

**ST. GEORGE CITY COUNCIL MINUTES
WORK MEETING
JANUARY 15, 2015, 4:00 P.M.
ADMINISTRATIVE CONFERENCE ROOM**

PRESENT:

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

EXCUSED:

Councilmember Michele Randall

GROUNDBREAKING CEREMONY FOR THE ALL ABILITIES PARK:

A groundbreaking ceremony was held at the All Abilities Park site. An invocation was led by Tim Martin with the St. George Interfaith Council. Upon conclusion of the ceremony, the meeting reconvened at the City Offices, Administrative Conference Room.

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Councilmember Almquist.

PRESENTATION FROM THE ARTS COMMISSION:

Gary Sanders presented a PowerPoint presentation outlining the sculpture purchase recommendations from the Arts Commission. They are as follows: Savannah Sunset by Jack Morford; Fish Tails by Dan Hill; Barefoot Trumpet Player by Ronny Walker; New Dancing Moon IV by Reven Swanson; Jericho II by Doug Adams; and Alex by Dan Toone. The funds to purchase these pieces are included in the current year's budget.

Stefanie Bevans stated that the pieces need to be purchased soon. She mentioned that Art Around the Corner shows pieces throughout the City that are available for purchase. Additionally, she explained that the Arts Council will find locations to display the pieces throughout the City.

Mayor Pike mentioned that he would like to move Millennial Dawn to the 400 East Round-a-bout. All pieces that have been purchased in the past are on display.

City Manager Gary Esplin explained that there are some art pieces, as well as, paintings that are stored and rotated in the Art Museum.

The consensus of the Councilmembers is to go ahead with the purchase of the recommended pieces.

PRESENTATION FROM THE WASHINGTON COUNTY PREVENTION COALITION:

Brandon Dunbar, Detective with the Police Department, introduced the Coalition members that are present. He presented a PowerPoint presentation covering the

following topics: Washington County Prevention Coalition; Strategic Prevention Framework; 2009 statistics for Rx Drug Abuse; Clean Out Your Cabinet Event; Past 30-Day Use (All Grades); What Can You Do?; and Contact Information. The coalition is working on regulations for e-cigarettes as there are not any at this time. He invited Mayor Pike and the Councilmembers to become members or to attend their meetings which are held on the second Thursday of each month at the Southwest Center.

PRESENTATION FROM THE SCHOOL OF LIFE FOUNDATION:

Kip Kint, Director of Training Services for the School of Life Foundation, provided a handout containing the School of Life Overview and Report. He then showed a video outlining what the foundation provides. He reviewed the overview and report which includes the list of the Washington County High Schools they are in, their impact, an explanation of how the classes are taught and student experiences. He invited Mayor Pike and the Councilmembers to visit one of their classes.

DISCUSSION ON THE SPECIAL EVENTS PERMIT PROCESS AND ORDINANCE:

Economic & Housing Development Director Matt Loo provided a draft of the proposed special event application and ordinance changes. He read the proposed changes to the ordinance.

Councilmember Bowcutt inquired about the proposed fees for City staff to coordinate or work an event. He wondered if that would discourage event planners from holding an event that is good for the community. Additionally, he asked who was on the special event review committee.

Mr. Loo stated that Councilmember Bowcutt's comment is a consideration. He explained that number two in section 1-6, lists who is on the committee.

City Attorney Shawn Guzman recommended that the committee not be the body who approves the events; rather it be the City Manager. The committee will simply supply the information to the City Manager to review and approve or deny. Additionally, the City Manager can recommend that the event go before the City Council for approval.

Councilmember Arial commented that she has enjoyed knowing about the events. She would like to be informed of the events that are taking place.

City Manager Gary Esplin explained that there are a couple of issues with an event not going to City Council. The first being the advertisement they would get and the second is who has the authority to waive the fees. He believes the City Council should retain the approval of fee waivers unless there are specific events they would like to delegate approval authority. He believes the ordinance should include language stating that events of a certain size or number of attendees be approved by the City Council. Additionally, for events that have been approved by the City Council in the past, if there were no problems with previous events, they need not be approved by the City Council for subsequent events. They would still have to meet the requirements. Staff wants to be flexible, but there are issues if they do not know about an event. If an existing business has been approved for this type of use and is

built for the event, such as a school or a church, they may not need to go through the approval process. A school that sponsors their own event at their own facility is exempt.

Mayor Pike commented that the public may expect a fee waiver for the cost of City staff if the event is being planned for a 501C(3); however, if it is for profit, they should pay the cost.

Councilmember Bowcutt stated that it may be hard to collect enough to pay for the true cost of the staff.

City Manager Gary Esplin advised that some events are budgeted for and the City will have to cover the expense. Staff's concern is that their overtime budget may be depleted for covering events that are not budgeted for.

Councilmember Almquist commented that the cost could be tied to the number of attendees or demographics. He inquired about violation and penalties for those that violate the permit or do not obtain a permit at all.

Mayor Pike pointed out that the section talks about violating the ordinance. That would cover those that did not obtain a permit.

Councilmember Almquist inquired about number three in section 1-7, with regard to trained security.

Mr. Loo explained that as part of the process, the Police Department will see that the credentials fit the event.

City Manager Gary Esplin stated that if the City Manager is instructed to take the advice of the committee who says the security is inadequate, the applicant can appeal to the City Council. The 30 day notice, which is less than other cities, is key because most of the problems that have occurred in the past did so because the applications were not received in a timely manner.

Ed Baca, citizen, commented that he has been involved with many special events as a police officer. People learn to realize that private security officers do not have the same impact or influence as police officers. What they did, as part of the application, the applicant could hire an off duty police officer at their hourly rate. This allowed the officer to have paid overtime at their hourly rate. The city received the money from the applicant and paid the officer as part of their check.

Councilmember Arial compared the fee proposal to a wedding reception. You have to rent different items and pay a fee for them. If an event is non-profit or a block party, the fee should be waived. It is important that event promoters pay for security if it is a big event.

Mayor Pike explained that there are a lot of non-profit organizations that make money. That will have to be addressed when an application is received.

Councilmember Bowcutt mentioned the Lions parade and the Round Up Rodeo. For all of the work that the City does to make these happen, he is afraid that if the fees are too excessive, it will take away from donations they can make to other organizations in the community.

Councilmember Arial commented that to her, the Round Up Rodeo is different as the City sponsors the event.

City Manager Gary Esplin stated that the Council needs to identify events that are sponsored by the City. He explained that some events are budgeted for. He believes that these events should be grandfathered in as well as adding additional events in that the Council feels are important to the community.

Mayor Pike mentioned that the City has not done New Year's Eve events in the past few years. If an individual approaches the City to put on a New Year's Eve event, the City may want to become a sponsor.

City Manager Gary Esplin stated that there needs to be confidence in the process. The committee reviews the applications for a reason, to make sure the event is held without affecting safety.

Mr. Loo addressed the proposed special event permit application. An area will be added for departments to sign that they reviewed the application. He outlined the additions and changes to the application. Additionally, he explained that the ordinance states that an event should not be advertised until approved.

City Manager Gary Esplin explained that if an event is advertised prior to getting approval, the City is not at fault, the promoter is. If an application is received in full, it needs to be approved within a reasonable time, not near the end of the 30 days.

Councilmember Hughes commented that the 30 days should be a minimum requirement. If a promoter is putting on a large event, they should submit an application sooner.

Councilmember Almquist inquired about calendaring events.

Mr. Loo stated that the ordinance covers timing and scheduling as well as events that may conflict with another. The City's goal is to make all of the events as successful as possible.

Mayor Pike asked Tiffany Barnes if she would like to comment on the proposed changes.

Ms. Barnes commented that what a special event is has not been clarified. If she plans a wedding and expects 350 guests, would she need to apply for a special event permit and obtain insurance? She suggested a tiered system.

City Manager Gary Esplin explained that it would depend on where the event is taking place. The City's intent is to have the committee review the event and have it

approved without going to the Council if it is under a certain number of attendees. If a party takes place inside a business zoned for that specific use, they do not need a permit.

Ms. Barnes commented on specifying the type of activity. While she agrees with needing to know, she suggested the City take a different approach.

City Manager Gary Esplin explained that staff does not know what is being planned unless the applicant specifies that on the application. A concert or a dance may have different requirements.

Mayor Pike noted that the City is not opposed to a specific type of event. Staff just wants to see that issues revolving the event are dealt with.

City Manager Gary Esplin stated that the dance hall ordinance will be looked at. The proposed process will allow for applications to be approved more timely as long as the application is received and complete.

Mayor Pike invited Ms. Barnes to contact staff with further questions and concerns. He mentioned that he met with Jared Keddington recently. He believes that they City can possibly partner with Mr. Keddington to hold a dance at a hangar at the old airport.

City Manager Gary Esplin stated that those that would like to see changes also have to work through the process and be truthful. They need to provide information rather than create hysteria. The issue that occurred in October was not because the event was a dance; it was the fault of the promoter in not following the process.

Ms. Barnes clarified that she does not work with Mr. Keddington. She stated that she has a number of letters from other dance promoters that she will email to Mayor Pike.

Councilmember Hughes commented that he likes Mayor Pike's idea of the City partnering with Mr. Keddington to put on a dance. He has a problem dealing with individuals that have not been forthright.

Councilmember Bowcutt stated that the committee should have adequate authority to make those decisions.

Mayor Pike stated that the City Manager will approve the applications.

City Manager Gary Esplin explained that the committee meets and minutes will be taken. The committee reviews the applications and makes recommendations to the City Manager. If a fee waiver is being requested, that will go to the City Council for approval. Additionally, if the event promoter would like to mention their special event at a City Council meeting, they can do so.

City Attorney Shawn Guzman stated that the process that is being discussed is what is happening currently. The only difference is that the City Manager will approve the applications.

City Manager Gary Esplin explained that a time frame is also being added. Staff will refine the proposals and have it return for approval.

Mayor Pike asked the Councilmembers to read through the proposals and respond via email if they would like to suggest any changes.

Councilmember Almquist noted that the 30-day time frame should begin when the applicant has everything in order, not when they pick up the application.

City Manager Gary Esplin explained that insurance may be an issue as it may take a bit longer. The application can still be reviewed.

City Attorney Shawn Guzman advised that insurance can be done fairly quickly.

Mayor Pike commented that staff is here to help the event promoter and facilitate the process as best they can.

Mayor Pike mentioned the budget meeting that will take place at the Dixie Center on Thursday, February, 12, 2015.

City Manager Gary Esplin explained that the meeting will begin at 7:00 or 8:00 a.m. and will go until 12:00 and then break for lunch. Public comments will be heard at approximately 1:00 to 3:00 p.m. This meeting will replace the regularly scheduled work meeting.

The consensus of the Councilmembers is to begin at 8:00 a.m. and begin public comments at 1:00 p.m.

REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:

Councilmember Hughes had nothing to report.

Councilmember Bowcutt stated that he was surprised that no one attended the public hearing at the Planning Commission meeting for the General Plan amendment on 3000 East.

Mayor Pike mentioned that he spoke with the City Manager and Mayor of Washington today.

Councilmember Almquist had nothing to report.

Councilmember Arial stated that the Arts Commission is polling groups to see which will use the Electric Theater.

Mayor Pike mentioned that he had a discussion with Bill Christensen with the University. They have a theater expert that can help the City if needed.

Councilmember Arial mentioned that the Youth City Council will take six of the youth council to the Local Official's Day at the Legislature.

Councilmember Almquist explained that nothing prohibits a parent from taking their child to the event.

Mayor Pike stated that the City would cover the cost of the registration.

Councilmember Arial stated that she informed Della Lowe, the Youth City Council advisor that she needs to reduce the number of members. Currently, they have seventeen.

Mayor Pike stated that he believes there needs to be better control over this; possibly under a different individual.

Councilmember Bowcutt commented that Foremaster Drive has become tough with the new Mall Drive Bridge. Additionally, he believes there needs to be a right hand turn lane for those travelling from west bound Riverside Drive onto Foremaster Drive.

City Manager Gary Esplin stated that he will have Public Works Director Cameron Cutler look at that.

Mayor Pike reminded the Councilmembers that the annual root beer float event will take place this Saturday. With regard to his earlier comment, he would like to do an event at the hangar at the old airport with Jared Keddington; however, it is up to the City Council. He would like to give Mr. Keddington a chance to prove himself. Even if the City does not partner with Mr. Keddington, he would like to allow him to use the north hangar.

Support Services Manager Marc Mortensen inquired about a fee as the dance may be for profit.

Councilmember Hughes commented that others may want to use the hangar as well.

Mayor Pike stated that requests can be considered.

City Manager Gary Esplin stated that the City may then be competing with the private sector. Additionally, that hanger is used for other things and is storing City property.

Support Services Manager Marc Mortensen explained that it would take approximately four hours to move everything out of the hangar. Mr. Keddington would like to do a foam body paint dance. He showed an example he found on the internet.

The consensus of the Councilmembers is to allow Mr. Keddington a chance, using the special event permit process.

Mayor Pike stated that he would like to know more about the type of dance he would like to do.

Support Services Marc Mortensen mentioned that although the hangar is sound proof, there are neighbors.

Mayor Pike stated that the Councilmembers will have to decide if the City should sponsor the event and approve a fee waiver for the dance. He asked the Councilmembers if they are okay with allowing Mr. Keddington a fee waiver for the use of the hangar.

Councilmember Arial commented that she believes the City should for public relation purposes.

Councilmember Bowcutt stated that Mr. Keddington should submit his application at least 30 days prior to the event.

Councilmember Arial stepped out.

ADJOURN TO CLOSED SESSION:

MOTION: A motion was made by Councilmember Bowcutt to adjourn to closed session to discuss a proposed property sale.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist – aye
Councilmember Hughes – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Councilmember Arial returned prior to the closed session.

City Attorney Shawn Guzman updated the Mayor and City Council on the Spencer's issue. They will put up panels to block the view from patrons. The gentleman from Spencer's mentioned the books that are being sold at Barnes and Noble. Those books are on human sexuality and massages. This needs to be discussed with regard to the ordinance as he does not believe the material is different.

Councilmember Arial stated that this is different as she would have to open the book up, at Spencer's things can be seen on the shelf. She has been in Barnes and Noble and has never seen them.

City Attorney Shawn Guzman advised that the ordinance does not differentiate the items. All businesses have to be treated the same. The issue is the pictures that are in the books.

Councilmember Hughes agreed with Councilmember Arial.

City Attorney Shawn Guzman advised that when he and Deputy City Attorney Paula Houston went into Barnes and Noble, they did not see young adults in that section; however, each time they went to Spencer's, there were young adults in the adult section almost every time.

City Manager Gary Esplin mentioned that Marty Friedel, a long time firefighter passed away. Mr. Friedel did not pay his assessment. He proposes to write off some of the interest that has accrued. The title company has offered to pay \$50,000.

The consensus of the Councilmembers is to accept the title company's offer.

City Manager Gary Esplin updated the Councilmembers on the cost and funding for the train at the All Abilities Park. He believes the City can net \$100,000 profit on the train each year.

Councilmember Bowcutt stated that he is concerned with charging riders.

Councilmember Arial explained that she does not think that will be an issue.

Mayor Pike stated that he believes riders will love the experience. The City needs to be transparent about this.

City Manager Gary Esplin commented that the Mayor should make an announcement stating that the City has received 30% of the cost in donations and will continue to accept donations.

Councilmember Almquist stated that the money donated will buy the train, just not the other items associated with it.

City Manager Gary Esplin stated that with the cost for the hand prints will help as well. He will have staff check on the actual costs and return for approval to purchase.

Support Services Marc Mortensen stated that the All Abilities Park website shows the train. Patrons believe it will be there.

Councilmember Hughes commented that he is concerned that the City will receive the same flack as it did with the Carousel.

City Manager Gary Esplin explained that the number one request in the planning process was the train. He stated that one day a week; the park will be closed to all patrons except special needs children.

Councilmember Hughes asked the Councilmembers if they received an email from a woman in Little Valley regarding a natural park on SITLA property. She believes the City should purchase the property.

City Manager Gary Esplin stated that the property is going to be purchased and donated to the City.

ADJOURN:

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

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Bowcutt – aye

Councilmember Arial - aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder