacation/Short Term Rental Overlay Zone . Applicant: Washington City

Community Development Director Drew Ellerman reviewed:

The City is wishing to amend the City Code for the purpose of considering the allowance of vacation rentals/short term rentals in residentially designated subdivision developments. Several City Council and Planning Commission meeting discussions have been devoted to this problem and/or possibility.

After more discussions and several work sessions held by the Planning Commission, the ordinance change is being proposed. Consideration of allowing short term residential rentals within new developed subdivisions in Washington City through an Overlay Zone approval process.

Councilman Seegmiller clarified new developments would be required to have both a minimum of 5 units as well as 5 acres.

Community Development Director Ellerman confirmed he was correct.

Councilman Staheli asked if the 5 acre minimum was taken from another ordinance.

Community Development Director Ellerman stated through all the meetings and much discussion, the Planning Commission felt 5 acre minimum would be appropriate.

Councilman Staheli asked if there is a reason why short term has to be defined as 27 days.

Community Development Director Ellerman stated this would allow for short term, but does not limit them from long term rentals. However, a month to month rental would not need special regulations.

Councilman Truman clarified the proposed ordinance will only apply to new developments.

Community Development Director Ellerman clarified the ordinance would not be only for new developments if existing areas can meet the criteria.

Councilman Seegmiller explained regardless if this passes, we still will have those who have issues with homes being used for vacation rentals without permission. Hopefully the ordinance will assist in supporting our law enforcement efforts.

Jim Raines commented he felt is a good action, and something Washington City needs. He would like to know if there are any restrictions as to the type of zone.

Community Development Director Ellerman stated it would apply to any residential zone.

Mr. Raines asked if it would also include PUD and PCD developments.

Community Development Director Ellerman stated the PUD and PCD have their own guidelines, which would need to be amended, to include this type of development.

No further comments were made.

Councilman Truman made a motion to close the public hearing. Councilman Nisson seconded 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 an Ordinance Amending Washington City Code 9-12,E Vacation/Short Term Rental Overlay Zone.

Councilman Turek made a motion to approve an Ordinance Amending Washington City Code 9-12,E Vacation/Short Term Rental Overlay Zone. Councilman Truman seconded 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 consideration of Amending the Washington City Code, by amending portions of Title 9 Zoning Regulations, Chapter 14 Supplementary and Qualifying Regulations, Section 25 Vacation/Short Term Rental Regulations .
Applicant: Washington City**

Community Development Director Drew Ellerman reviewed:
The City is wishing to amend the City Code for the purpose of considering the allowance of vacation rentals/short term rentals in residentially designated neighborhoods. Several City Council and Planning Commission meeting discussions have been devoted to this problem and/or possibility.

After more discussions and several work sessions held by the Planning Commission, the following ordinance change is being proposed for consideration of allowing short term residential rentals within existing (or newly constructed) homes in Washington City.

9-14-25: Residential Rentals, Short Term:

A. The purpose and intent of this Section is to protect the health, safety and general welfare of the residents of the city. This section establishes procedures for designating areas within the city where the rental of residential units on an overnight or short term basis is desirable and in the best interest of the community, and to aid the development of housing, particularly by owners who reside elsewhere and wish to rent their units when not in use. This section is intended to fully exclude such overnight and short term rental

- practices in residential units that have not been approved under a conditional use permit.
- B. Definitions, the words and phrases defined below shall be used in interpreting and construing this Section:
GUEST BEDROOM: Each bedroom in the rental dwelling unit in addition to the first bedroom.
SHORT TERM: A period of twenty-seven (27) days or less (including overnight).
- C. Conditional Use In Residential Zones: Subject to the granting of a conditional use permit, short term rentals shall be allowed in any municipal residential zoning district which is zoned to permit exclusively single-family or multiple-family dwelling use, only if that residential use:
1. Is located on a lot size of ten thousand (10,000) square feet or more; and
 2. Separated by at least five hundred feet (500') from another property used for approved short term residential rentals; and
 3. Conforms to all applicable health, safety, zoning and building codes adopted by the city; and
 4. Is capable of use as a short term residential rental without structural or landscape alterations that would change the structure's residential character; and
 5. Receives approval from eighty percent (80%) of the property owners within a five hundred foot (500') radius of the short term residential rental. Approvals shall be in the form of originally signed and notarized letters from said property owners. Also, where applicable, letter of approval from the Home Owners Association (HOA) board; and
 6. Be controlled by a local property management person or company who shall be within twenty (20) miles of the short term residential rental property; and
 7. Have adequate off street parking, allowing for only two (2) vehicles plus one additional vehicle for every two (2) guest bedrooms. Parking requirements shall not include parking on public (or private) streets.
- D. The conditional use granted by this section is nontransferable and terminates if the structure is devoted to a use other than as a short term residential rental, the change of ownership of the property, or if the structure fails to comply with applicable health, safety and building codes.
- E. License Required: The owner or property manager of each short term residential rental property shall obtain a short term residential rental property business license as required in this code prior to commencing the use.
- F. Each approved property will be required to have permanently posted, in a conspicuous place, the rules and regulations as it relates to the approved conditions of that particular conditional use permit, for that specific location.

With that said, staff is wishing to have our city code amended to add the new Section (section 25) "Residential Rentals, Short Term", to Chapter 14, Supplementary and Qualifying Regulations of Title 9, Zoning Regulations.

The Planning Commission unanimously recommended approval of the Amendment to the Washington City Code, Title 9, Chapter 14, Section 25 (new) to the City Council, based on the following findings:

Findings

1. The importance to protect existing residential properties and to allow for vacation/short term rentals of homes throughout the city.

Councilman Truman asked typically how many people would have to be notified.

Community Development Director stated they would most likely have to notify 10 to 12 people, depending on the size of the lots. A letter would also be required from the Homeowners Association. The criteria is tough, however, everyone who has been reviewing the proposed document believes the requirements are necessary.

Councilman Staheli asked about parking requirements.

Community Development Director Ellerman discussed the necessary parking depending on the size of homes.

Councilman Truman commented he feels it is going to be difficult to get 80% of the surrounding property owners consent as well as the Homeowners Association.

Community Development Director Ellerman stated he agrees, there are some difficult items. However, these are items the Planning Commission felt would be necessary to keep the integrity of the surrounding property.

Councilman Seegmiller stated he does not feel there would be many individuals who will be able to meet all of the criteria.

Community Development Director Ellerman stated he agrees most of the requests would be granted under the overlay zone rather than conditional use permits.

Councilman Truman stated he would like to add a 12 month time frame for the rental approval expiration. Many of the snowbirds are only here for three months of the year, and if approval was granted, would want to rent the home out in the months they are not here.

Dave Houston stated on behalf of many of the homeowners in Coral Canyon, they are very much in favor of this ordinance. He would like to encourage Council to approve the proposed amendment to the Code.

Jennifer Libby stated she represents many of the short term rentals in the Southern Utah area. They have many investors who would like to purchase homes to rent as vacation rentals. There are many individuals who currently rent their homes as vacation rentals, and the conditions within this ordinance are a little too tight. Nobody is going to consider apply for the conditional use. They are going to just take their chance with their current rental and go to court.

Councilman Truman stated one of the biggest issues is to only have one rental every 500 feet. If the neighbors in the area are okay with the rental, then it should be allowed.

Ms. Libby stated there is a desire for people to come to St. George and stay. Many of those individuals want to stay in private homes with private amenities. Definitely there should be

restrictions, but placing this amount of restrictions on investors would discourage many from following the rules.

Councilman Truman stated they need to be fair to the neighbors who already live here.

Councilman Turek stated the reason for the ordinance was because of the issues in residential areas which had issues with the disruption of these rentals.

Ms. Libby stated most of the homes are second homes, and they are lived in by those owners most of the year.

Councilman Turek stated most times in our area, the investors are purchasing the homes solely for vacation rentals.

City Attorney Jeff Starkey stated in an area like the Sports Village, you would expect the vacation rentals. However, in a residential neighborhood, the permanent residents do not expect to have a vacation rental next door to them.

Mr. Houston stated there are many homeowners who do not pay the transient taxes as they are supposed to. He has an issue with those individuals who come to stay in a neighborhood to have a good time, and is not a good time for the permanent resident.

Councilman Seegmiller asked if the proposed ordinance helps resolve the underground issues with vacation rentals.

John Peshki stated he would like to commend Staff and Council for moving forward on this item. It is a very good process. He is a homeowner, and he lives next door to a vacation rental. He purchased his home without the intent of living next door to a hotel. The vacation rental drastically affects his quality of life. The decision that has to be made is, are we going to provide a quality of life to our permanent residents or have a party town.

Steve Gustaveson stated he shares the sentiments of Mr. Peshki. He has a party house next to them, which is a vacation rental. There are days when it is a 24/7 issue. The vacation rentals are like a hotel, and the property management do not regulate the tenants. He has been having these problems for nearly 5 years.

No further public comments were made.

Councilman Truman made a motion to close the public hearing. Councilman Turek seconded 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 Amending Washington City Code, 9-14-25 Vacation/Short Term Rental Regulations

Councilman Seegmiller commented he does not believe the ordinance is going to stop any of the underground issues we currently have. It would hopefully give the police department some teeth with the enforcement issues. He then asked, what can we do for those underground homes to encourage them to be legitimate.

Councilman Truman commented the enforcement issue would become more clear with this ordinance in place. As far as legitimizing the underground market, do we want to allow those homes, or do we want to place a strict violation for those who are illegally renting their home. He also recommend taking out the 500 foot requirement. If the neighbors do not have an issue with them, then there should not be a restriction to the number of the vacation rentals.

Community Development Director Ellerman felt we already have in place a violation provision, which can be issued every 24 hours.

City Attorney Jeff Starkey stated if you are in a development with strict homeowners associations, they have the teeth to move forward with violations as well.

Councilman Truman stated he understands these things, but he would like to clearly state in the ordinance a nightly violation, that is significant enough to discourage illegal vacation rentals.

Councilman Seegmiller asked if there would be a way to encourage the underground individuals to comply.

Councilman Truman stated he would be in favor of the ordinance with a couple of small changes.

Council members then discussed the removal of the 500 feet distance between rental requirement, as well as how the vacation rentals are handled in other cities.

Councilman Seegmiller stated he feels most individuals are going to keep trying to operate under the radar and take their chances.

Community Development Director Ellerman stated St. George City has one full-time employee who searches for vacation rentals, and issues citations. He is constantly taking people to court. St. George only allows vacation rentals three specific areas, and have an even larger issue than Washington City does.

Councilman Seegmiller stated their solution is not solving the problem.

Councilman Turek stated he does not see the ordinance being that hard to comply with, other than possibly the 80% acceptance in the area.

Councilman Seegmiller agreed, the 80% acceptance is going to be the hurdle.

Councilman Turek stated the main goal for him is to protect the citizens of Washington City.

Councilman Seegmiller commented the biggest challenge is they are going to the nicer new neighborhoods, with homeowners associations who are not regulating either.

Councilman Truman stated they are going in neighborhoods where people pay a large sum of money for a new home, and end up with a hotel next door. If neighborhoods where people want these, they can give consent, but if they want peace and tranquility, they will not sign off. We are facilitating this by have the guidelines.

Councilman Seegmiller stated again, this does not help with those homes currently being used as vacation rentals.

Community Development Director Ellerman stated they had much discussion on the 80% approval rate. Some commissioners felt there should be 100% agreement, but ultimately the Planning Commission agreed 80% would be agreeable.

Councilman Seegmiller stated he would support the edits as suggested by Councilman Truman.

City Attorney Starkey stated the bulk of the nuisance portion of the illegal vacation rentals is to have a clearly defined penalty.

Council discussed different penalty options for the illegal usage.

Councilman Truman recommend deleting C-2, C-5 reduced to 75%, and specify the home does not have to be used consistently as a vacation rental, but used as a vacation rental within a 12 month time frame, and include a penalty language.

City Attorney Starkey commented these changes would not qualify sending the ordinance back to Planning Commission as the changes are not significant.

Councilman Truman ask if the item would need to come back to Council for public hearing.

City Attorney Starkey stated Council can determine if they feel the items were adequately covered in this public hearing.

Councilman Truman made a motion to repeal the previous motion to close the public hearing, and table both the Public Hearing and approval of the ordinance to the 11th of February, 2015. Councilman Turek seconded 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>

8. SPECIAL EVENTS

A. Consideration to approve a Special Event for the Dogtown Half Marathon, 9K/5K and Kids Run, on February 21, 2015. Washington City Event Coordinator Dustin Halterman

Event Coordinator Dustin Halterman reviewed the Dogtown Half Marathon Special Event request.

City Manager Roger Carter discussed the road closures with Police Chief Jim Keith.

Councilman Seegmiller made a motion to approve a Special Event for the Dogtown Half Marathon, 9K/5K and Kids Run, on February 21, 2015. Councilman Truman seconded 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 a Special Event for the Southern Utah Half Marathon, on April 25, 2015. Applicant: Steven Hooper, Red Mt. Running LLC

Steven Hooper with Red Mountain Running reviewed his application for the Southern Utah Half Marathon Special Event.

Council discussed a different approval process, so the applicant does not have to wait until the end of a meeting.

City Manager Carter suggesting placing Special Event requests at the first of the meeting, or possibly on the Consent Agenda.

Councilman Staheli made a motion to approve a Special Event for the Southern Utah Half Marathon, on April 25, 2015. Councilman Seegmiller seconded 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>

9. POWER

A. Discussion and review of historical information relating to power impact fees and financial data. Power Director Kelly Carlson

Power Director Kelly Carlson reviewed a powerpoint presentation with Council with regard to historical power impact fees and finance.

10. WASHINGTON COUNTY SOLID WASTE DISTRICT

A. Discussion regarding a proposal for a curbside recycling program in Washington County. Councilman Thad Seegmiller

Councilman Seegmiller review the RFP that was sent out by the WCSWD. They are wanting a \$3.35 recycle by-weekly. Small cities will opt out because of the significant cost. There are some complicated issues with the opt out request. It seems pretty clear there will eventually have mandatory recycling fees.

Councilman Turek asked if there will be a cap on the recycling fees.

Councilman Seegmiller stated they do not have any final calculations, but it would most likely depend on the number of those individuals who opt out, if that is an option. He would like to request Council contact him with any questions or concerns they would like directed to the board.

Councilman Nisson asked Councilman Seegmiller how he felt about the program.

Councilman Seegmiller stated based on a survey done for the Washington City residents, most think it is a good idea, however, they want someone else to pay for it.

Councilman Turek stated the opt out has to be available. There are many of our residents who simply cannot afford to pay anything additional.

Councilman Seegmiller stated the vote will be held on February 9th. He will go back to the committee with any concerns.

11. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

Councilman Turek stated the MPO will be going to Legislation with a proposed Gas Tax. There is a significant shortfall to revenues. The new TIP plan passed for Exit 11 for year 2019. The Mall underpass will be funded at the same time.

12. CITY MANAGER REPORT

City Manager Roger Carter stated the East Regional Water Project is underway. The Treasure Valley Storm Drain project is underway. The large tree on Washington Fields Road have been removed. 3090 South and Field Road Storm Drain and Wastewater is out to bid, and should be starting in 45 days. SUBA has had all of the questions answered regarding the Park Impact Fee. Once we get a response from them we will bring the Parks Capital project back to Council. The Sullivan Park design is nearly finished, and will be coming before the Council soon. The downtown project is being reviewed by Bill Jackson, and overseen by Councilman Staheli. Several members of the Council will be attending the Legislature, and our priority is Exit 11.

13. ADJOURNMENT

Councilman Seegmiller made a motion to adjourn the meeting. Councilman Turek seconded 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>

Meeting adjourned at 9:15 P.M.

Passed and approved on this 11th day of February 2015.



Attest by:

Danice B. Bulloch

Danice B. Bulloch, CMC
City Recorder

Washington City

Kenneth F. Neilson

Kenneth F. Neilson, Mayor

