

**St. George City Council Minutes
Regular Meeting
March 19, 2015
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
Deputy City Recorder René Fleming

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Eric War and Matt War. The invocation was offered by Nadine Parish.

Council Member Almquist stepped out at 5:05 pm

A Wellness Week Proclamation was read by Mayor Pike and presented to Rosie Brasia and Michelle Baker.

Rosie Brasia said she was excited and honored by the proclamation.

Michelle Baker said it was her first year on the committee and knows it will be a success.

Mayor Pike asked Stephanie Bevans to discuss the Art Around the Corner event.

Ms. Bevans explained the current temporary art exhibits are coming to an end. She indicated there will be an event on Friday at 7:00 pm to introduce the new exhibits. She presented a power point of the exhibits.

Council Member Almquist returned at 5:11 pm.

There was discussion regarding the various exhibits and what sculpture will go into the roundabout where the guitar is currently displayed. The Seago Lily sculpture will go into the roundabout.

The work of the committee was discussed and that the pieces of art could be purchased.

Mayor Pike indicated the city intends to highlight the exhibit next month when the League of Cities conference is held in St. George.

Mayor Pike indicated former Mayor Grey Larkin died yesterday in a car accident. He was a City Council Member and Mayor of City of St. George a number of years ago. He expressed condolences to the Larkin family and thanked Mayor Larkin for his services to the community.

City Manager Esplin indicated item 6D, a request for a conditional use permit to allow a landmark site located at 295 South Main to be used as a vacation rental has been tabled at the request of the applicant.

Appointments to boards and commissions

Mayor Pike explained that one of the gentlemen appointed to the airport board, Josh Bevans is unable to serve due to conflicts in his schedule. He suggested filling the position with Mike Thompson, a Washington City resident but an executive with SkyWest. He explained that he would like to have SkyWest represented on the board.

Mayor Pike asked for a motion.

MOTION: A motion was made by Councilmember Almquist to appoint Mike Thompson to the Airport Board, filling the position vacated by Josh Bevans.

SECOND: The motion was seconded by Councilmember Hughes

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Mayor Pike explained he would like to appoint Genna Singh as a Deputy City Recorder.

Mayor Pike asked for a motion.

MOTION: A motion was made by Councilmember Hughes to appoint Genna Singh as a Deputy City Recorder

SECOND: The motion was seconded by Councilmember Almquist

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye

Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye
The vote was unanimous and the motion carried.

CONSENT CALENDAR

Consider approval of the financial report for February 2015.

City Manager Esplin explained the reasons it appears that more has been spent than the amount of revenues received. Generally, capital fund revenues are transferred at the end of the fiscal year, making it appear at this time, expenses have exceeded revenues. The summary shows that currently revenues received are about 67% and expenses are about 58%. Overall, the budget is coming in close to projections.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Randall to approve the financial report for February 2015.

SECOND: The motion was seconded by Councilmember Hughes

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of an airport hangar lease with Clear Line Aviation for lot #51L.

City Manager Esplin said the lease meets all the requirements, staff has reviewed it and recommends approval.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve the airport hangar lease with Clear Line Aviation for Lot #51L.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid to Geff's Manufacturing to upgrade the computer portion of the chip spreader.

City Manager Esplin explained staff has evaluated the option of purchasing a new chip seal machine versus upgrading the computer on the existing equipment. It is approximately \$250,000 for a new machine and approximately \$55,000 to upgrade the computer on the existing machine. Staff recommends upgrading the computer.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to award the bid for a new computer to Geff's Manufacturing in the amount of \$55,433.31.

SECOND: The motion was seconded by Councilmember Randall.

Councilmember Almquist asked regarding the warranty for the computer upgrade.

Purchasing Agent Hood indicated there is a warranty but is not sure the time frame.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of an agreement with Intermountain Slurry Seal to complete a micro-surfacing project on River Road from River Road Bridge to St. George Blvd.

City Manager Esplin explained this project is part of the pavement management program and expected to cost about \$210,000. This type of surfacing is a heavier slurry seal and has a longer

expected life span than chip sealing. This is the first time the city has tried this type of road surfacing and staff expects it to perform as advertised.

Purchasing Agent Hood indicated Intermountain Slurry Seal was the low bidder at \$210,620.10.

Councilmember Hughes asked how it is different than chip seal.

City Manager Esplin explained it doesn't have the rocks in it and is heavier than chip seal.

City Planner Sandberg explained UDOT has been using this type of road surfacing and provided a couple of names of state routes for which it was used. He commented it is similar to a chip seal but smoother.

There was discussion regarding the surface process and the plan is to complete the project over seven days by doing the work at night.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Randal to approve bid to Intermountain Slurry Seal to complete a mirco-surfacing project on River Road from River Road Bridge to St. George Blvd in the amount of \$210,620.10.

SECOND: The motion was seconded by Councilmember Arial

There was discussion regarding how it is applied and the removal and repainting of road striping.

VOTE: Mayor Pike called for a vote as follows:

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

The vote was unanimous and the motion carried.

Consider award of bid to HD Supply for aluminum overhead wire ACSRS for the Energy Services warehouse.

City Manager Esplin commented that this bid is for aluminum overhead wire for the Energy Services Department warehouse inventory.

Purchasing Agent Hood explained there were three bids from local vendors. The low bid was HD Supply in the amount of 58,296.00.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to award bid for aluminum overhead wire ACSRS for the Energy Services Department warehouse to HD Supply in the amount of \$58,296.00.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of the City's portion of the Washington County Water Conservancy District Regional Pipeline Cathodic Protection Project.

City Manager Esplin explained this is an agreement with WCWCD to provide cathodic protection on regional pipeline. The city is 69.7% owner in the regional steel pipeline which has experienced a large amount of erosion. The cathodic protection extends the life of the pipeline. The city's portion of the cost is \$187,640.15.

Councilmember Almquist asked if this is an electrolysis reversal of the erosion or lining process.

Water Services Director Taylor explained cathodic protection protects against corrosion, it is not a liner.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve the city's portion of the Regional Pipeline Cathodic Protection Project in the amount of \$187,640.15.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of an amendment to a Professional Services Agreement with Automation N Controls for the SCADA Upgrade project at the Wastewater Treatment Plant.

City Manager Esplin explained this is an extension of the existing contract to finish installation the SCADA system at the Wastewater Treatment Plant (WWTP). In November 2014 the council approved the first phase of this upgrade. Staff recommends continuing with the same company, Automation N Controls that is handing the contract currently for the next three phases.

Councilmember Hughes asked if the amount is the exact cost or a not to exceed amount.

Water Services Director Taylor indicated this is a not to exceed amount. He explained that in 2013 staff budgeted \$500,000 for SCADA upgrade and decided to look at doing some of the work in house so that staff would have the ability to maintain the system in the future. With this contract and what is budgeted next year the total project is expected to cost about \$350,000. Overall staff has saved money and will understand the system. This will allow maintenance and upgrades to be done in house, saving money in the future.

Councilmember Hughes commented on the recent tour the council took to the sewer plant. He said it is impressive and it is evident that the employees love what they do. He recommended everyone take a tour of the plant.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve the amendment to the Professional Services Agreement with Automation N Controls for the SCADA upgrade project at the WWTP not to exceed \$144,00.00.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/REZONING/ORDINANCES

Consider approval of an ordinance rezoning 76.42 acres to allow: 1) Amendment No. 6 to the Sun River PD Zone to move approximately 30 acres of the Interchange PD into the Sun River PD, and to update its land use to become PD-R; 2) Amendment No. 2 to the Interchange PD to update the balance of the property to join the existing 8.1 acres Community Commercial (CC) as defined by the Atkinville Interchange PD; and 3) To update the location of the signage parcel used for advertising the Sun River community. The properties are generally located westerly of Pioneer Road and northerly of Bluegrass Way and the sign is generally located south of the Atkinville Wash, west of the I-15 Freeway, and east of the residential lots 2122 thru 2128 along Silk Berry Drive.

Planning and Zoning Manager John Willis explained the three parts of the zone change request. He displayed the locations, a site plan and proposed hobby hut location and picture in a Power Point. The applicant will have to come back to council with preliminary and final plats for the development of the residential zone. This request includes a modification to the master signage plan, moving the sign about 200 feet and extending the time frame to 2022 for the temporary sign which currently expires in 2017.

Councilmember Bowcutt asked for clarification of the location of the SITLA land and the location of the proposed commercial area.

John Willis explained the SITLA land is along Pioneer Road and that is where the proposed commercial development will be located.

Mayor Pike asked for clarification of the RV storage area, is it RV storage and or an RV Park.

John Willis indicated one part is storage and another portion is an RV Park. The proposal would change the RV Park to a residential area.

Mayor Pike asked if the applicant would like to make a presentation.

Scott McCall with Sun River Development explained there are two existing Planned Developments (PD) for which the boundary is moving and the land use is changing. The RV and mini storage is being eliminated and light industrial is being added. This will expand the community commercial area and add the use of the hobby huts, making it a more compatible use.

Councilmember Almquist asked if the plan incorporates the water demand of the East Side tank.

Scott McCall explained that an agreement has been reached with the city to complete a looped water feed.

Mayor Pike opened the public hearing.

Michael McFarland a Sun River resident expressed concern with some issues. First is the requirement to notify people within 500 feet of the change. He commented that the entire community will be affected by the proposals being made; he will not be able to utilize recreational facilities as easily and has financial concerns. He thinks Sun River should be required to notify the entire community. The 2nd phase is still coming and goes on the other side of Sun River Parkway and also is intended to be changed to residential. He explained that that at the time residents purchased their homes that the SITLA land would be an RV Park, storage and light industrial. He anticipated a grocery store, all abilities facility and a park. He explained Sun River residents have to approve annexation and he thinks the residents will fight it. He discussed the burden that would be experienced if it is developed as multi-family with children. He said there is a parcel that is not before the council yet, it will border the interstate which will mean a sound wall will be erected. He asked if that is the look everyone wants, he thinks not.

Councilmember Almquist asked how it would affect Mr. McFarland's pocket book

Mr. McFarland replied that when he was on the board of trustees, he presented suggestions for a \$1,000 impact fee on new homes which was not adopted. The idea was it would be split, with \$500 going to pay off the debt to the developer and \$500 to a capital improvement fund. Now the developer wants a \$1,500 impact fee when a house is resold, that will affect him. He also expects to see an increase in association fees to expand the facilities to accommodate the new homes.

Councilmember Bowcutt asked if this addition is going to be the classified as 55 older.

Mr. McFarland replied that the developer can do that but can't annex it into Sun River without residents' approval. He said if residents' don't approve annexations, the developer will not build the addition into Sun River.

Scott McCall explained the area in this proposed zone change is already in an agreement to be annexable. There is an area that will come to a vote to the association in a different portion in April. It's a different parcel and the association will get to vote on it.

Mr. McFarland pointed out that the agreement he spoke of was not with the HOA but part of mediation in a court battle between the developer and a board member and is not part of the issue.

Judy Bozeman, a resident of Sun River stated that the homes under consideration today are part of the 2,391 residential units originally included. The HOA dues will not go up. A second zone change will come before council in April or May. This portion was part of the transition agreement which Sun River residents voted on in 2012.

David Patten, a Sun River resident and member of the board of trustees said he was speaking personally and not as a member of the board. He said the confusion caused by the board is the proposal to annex south of the Sun River Parkway. That will have a vote of the community at a later date. The \$1,500 resale fee and increase of HOA's fees will be part of that decision. This

proposal was approved in the 2012 transition agreement. The 2,391 units comes from the mediation agreement between the developer and community and was effective in March of 2011. The maximum amount is 2,391 and is part of the proposal today.

There was a question of when the land in the zone change was acquired. There was discussion of it happening in the last two years.

Mayor Pike indicated some of the issues raised are between the HOA and residents and not part of the proposal to the city council for action tonight.

Bob Royal, a Sun River resident said more attention should be given the demands this will put on the water system. He would like to hear if that has been thoroughly discussed. He also asked what kind of community facilities would be allowed in the community commercial area.

Scott McCall explained the developer will pay impact fees and he hasn't been told water would be unavailable. He commented that Sun River has a very low water use compared with other residential areas of the city. Community commercial is defined as commercial highway uses as put in the SITLA agreement. He doesn't have a list of what is approved for that at hand.

City Manager Esplin explained it is a combination retail and highway. He provided clarification with respect to water services, there is a tank in that area and there is capacity to meet the demands of this project. The city has done a build out analysis and determined there is enough water to meet demand until a population of approximately 150,000 – 155,000. On the other side of the freeway to the airport there are other issues that will need to be addressed.

John Mogibol, a Sun River resident asked how much real estate taxes will go up if new homes become available. He referred to an FBI report regarding the number of police, firemen and such needed for a given amount of people in an area.

City Manager Esplin commented the city doesn't subscribe to any FBI or national standard with respect to first responders. The need is based on the number of calls for service and the budget. He stated that he doesn't anticipate this will result in an increase to property taxes to existing homes, he anticipates new officers required would be funded through property taxes on the new homes.

There was discussion regarding the new fire station and the assumptions of growth in the area. The fire station serves more than just Sun River, it provides for growth on both sides of the freeway.

Seeing no one else wanting to comment, Mayor Pike closed the public hearing.

Councilmember Almquist commented that he thinks Sun River is known as a good development, which is a tribute to the services that are provided. He has seen every phase that has gone through and there have been concerns expressed with each phase of development. He suggested to Scott McCall that some funds should be incorporated into expanding recreation

facilities. He said it looks like there is a piece of land that moves away from RV storage which is a use he doesn't like much.

Councilmember Hughes indicated he sees a concern with the 2,391 number. Some residents are okay with that number and don't want to go over that amount. He sees this phase as staying within the 2,391 number. He knows growth is a concern for many and it has been for a long time. In this case, it seems like it has been known the homes would go somewhere and this seems like a good place for them.

Councilmember Arial encouraged Sun River developers to communicate better which might clear up some of the confusion.

Mayor Pike called for separate motions for each piece of the zone change and requested a motion on part 1 amendment No 6 to the St. George Sun River Planned Development Zone to move approximately 30 acres of the Interchange PD into the Sun River PD and to update the land use to become PD-R.

MOTION: A motion was made by Councilmember Hughes to approve the zone change request to rezone 76.42 acres to allow Part 1 Amendment No. 6 to the Sun River PD Zone to move approximately 30 acres of the Interchange PD into the Sun River PD, and to update its land use to become PD-R.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

Mayor Pike requested a motion on part 2 amendment No. 2 to the Interchange PD to update the balance of the property to join the existing 8.1 acres Community Commercial (CC) as defined by the Atkinville Interchange PD.

MOTION: A motion was made by Councilmember Hughes to approve portion 2 Amendment No. 2 to the Interchange PD to update the balance of the property to join the existing 8.1 acres Community Commercial (CC) as defined by the Atkinville Interchange PD.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

Mayor Pike asked for a motion on part 3, to update the location of the signage parcel used for advertising the Sun River community and to include the extension of the term of the temporary sign permit through the year 2022.

There was discussion regarding the five year extension and moving the sign 200 feet.

MOTION: A motion was made by Councilmember Arial to approve part 3 to update the location of the signage parcel used for advertising the Sun River community. The properties are generally located westerly of Pioneer Road and northerly of Bluegrass Way and the sign is generally located south of the Atkinville Wash, west of the I-15 Freeway, and east of the residential lots 2122 thru 2128 along Silk Berry Drive.

City Attorney Guzman asked if this will also extend the term of the permit to 2022 if so it should be put into the motion.

Mayor Pike said the term of the sign permit to go through 2022.

Councilmember Hughes clarified that is for the temporary construction sign, after 2022 it goes away.

Councilmember Arial indicated that was okay.

SECOND: The motion was seconded by Councilmember Randall.

Councilmember Almquist said the sign doesn't change in size or message.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONE CHANGE/ORDINANCES

Consider approval of an ordinance changing the zone from R-1-10 to PD-R on 11.75 acres on property located at approximately 501 South 2200 East.

Planning and Zoning Manager John Willis explained the zone change consists of 12 dwelling units and garages. The project is Grayhawk Apartments at Rivers Edge. He described the elevations, site plans, multi-use material and colors. He indicated there are two additional requests with zone change.

1. To allow eight buildings to be 45 feet tall. This is an exception to the 35 foot height limit and is allowed under code with council approval.
2. To allow a reduction in parking spaces, this is allowed under the code. Based on the number of dwelling units 569 parking spaces would be required. The proposal provides for 506 spaces.

There was discussion as to how the number of parking spaces per unit was calculated and the studies provided in the agenda packet that show 569 spaces aren't needed.

John Willis explained there would be one covered stall per unit however, the uncovered parking is lacking. The proposal exceeds the recreation requirement per unit. There are three accesses for the project. He reviewed the staff comments and indicated the Planning Commission recommended approval with conditions. The density, parking and building heights were of concern to the Planning Commission. He read the motion and recommendation from the Planning Commission. The recommendation from the Planning Commission would reduce the number of units and allow a 20 parking space shortage.

Councilmember Bowcutt asked with the reduction in units in three of the buildings, how short the development will be of the parking space requirement.

John Willis said it would be a 16 unit reduction and 23 parking spaces deficient as opposed to the 63 as proposed by the applicant.

Councilmember Almquist wondered if the council should have some input from the police department as it seems like there are a lot of calls for service in these types of projects. Does this have any federal dollars in this project.

John Willis replied that there are no federal funds as part of this project.

Councilmember Almquist asked if there is adequate access and an emergency aisle to allow for both police and fire department to respond without going through adjacent property.

John Willis replied it doesn't appear that way.

Councilmember Almquist commented that he doesn't see fire access to building L or K without going through adjacent property. He expressed concern for fire access throughout the project.

City Manager Esplin commented the plan would need to receive approval from staff

Councilmember Almquist asked why buildings A, B and E are only two stories.

Randy Rindlisbacher with Bach homes replied those buildings have garages on the bottom floor and placed for aesthetics.

Mr. Rindlisbacher handed out print outs of his Power Point and began the presentation.

Council Member Arial left at 6:41 pm and returned at 6:44 pm.

Councilmember Bowcutt asked about hours the management office would be staffed:

Mr. Rindlisbacher replied business hours Monday – Saturday. He continued with the presentation.

Councilmember Almquist discussed the emergency service entrance and expressed concern with the turning radius.

Mr. Rindlisbacher replied it will be designed to meet all city codes.

The three access points were discussed. The top of the covered parking on northern end of the property and a wall in existence on the property was discussed.

Mr. Rindlisbacher commented that he anticipates adding a retaining wall at north and south ends as needed.

The parking cover as it will be seen from other properties was discussed. It hasn't been engineered yet but it isn't expected to be seen. Due to the lack of aesthetics of parking structures, the applicant was encouraged to design something nicer looking.

Mr. Rindlisbacher continued with the presentation. He discussed the parking situation and a parking analysis of quite a few projects that his company owns and manages. The stalls per unit range from 1.3 and 2.14; the average is 1.95 parking spaces. This proposal is for 2.07 spots per unit. The other projects don't have parking problems. His company hired a professional traffic engineer, Ryan Hills to do a parking study.

Ryan Hills explained he completed a parking study in St. George. He reviewed his qualifications to conduct a parking study. He referred to the Power Point as he discussed the study. At Canyon Point Apartments the supply was 1.93 stalls per unit, demand is 1.58 per unit. Oasis Palms Apartments the supply of 2.38 stalls per unit, the demand 1.70 per unit. The Falls at Mesa Point there is a supply of 2.14 per unit and demand of 1.9 per unit.

Councilmember Hughes asked with respect to parking did the study take into account the vacancy rate.

Mr. Hills replied he assumed a 5% vacancy rate.

Councilmember Hughes asked with respect to The Falls at Mesa Point, what is the thought process and seeing the demand per unit go up relative to the size of the complex. Is there a correlation or trend with the number of units and is 2.7 space per unit appropriate.

Mr. Rindlisbacher replied the Canyon Point complex has zero garage units. The assumption was that every garage in the others had a car in it and that is conservative as many use the garage as a storage unit. He said one option is to put into the leases that garages cannot be used as storage units.

City Manager Esplin said with respect to parking, the city code requires more than others as most apartments are built around residential homes and if there aren't enough parking spots, parking spills on the streets. He expressed that this case may be a bit different in that in this area there won't be in any competition from existing homes for parking. That may be a reason to consider a reduction in parking space requirement.

Mr. Rindlisbacher said that with 250 units there isn't a time when everyone is at home and that allows for a lower demand for parking.

Councilmember Almquist commented the bicycle stalls will be attractive. He asked if the demographics of the residents with respect to them owning more than one vehicle or if this is a vacation location is taken into account. The concern being that if the purchaser is vacationing in St. George often that increases the number of vehicles needing parking.

Council Member Bowcutt asked if the units are going to be sold or rented.

Mr. Rindlisbacher said they are all rentals. He continued with the Power Point presentation. He explained why he felt the density decrease which made the parking 2.2 spaces per unit was excessive. He feels strongly that this density fits well on the parcel of the ground. He respectfully requests the council disregard the conditions from the Planning Commission.

Councilmember Hughes asked if reducing the density is the only way to reduce the parking issues.

Mr. Rindlisbacher said the only other thing that could be done is to use some of the open lawn area for parking. But he feels like that it would be a mistake to eliminate open space kids could enjoy for parking spaces that will be empty.

Councilmember Bowcutt asked when the club house will be built.

Mr. Rindlisbacher replied it will be the first thing built.

Mayor Pike opened the public hearing.

Ed Bacca asked if a traffic study has been done to determine the impact to that area.

City Manager Esplin said a traffic study has been completed and there will be some negotiation with regard to a traffic signal that is part of the traffic study. It is the city's opinion that it should be installed now, but that is not the conclusion of the report. It will need to be negotiated with the developer and owners of the other pieces of property.

Mayor Pike closed the public hearing.

City Manager Esplin commented that he doesn't think it's a density issue, there are some extenuating circumstances based on the location of the development. It is out of the 100 year flood plain but it is within the erosion plain. There will have to be some erosion protection as part of the plan. The roadway needs to be constructed from Mall Drive to the project along the river which guarantees more access. With that many units staff thinks it's necessary. The developer doesn't necessarily agree with that assessment.

City Manager Esplin continued that if the council is considering the study and information provided it could make sense to require a 16 unit decrease, but visually it won't make a difference.

There was discussion regarding the parking issue and the city requirement for more parking spaces as a result of parking overflowing into neighborhoods.

Councilmember Hughes commented that this is a really nice project. He has no problem with density, but he also commented that he's never lived in an apartment complex with enough parking and he is concerned there aren't enough parking spaces.

Councilmember Almquist discussed a letter that was in the agenda packet of a resident that was opposed to the zone change.

John Willis commented the applicant has provided much more clear information to the council than what was provided to the Planning Commission.

Councilmember Almquist stated that he has complete respect for the Planning Commission decision. However understanding the management issue is important. More apartments mean more funds and ability to fulfill obligations and traffic concerns. He indicated he is supportive of the design.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve the zone change from R-1-10 to PD-R on 11.75 acres to accommodate a multifamily development consisting of 12 dwelling structures which includes 244 apartments units, a clubhouse, two pavilions etcetera. The address is 510 South 2200 East and the applicant is Grayhawk at Rivers Edge LLC and in respect to the traffic study is pending or completed?

City Manager Esplin indicated that is a separate item than what the council is looking at tonight and will be part of the development review.

MOTION: Councilmember Almquist said that is his motion and anyone can amend it.

Councilmember Bowcutt asked does the motion include the original four stories on buildings K and L and three stories on Building M.

Councilmember Almquist replied yes.

SECOND: The motion was seconded by Councilmember Bowcutt.

Councilmember Hughes asked that that means Councilmember Almquist is agreeing with the Planning Commission recommendation?

Councilmember Almquist replied no.

Mayor Pike said to clarify that the council would accept other recommendations by the Planning Commission, but not the building height of the two units.

Councilmember Almquist replied correct.

Councilmember Hughes commented then the motion is allowing the parking to be reduced.

Mayor Pike replied correct.

City Manager Esplin commented this is the proposal as submitted to Planning Commission which reduced the height and the parking. It's the original plans the Planning Commission considered.

Councilmember Almquist replied correct.

City Attorney Guzman stated it's a Planned Development and you are approving it as presented it should include a stipulation with the traffic study and whether or not it requires improvements and participation in the signal and what that participation should be.

There was discussion as to how the council can approve it without knowing what the traffic study will determine. There was discussion that the motion could be made to approve subject to

the normal development process and the developer could come back to the council and redo their project.

Councilmembers Almquist and Bowcutt agreed to the stipulation.

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

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

The vote was four ayes and one opposed, the motion carried.

PUBLIC HEARING/VACATE PORTION OF A ROADWAY/ORDINANCES

Consider approval of an ordinance vacating a portion of a platted roadway located at approximately 1100 South between 2580 East and 2780 East.

Assistant Public Works Director Wes Jenkins explained there are some platted roads on the property for which this action requests to be vacated.

City Manager Esplin commented that in the past when the city has owned platted property and a request has been made to vacate a portion of the roadway the city would seal the property. In this case a request was received in the annexation, Staff is also requesting to approve the lay out of the street. Perhaps it's not abandonment but an exchange as the owner is giving the city another roadway.

Mayor Pike opened the public hearing, seeing no one wishing to comment, he closed the public hearing and called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve an ordinance vacating a portion of a platted roadway located at approximately 1100 South between 2580 East and 2780 East.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

RESOLUTIONS

Consider approval of a resolution for the Warner Draw Supplemental Watershed Work Plan Agreement #3.

City Manager Esplin explained the watershed hasn't been well maintained in the past. The flood authority is working to make sure the basins are maintained to prevent flooding in the Washington field's area. This agreement would require the flood authority to maintain it once it's improved.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Arial to approve a resolution for the Warner Draw Supplemental Watershed Work Plan Agreement #3.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

STAFF REPORTS:

Consider approval of an agreement between the Zion Lions Football team and the City regarding use of the Sun Bowl for the 2015 season.

City Manager Esplin indicated the agreement in the agenda packet. It is a standard agreement for the use of city facilities prepared by the Legal Department. It's important to understand it's a non-exclusive right to use the facility. The facility will be scheduled as much as possible. There are numerous requests to use the facility.

City Attorney Guzman said the fee is \$200 per game and allows the use of the recreation center for the locker room facilities. It's for one year and is non-exclusive. The applicant can only use the facility for the games on their schedule. He commented that the insurance issue was resolved.

Councilmember Bowcutt asked if the \$200 fee is just for this use.

City Attorney Guzman said the fee this is just for the football games. Other uses might have other fees.

There was discussion as to what the \$200 fee covers which are costs the city incurs for items such as striping the field.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Arial to approve the agreement between the Zion Lions Football team and the City regarding use of the Sun Bowl for the 2015 season for a \$200 per game fee and the other arrangements made for use of the locker room for the 2015 season.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of the sale of City property to homeowners adjacent to the Millcreek Industrial Park.

City Manager Esplin explained this is to approve the sale of city property along the new Millcreek Park. He itemized the square footage of each of the three pieces at \$1.50 per square foot.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Bowcutt to approve that pricing and to approve the sale that property along Millcreek Industrial Park.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye

Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

There was a discussion regarding the schedule of the park and that the Parks Department is working on grant funding.

Report from the Planning commission meeting held March 10, 2015

FINAL PLAT

Consider approval of a twelve lot residential subdivision for Cornerstone Phase 2.

Wes Jenkins indicated this is approximately 3100 East and 2100 South and it meets the conditions of the preliminary plat approval.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve the final plat of a twelve lot residential subdivision for Cornerstone Phase 2.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

LOT LINE ADJUSTMENT

Consider approval of a lot line adjustment for 731 and 735 North Industrial Road.

Wes Jenkins indicated all aspects have been reviewed by staff.

Councilmember Bowcutt asked if the same person owns both pieces.

Wes Jenkins replied no but both property owners agree with the movement of the property line.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Randall to approve a lot line adjustment for 731 and 735 North Industrial Road.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

FINAL PLAT AMENDMENT

Consider approval of a fourteen lot commercial subdivision amendment for Escalera Phase 5 Amended.

Wes Jenkins indicated all aspects were looked at by staff and it meets the conditions for approval.

There was discussion regarding the need for the amendment. A Parade Home Show home was built on the lot and included a pool. The pool was built across the property line. This action adjusts the line so that the pool and home will be on the same lot.

Councilmember Almquist asked if the neighbor is okay with the adjustment.

Wes Jenkins indicated the lot hasn't been sold yet, it is still under the ownership of the developer.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve a fourteen lot commercial subdivision amendment for Escalera Phase 5 Amended.

SECOND: The motion was seconded by Councilmember Hughes.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of a twenty-four lot residential subdivision amendment for Gentry Lane Amended.

Wes Jenkins indicated all aspects were looked at by staff and it meets the conditions for approval. The trail location has been located on the plat to match the location where it was constructed.

Councilmember Bowcutt asked if the width is still the same as what was presented to the Planning Commission.

Wes Jenkins replied, yes.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve a twenty-four lot residential subdivision amendment for Gentry Lane Amended.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

PREMILINARY PLAT

Consider approval of a preliminary plat for a nine lot commercial subdivision for The Fields at Mall Drive.

Wes Jenkins indicated in the discussion at the Planning Commission meeting it was noted that the development will be done in phases. With Phase 1 the developer will finish improvements on 3000 East and Mall Drive with deceleration lane. Phases 2 and 3 were discussed and there was a concern with truck access because Phase 3 won't be built until later. Mall Drive and 2780 improvements are proposed to be done at a later date.

City Manager Esplin noted there is enough parking once all the Phases are complete.

Wes Jenkins detailed the parking space.

Mayor Pike noted that in terms of Mall Drive does this development add a lane.

Wes Jenkins indicated the south half will be built out and a deceleration lane will be constructed.

There was discussion regarding access from Mall Drive and participation of the developer with respect to culverts.

Wes Jenkins noted the city is participating with one of the culverts; the developer is responsible for the others.

Councilmember Hughes asked if the phasing will be spelled out in the development agreement.

City Manager Esplin detailed what the council will be approving if this action is approved. He explained that either Lin's or the property owner will be responsible for off-site improvements. The city will construct one crossing that is the wider one in the middle as part of its cost of doing the drainage in exchange for the property the drainage will be put on.

Wes Jenkins noted the accesses will be located in the public right of way but the developer or property owner will have to maintain the access. The city will only maintain the roadway itself.

City Manager Esplin commented that before final plat approval is granted the city needs to receive the necessary dedications and a development agreement will have to be completed. He noted that there was a bid opening today at two pm on the drainage channels but he doesn't know how the bids came out.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat for a nine lot commercial subdivision for The Fields at Mall Drive.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of a preliminary plat for a four lot residential subdivision for Blackberry Court Phase 3.

Wes Jenkins explained the low density residential proposal. The developer will finish the cul-de-sac as the road is completed.

Councilmember Bowcutt asked if the cul-de-sac meets the requirement for fire department access.

Wes Jenkins replied yes.

Mayor Pike asked if there will be another access point.

Wes Jenkins replied that he doesn't think so because a sewer line can't be brought to it.

There was discussion regarding the drainage, the elevation changes and erosion protection that has been put in since the 2005 flood.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Almquist to approve the preliminary plat for a four lot residential subdivision for Blackberry Court Phase 3.

SECOND: The motion was seconded by Councilmember Bowcutt.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of a wireless site lease agreement with Tonaquint Networks LLC.

City Manager Esplin said staff recommends approval for co-locate on the pole within the Stonecliff water tank site as it will reduce the amount paid for storage at the data center by about \$200 a month. He recommended the approval should be subject to legal review.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Bowcutt approve the wireless site lease agreement with Tonaquint Networks LLC subject to legal review.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of a renewal of a Fuel Facilities Lease for SkyWest.

City Manager Esplin explained this is a basically a formality, that the lease has to be approved every year.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Arial approve the renewal of a Fuel Facilities Lease for SkyWest.

SECOND: The motion was seconded by Councilmember Almquist.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of a special event permit for a concert in the Dixie Sun Bowl on April 16, 2015, Simmons Media and St. George News applicants.

Shawna Smith said the request is to add the city as a sponsor of the event as it is planned to be a family friendly event. She indicated the goal is to recreate it every quarter and ask that the council consider that as well.

Mayor Pike discussed the streamlining of special event permit process.

City Manager Esplin indicated that process is still being worked on.

Mayor Pike indicated this action would just approve this event only

City Manager Esplin noted that approval of this event would be subject to review of the application. This item has come before the council before staff has had a chance to review the application due to a time constraint on the part of the event organizers with respect to the band. Staff is supportive but would like to review the application. The only real issue is with respect to a request to use the city's stage. Staff is very concerned about using the city stage for an event outside of city purposes. There have been other requests for use of the stage, which cost over \$100,000, and those requests have been denied. Even with the First Night events, bands were required to bring their own stage. Staff feels if others are allowed to use the stage it will get beat up and it will have to be repaired at the city's cost and the city will be in competition with private sector businesses that provide those items for rent.

There was much discussion regarding the events for which the stage is used.

Shawna Smith commented that the request to have the city sponsor the event is so that they would be allowed to use the stage and turn it into more of a festival. The organizers believe it will bring additional revenue to the city.

Bryan Benware commented that the nearest stage that is the size needed is out of Las Vegas so no local vendors would be hurt.

City Manager Esplin commented this could lead to the city being asked to cosponsor every event that comes to town so that the stage could be used. He said if all proceeds were donated to a charity then perhaps it should be considered. He expressed that the city should not be in the business of supporting private businesses.

Mr. Benware commented that the city will make more if more people are there.

City Manager Esplin expressed concern that the stage costs approximately \$125,000 if it is rented to private businesses the city will move into the rental business. How can this request be approved and all others denied.

Councilmember Arial commented that if the city wants concerts maybe a stage should be purchased.

City Manager Esplin commented that the use of the stage for other downtown events does not equate into the merchants directly making money on the deal. Whereas for this event the organizers are directly making a profit from the concert so it becomes a money making event for a private company. He suggested this is an area the city needs to be very careful with.

Matt Loo commented that staff has never put the stage in that location (The Sun Bowl) and it might have to be modified in order to fit through the 12 foot entry.

It was noted that a smaller stage was used last July 4th, but the band for this event has requested a larger stage.

There was discussion regarding renting as an option but transport makes it cost about \$3,000.

City Attorney Guzman reminded the council that rental companies recoup their cost for repair and replacement as well as profit. Liability insurance and the repair/replacement cost would have to be added to the agreement.

Councilmember Bowcutt asked if the organizers were to use the stage would the city need manpower to assemble and disassemble it.

City Attorney Guzman stated city staff would have to assemble and disassemble the stage.

Matt Loo commented that it is a four hour process for two people.

Shawna Smith commented that whether rental of the stage is approved or not, she'd like the city to sponsor our event.

Mayor Pike asked if the organizers can make it work if a stage from Las Vegas has to be rented if the council approves the event tonight.

Brian Benware replied yes the contract with the band has been signed.

The group discussed the rental fees for the facility, which are \$1,000 plus 5% of the total proceeds.

City Manager Esplin commented that if the council is inclined to sponsor the event, there is some inherent risk to being a sponsor with regard to liability. He suggested an option is to be a sponsor and waive the \$1,000 fee and 5% of the proceeds and require the organizers to clean up the facility so that there are no out of pocket costs for the city.

Brian Benware said that would be a good deal.

Mayor Pike commented that would give the city a chance to work through this issue.

City Manager Esplin indicated if the council is considering sponsoring the event it should be approved if it can be worked out with the city attorney and as a sponsor waive a portion of the fees with no other costs to the city.

Mayor Pike said that could be considered this for this one event.

City Manager Esplin recommended the motion be subject to working this out with the City Attorney and running it past the special event committee.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes approving special event permit for a concert in the Dixie Sun Bowl on April 16, 2015, subject to legal review and subject to recommendations by the special event committee and working out the sponsorship.

SECOND: The motion was seconded by Councilmember Randall.

VOTE: Mayor Pike called for a vote as follows:

Councilmember Almquist, aye
Councilmember Randall, aye
Councilmember Bowcutt, aye
Councilmember Arial, aye
Councilmember Hughes, aye

The vote was unanimous and the motion carried.

Consider approval of a resolution setting a fee schedule for the use of the Ridgetop Complex.

Matt Loo explained that staff looked at several facilities such as the county fairgrounds. Fees ranged from \$250 - \$800. Staff has proposed fee schedule similar to what is in the current schedule. He outlined some of the fees in the proposal.

There was discussion regarding security fees which are waived provided private security meets city standards.

Mayor Pike asked are these fees going to be charged for the May event.

Matt Loo replied yes.

Council Member Almquist stepped out at 8:50.

Mayor Pike called for a motion.

MOTION: A motion was made by Councilmember Hughes to approve the resolution approving the resolution setting a fee schedule for the use of the Ridgetop Complex.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Almquist, stepped out
Councilmember Randall, aye
Councilmember Bowcutt, aye

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Councilmember Arial, aye
Councilmember Hughes, ate

The vote was unanimous and the motion carried.

REPORTS FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER

None

REQUEST A CLOSED SESSION

MOTION: A motion was made by Councilmember Randall to enter into a closed session to discuss a property issue.

Council Member Almquist returned at 8:52

SECOND: The motion was seconded by Council Member 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.

RECONVEYNE

MOTION: A motion was made by Councilmember Almquist to reconvene the regular meeting.

SECOND: The motion was seconded by Council Member 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.

OTHER BUSINESS

None

ADJOURMENT

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

SECOND: The motion was seconded by Council Member 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.

René Fleming, Deputy City Recorder