

**ST. GEORGE CITY COUNCIL MINUTES  
REGULAR MEETING  
AUGUST 6, 2015, 5:00 P.M.  
CITY COUNCIL CHAMBERS**

**PRESENT:**

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

**OPENING:**

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Scout Pack 1829 and the invocation was offered by Elder Jim Hetrick with the Community of Christ.

**COMMENTS FROM THE PUBLIC:**

Jerry Campbell, citizen, stated that he has a 3-year old son who was recently diagnosed with Autism. He took him to Vernon Worthen Park for the 4<sup>th</sup> of July event and had to leave because his son does not like waiting in line. He handed out a list of major theme parks that have separate lines for special needs children.

Archie Iverson, citizen, mentioned that a couple of years ago, he talked to the Council to change City codes because some of them do not abide by the Constitution. The Constitution is master law and all other laws should follow it. The City's code officers have harassed him for the last 15 years. He wants them to leave him alone. Things were a lot more peaceful before the City had code officers. People should have the right to have an unlicensed car on their property as long as they do not drive it.

Mayor Pike stated that specific issue is being looked at. On tonight's agenda, there are ordinance changes pertaining to inspections of property. Code officers are not there to make trouble, rather to make the City look nice. He and Councilmembers receive phone calls asking them to enforce the laws pertaining to code enforcement.

**AWARD OF BID:**

**Consider award of bid for the Flood Street 69kv Transmission Line.**

City Manager Gary Esplin advised the low bidder for the flood street 69kv transmission line is TAPP in the amount of \$110,241. He explained that the funds are included in the current budget and the bidder meets the specification requirements.

**MOTION:** A motion was made by Councilmember Almquist to award the bid for steel poles and structures requirements for the 69kv transmission line to TAPP in the amount of \$110,241.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

Councilmember Almquist inquired if the price includes delivery.

City Manager Gary Esplin replied yes.

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

Councilmember Almquist – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye  
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**AWARD OF CONTRACT:**

**Consider award of contract to Rosenberg Associates for Canyon View Drive realignment project construction management services.**

City Manager Gary Esplin stated this item is for the engineering, surveying and related services for the Canyon View Drive realignment project. The amount of the bid is \$27,905 and will include construction management services as well.

Councilmember Almquist noted that the agenda packet does not include a list of requirements.

City Manager Gary Esplin explained that staff can circulate the contract. It is a typical contract and all items have been addressed.

**MOTION:** A motion was made by Councilmember Randall to award the bid for the Canyon View Drive realignment project management services to Rosenberg Associates in the amount of \$27,905.

**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

The vote was unanimous and the motion carried.

**AWARD OF CONTRACT:**

**Consider award of contract to Bowen Collins and Associate for engineering design services for Indian Hills Storm Drain improvements.**

City Manager Gary Esplin explained that improvements with portions of Indian Hills Drive have just been completed. Because of drainage concerns, staff recommends hiring Bowen Collins and Associates to look at the drainage in the vicinity of Indian Hills Drive between 1210 West and Hidden Bend Drive. The amount of the contract is \$45,360.

Councilmember Almquist pointed out that the packet mentions drainage in the Whisper Ridge area and working on the east side of Indian Hills Drive. There are quite a few petroglyphs in the area; he wants them to take that into consideration.

City Manager Gary Esplin commented that staff can relocate the rocks if necessary.

**MOTION:** A motion was made by Councilmember Almquist to award the contract to Bowen Collins and Associates for engineering design services for the Indian Hills storm drain improvements, including the proposal in the packet, in the amount of \$45,360.

**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

The vote was unanimous and the motion carried.

**COMMENTS FROM THE PUBLIC:**

Diane Robinson, resident, stated that she did not know she had to fill out a form to comment. She would like to propose a way residents can use their homes as airbnb's without infringing on neighbor's rights. Those who would like to use their home as a rental should have to keep the home in pristine condition. There is competition for homes and hotels. People who rent homes want a homelike setting that brings together families in larger groups; they cannot do that in a hotel. Santa Clara allows vacation rentals under certain conditions and other municipalities are looking at that as well. She outlined her recommendations. Homeowners should be required to obtain a business license; policies should be written and followed. This will help boom transient and sales tax revenue.

Mayor Pike mentioned that vacation home rentals are allowed under certain criteria. He mentioned the meeting that took place last month on this topic. The Council's concern is citizens that are having issues with vacation rental homes and feel that it is ruining their neighborhood.

**PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:**

**Public hearing to consider a general plan amendment from Medium Density Residential to Commercial on approximately 0.6 acres generally located at the northwest corner of the intersection of 300 North Street and 500 West Street. Bruce Cunningham, applicant.**

Planner Ray Snyder presented a PowerPoint presentation covering the following topics: aerial site of the property; general plan; zoning; photos of the proposed use; and site plan. Planning Commission recommends approval; he read the motion made by the Planning Commission. If approved, the applicant will return with a site plan for review.

Mayor Pike opened the public hearing. There being no comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Arial to approve the general plan amendment from Medium Density Residential to Commercial on approximately 0.6 acres generally located at the northwest corner of the intersection of 300 North Street and 500 West Street.

**SECOND:** The motion was seconded by Councilmember Randall.

Councilmember Bowcutt asked if the 0.6 acres included the auto shop.

Mr. Snyder replied yes.

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

Councilmember Almquist – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye  
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/ZONE CHANGE/ORDINANCE:**

**Public hearing to consider zone change request to rezone 6.04 acres from Planned Development Commercial/Residential to Planned Development Residential generally located at 415 South Dixie Drive. Dennis Garr, applicant.**

Assistant Public Works Director Wes Jenkins explained that since the Planning Commission meeting, the applicant has revised the request and is now requesting four additional units for a total of 54, when the second access is constructed on Dixie Drive. He stated that the current zone is PD-R and the proposed density falls within the general plan. They will be required to provide two parking stalls per unit, one of which is covered and one guest stall per every three units, for a total of 18. The applicant meets the landscaped open space requirements. He presented a PowerPoint presentation covering the following topics: aerial site of the area; general plan; site plan. As part of the PD, the second access will be required. He showed renderings; elevations, layout and photos of the area. Planning Commission recommended denial. Some residents were concerned about traffic; however, a traffic study done by UDOT in 2013 shows that traffic is less than what constitutes an issue.

Councilmember Bowcutt inquired if the applicant has to return for approval to build the other building once the other access is there.

City Attorney Shawn Guzman explained that if approved as presented tonight, the applicant would not have to come back for Council approval. He prefers it be approved for the 50 units and allow them to go up to 54 units if that access is constructed.

Councilmember Bowcutt stated that there were some concerns about the property owner near there regarding his parking stalls.

Mr. Jenkins stated that he will lose some of the parking stalls. Staff has not looked into whether he would still meet the parking requirements.

City Attorney Shawn Guzman pointed out that the plan approved for the PD included those accesses. It acknowledged that there would be roadways and impact parking. He clarified that this entire piece was included in the original PD proposed by the property owner with the accesses and uses.

Mr. Jenkins noted the only thing that changed from the original request was where it tied into Dixie Drive. The original amount of units was approximately 140.

City Manager Gary Esplin explained that this project's density is a 1/3 less than what could be built today.

Mayor Pike opened the public hearing.

Marvin Blosch who represents MBA Properties LLC and Sunbrook Ranch LLC, commented that 140 units was originally approved for this property, 136 is the new

plan. He is in favor of the project; it will be a nice improvement for the area. There are several things that will impact him. He then read a letter and provided a site plan which is included in the agenda packet.

City Attorney Shawn Guzman inquired if the plan he referring to is the approved 136 units.

Mr. Blosch replied yes and continued reading his letter. Other subdivisions have more units with only one access, 54 seems to be an arbitrary number.

City Attorney Shawn Guzman noted that Mr. Blosch is still proposing two accesses onto Dixie Drive. He explained the City's role is to approve, deny or modify the request and would not get involved with rights of the easement. Construction and building standards of the City will still apply.

Mr. Blosch clarified that if they put in a high back curb on the left side, they would be cut off from any access.

City Attorney Shawn Guzman stated that the high back curb would not prevent him from developing the property. The current tenants should still have the access.

City Manager Gary Esplin commented that this is a private street; therefore this is a civil issue between the two parties as the easement is not the City's. He understands Mr. Blosch's concerns; however, the City is not a party to the easement.

City Attorney Shawn Guzman stated that the proximity to the access to Dixie Drive from the first access may be something that falls under the City's access policy. All other issues in Mr. Blosch's letter relate to issues with a private property owner; the City would not be involved in any of them.

Chris Brownburger, resident, stated that he is concerned because they have a hard time pulling out on the roadway. He is in favor of the request; however, he is concerned about the number of cars trying to access the street while they are trying to merge.

City Manager Gary Esplin noted that this project is not changing the access.

Mr. Brownburger asked if the City can provide a merging lane.

City Manager Gary Esplin commented that there is a visual problem with the landscaping. Staff has plans to meet with the property owner and will look at the median. A possible solution would be to install a traffic signal in the area.

Bob Secudo, resident, stated that he is in favor of the project; however, he is also concerned with traffic. If a traffic signal is installed, it would have to be synchronized with other lights in the area. He asked if the median is taken out, would it budgeted for.

Councilmember Hughes arrived.

Mayor Pike explained that the median would be budgeted for.

Dennis Garr, applicant, stated that he has been working with Mr. Blosch. He clarified that the way the road sits on the easement, some of the trees may have to be removed. If so, they will plant more trees when they are done. He commented that they want this project to work for everybody.

City Manager Gary Esplin stated that if the road is built and Mr. Bosch loses access, he hopes that the Council will give the staff the latitude to save trees as it provides a buffer for the residents. He feels it would be better to save the trees than lose 5-10 stalls.

Mr. Garr stated that Mr. Blossch will lose the same amount of stalls either way. He would like to save the trees as well.

Mr. Blossch stated that he has been told by staff that he would then be non-conforming when he loses the parking stalls; he would lose about half of them.

City Manager Gary Esplin stated that is the current problem as Mr. Garr has an easement to build the road. He would like to see this issue worked out.

Mr. Blossch commented that he would be willing to restructure the parking to bring it into conformance. They have more stalls than they have ever needed. He proposes it will take approximately a year to come into compliance.

Mayor Pike closed the public hearing.

**MOTION:** A motion was made by Councilmember Almquist to approve the zone change request to rezone 6.04 acres from Planned Development Commercial/Residential to Planned Development Residential to accommodate a townhouse development consisting of 14 dwelling structures, 50 units with the caveat that 4 additional may be built with the second access.

**SECOND:** The motion was seconded by Councilmember Arial noting that all of those with valid concerns supported the project.

**AMENDED**

**MOTION:** Councilmember Almquist added to his motion the flexibility on the roadway based upon the tree issue as well as the year to come into compliance with the parking issues.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

City Manager Gary Esplin commented that staff will return to address the issues with the median.

**PUBLIC HEARING/ZONE CHANGE/ORDINANCE:**

**Public hearing to consider a zone change request to rezone 10.83 acres from Single Family Residential 10,000 sq. ft. minimum lot size to Planned Development Commercial located along the west side of River Road at approximately 1450 South Street. River Road Investments, applicant.**

Planner Ray Snyder presented a PowerPoint presentation covering the following topics: Zoning; and Requested. He stated that the parking and landscaping requirements will be addressed when the applicant returns with each zone change amendments. He continued with his PowerPoint presentation covering the following topics: Aerial Map, Properties; General Plan-before recent GPA; Vicinity Map; Current Zoning; Conceptual Site Plan; Renderings; Written Text; Materials & Colors; Site Plan; Proposed Uses and Car Wash Elevations. He read the recommend conditions of the Planning Commission and staff comments as listed in the agenda packet.

Councilmember Bowcutt inquired if the traffic study has been done and approved.

Assistant Public Works Director Wes Jenkins stated that it has been done and approved; however, staff needs to discuss it with the applicant.

City Manager Gary Esplin explained that staff is trying to merge this traffic study with the one that was done on River Road.

Councilmember Arial commented that she believes this is an inappropriate use near Bundy Lane. She believes this is the wrong use for the end of a subdivision; however, this is wonderful project.

Councilmember Bowcutt commented even if the two lots were zoned residential, they would most likely still have commercial adjacent to it.

Councilmember Almquist stated that on the use list, the automotive indoor only section, the applicant should address this as that does not always stay indoors.

Mayor Pike opened the public hearing. There being no comment, he closed the public hearing.

Councilmember Almquist commented that he was surprised there were no comments at Planning Commission.

Councilmember Randall noted that she does not think that many of the home owners are opposed to commercial at this location.

City Manager Gary Esplin commented that thinking long term, if he was a resident on Bundy Lane, he would want access to the commercial development. If they had access to that parking lot, they could go to 1450 South from there and avoid the traffic.

Councilmember Arial stated that she believes there was not an issue with traffic, but that they are commercial buildings and not homes

Mike Sheffield, applicant, as far as the access and safe egress, they are working on an agreement with the Taylor's and Bundy's to allow access to 1450 South the back way. He noted that they appreciate and understand the concerns of the residents. They have hired engineers and architects to determine the best uses. He met with Tom Durrant this afternoon and feels that they are in a good place.

City Manager Gary Esplin agreed with Councilmember Almquist regarding the uses. He has not seen an auto shop that does not have cars waiting in the parking lot. How can they guarantee the cars will be inside the business?

Mr. Sheffield explained that they do not have a client that would like to have that use. They are not particularly attached to that use and are not opposed to altering that use.

- MOTION:** A motion was made by Councilmember Arial to approve the zone change request to rezone 10.83 acres from Single Family Residential 10,000 sq. ft. minimum lot size to Planned Development Commercial, eliminating the auto repair use option but including the car wash, with the recommendations of staff and Planning Commission.
- 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 Randall – aye  
Councilmember Bowcutt – aye  
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:**  
**Public hearing to consider a general plan amendment from Employment and Medium Density Residential to High Density Residential on approximately 51.95 acres generally located at 1280 West 4700 South. SunRiver St. George Development, applicant.**

Planner Ray Snyder presented a PowerPoint presentation covering the following topics: vicinity map; aerial map; general plan; zoning. Planning Commission recommended approval.

Mayor Pike opened the public hearing.

Guy Bourgois, resident, stated that he is not opposed this development; however he is concerned with the density. They do not know what type and how many units will be built. Additionally, he is concerned with water.

Mayor Pike mentioned that this is a general plan amendment, not a zone change.

Mr. Bourgois commented that 2,200 residents would create high traffic. He asked the Council to consider an appropriate alternative.

Judy Boseman, resident, referenced a document that was sent to residents of SunRiver. The letter states that there will be twin homes which are approximately 7 units per acre. If they plan to rent these homes, a property management company should be used. She stated that she is in favor of the project.

Barbara McGoughlin, resident of SunRiver, stated that she is in favor of medium density residential. She mentioned that high density is up to 22 units per acre, which would be about 1,100 units. She has a concern in the process; only four members of the Planning Commission were present at the meeting, two of which had concerns with high density. One of the Planning Commission members turned to another Planning Commission member who is a resident of SunRiver and asked how she felt about high density. She is okay with her comments as a Planning Commission member, but she is not an elected representative of the SunRiver residents. At the Planning Commission meeting several residents stated that they were not in favor of the request. She felt that Planning Commission member swayed the others.

Mayor Pike commented that she is free to do that. The Planning Commission is a recommending body; the City Council makes the final decision. If she were on this

Council, he would have asked her as well. In every decision that is made, some people will be happy and some won't.

Ms. McGoughlin mentioned that she has been to many meetings and has never seen the Planning Commission recommend something that was not approved by the City Council.

City Manager Gary Esplin noted that earlier tonight, the Council approved an item that was denied by the Planning Commission.

Gavin Ferguson, resident, stated that he looked at the general plan and read what it does. All of SunRiver is medium density; this request would be a big exception to the whole community of SunRiver. He feels the preservation of the plan should be the norm. The developer wants to change the zone so they can sell more houses than what is allowed under the general plan. Increasing the density does not preserve the quality of life for the SunRiver residents. This will increase traffic and demand for water. He understands that approving high density does not mean that they will build high density; however, once the plan is amended to allow for high density, it cannot be denied. A change in the master plan runs with the land. There is no guarantee this will be 55+ housing. He stated that he believes there should be a public hearing and that this request is premature as there is not a plan as to what will be built. He suggests the request be tabled.

Janelle Kesner, resident of SunRiver, stated that when she decided to move to St. George, the Chamber of Commerce suggested they look at SunRiver. Her concern is Arrowhead Parkway; it will not accommodate high density. She explained that she believes that in the future, commercial developments will be built in the area. She is worried about safety and the quality of life.

Mayor Pike closed the public hearing.

Scott McCall, applicant, explained that they are asking for a general plan amendment so they can break the 10 barrier. They have a large piece of property that is medium density. The majority of the project will be twin homes; about 7 of them per acre. All concerns will be addressed during the zone change.

City Manager Gary Esplin stated that staff believes high density is premature as well. He mentioned the medium/density item on tonight's agenda that would handle this proposal. If the general plan amendment is approved, going to 22 units does not fit the property. If the developer is true to their intent, the proposed ordinance change to add medium high density would relieve the problem – they could have 10-15 units.

Mr. McCall stated that 10-15 units are appropriate for their proposal.

City Manager Gary Esplin suggested waiting as there is not enough water to do the development at this time. He does not feel that apartments should be kept out of SunRiver. It is not fair to say that all apartments should be in one part of the City. He asked if the general plan would have to be changed to accommodate medium high density residential.

City Attorney Shawn Guzman replied yes, they would have to change the general plan. He noted that the medium high density option was not available for the Planning Commission to recommend.

Councilmember Bowcutt commented that new density was discussed at the Planning Commission.

City Manager Gary Esplin explained that this is medium high density. The issue tonight is if high density should be allowed in this area. If the Council would rather have 10-15 units, the applicant would have to return to the Planning Commission to request the zone change to medium high density.

Councilmember Bowcutt commented that he cannot see 22 units there. He feels the applicant should request medium high density.

Mr. McCall stated that he has been working on a zone change for two weeks. They plan to develop similar to what they have done.

City Attorney Shawn Guzman explained that anything zoned as medium density under the general plan currently, if the ordinance for medium high density passes tonight, they will have that option available. With the Planning Commission approving up to 20 units, they would be okay in approving a lower number of units. He suggested tabling this request.

City Manager Gary Esplin stated that they will not get water for about 18 months. The Planning Commission should have an opportunity to say if medium density is okay in the area with the new zone. The general plan would have to be amended. He asked what the Planning Commission would have voted for if they had the proposed medium high density zone option.

**MOTION:** A motion was made by Councilmember Hughes to table the request.  
**SECOND:** The motion was seconded by Councilmember Arial.

Councilmember Bowcutt asked that this get resolved as quickly as possible.

City Attorney Shawn Guzman that going back to the Planning Commission and changing the designation would be the preferred way.

City Manager Gary Esplin pointed out that general plan amendments are only heard every quarter. He suggested the Council instruct staff to waive the quarterly requirement so that this can move quickly.

**AMENDED**

**MOTION:** Councilmember Hughes amended his motion to include the instructions to staff.

**SECOND:** Councilmember Arial seconded the amended motion.

Mr. McCall noted that a traffic study would determine the improvements and water issues would be resolved. The zone change controls how many units are approved.

Councilmember Hughes commented that he does not like high density; however, this area is the place for it.

**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.

City Manager Gary Esplin stated that he feels the request should be denied rather than tabled.

Councilmember Bowcutt clarified that the developer will probably end up with the new medium high density zoning. There will probably not be a public hearing.

City Manager Gary Esplin stated that there will be a public hearing on the zone change.

Mayor Pike explained that he can allow a public hearing even if they are not obligated to.

City Manager Gary Esplin commented that the next public hearing may be the zone change and the new medium high density will only allowed in a PD zone.

**PUBLIC HEARING/ZONE CHANGE AMENDMENT/ORDINANCE:**

**Public hearing to consider a zone change amendment to amend the Atkinville Master Plan in the Planned Development Commercial zoning district. SITLA, applicant.**

Planner Ray Snyder presented a PowerPoint presentation covering the following topics: Request; Background; Amended Zone Change Application No. 3; History of Amendments to the Atkinville Interchange Zone Plan; Amendment 2 (approved March 19, 2015); Proposed 3<sup>rd</sup> Amendment; Proposed Plan Change; Site Plan; Modified Master Plan; A Letter from Horrocks Engineering; and Maps. He read staff reports as listed in the agenda packet.

Councilmember Arial stepped out.

City Manager Gary Esplin noted that the Council is not discussing uses tonight. The original plan there was a road that went through the parcel. The applicant is not amending uses.

Kyle Paisley with SITLA explained that they are requesting to change the circulation for a proposed travel center.

Mayor Pike opened the public hearing. There being no comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Almquist to approve the zone change amendment to amend the Atkinville Master Plan in the Planned Development Commercial zoning district located east of the I-15 freeway and north of the Southern Parkway as well as the ordinance language changes in Exhibit A.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist – aye  
Councilmember Hughes – aye

Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:**

**Public hearing to consider an amendment to the general plan land use designations to provide a new category, Medium High Density Residential, with a density range of 10 – 15 dwelling units per acre. City of St. George, applicant.**

Councilmember Arial returned.

Planner Ray Snyder presented a PowerPoint presentation covering the following topics: Request; Pages from the General Plan; General Plan Map; Little Valley SubArea MP; and Density Examples. The Planning Commission discussed this proposal a number of years ago.

Mayor Pike opened the public hearing. There being no comment, he closed the public hearing.

Assistant Public Works Director Wes Jenkins explained that Planning & Zoning Manager John Willis looked at projects throughout the City to better define what the 10 or 15 units represents.

**MOTION:** A motion was made by Councilmember Hughes to amend the general plan land use designations to provide a new category, Medium High Density Residential, with a density range of 10 – 15 dwelling units per acre.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

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

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

The vote was unanimous and the motion carried.

City Manager Gary Esplin asked that item 5B be heard prior to the remaining public hearings.

**RESOLUTION:**

**Consider, by resolution, whether to accept or deny the Petition for Annexation for the Brookfield Addition. HETTSA Group, LLC. (Steven Hall), applicant.**

City Manager Gary Esplin advised that the applicant does not have to present plans on what they will do. This is the first step in the annexation process.

**MOTION:** A motion was made by Councilmember Almquist to accept the Petition for Annexation for the Brookfield Addition.

**SECOND:** The motion was seconded by Councilmember Randall.  
**VOTE:** Mayor Pike called for a roll call vote, as follows:

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

The vote was unanimous and the motion carried.

**PUBLIC HEARING/AMEND CITY CODE/ORDINANCE:**  
**Public hearing to consider amending Title 9, Chapter 13 of City code  
pertaining to off premises signs. City of St. George, applicant.**

City Attorney Shawn Guzman recommended tabling this item. He explained that staff has had discussions with billboard companies and there are some minor changes regarding on premises signs. There will be an opportunity to have input from businesses regarding the proposed changes. The Council should not take action on part of the request because of the definitions; however, comments can be taken tonight.

Councilmember Arial commented that she is pleased that staff has listened to the business owners.

Mayor Pike opened the public hearing.

Thayne Houston, business owner, met with other business owners regarding the proposed changes. He is concerned with the changes pertaining to reader boards and automated signage. His business had a reader sign in front of their building which they may not be able to add that back with the proposed changes. Additionally, he does not understand why it was of such concern to have automation or flashing lights. In his position, their building has been pushed back and hidden from public view because of changes to St. George Boulevard. He will continue to monitor and watch this topic.

City Attorney Shawn Guzman stated that this is not an ordinance that intends to restrict the use of reader boards. The proposed ordinance says that if a business wants to change a non-conforming sign, they now have to bring it into conformance with City code. Flashing and changing is an industry-wide standard; it is not changing much of what has been practiced. He noted that off premises are regulated by state law.

Mr. Houston explained that at his business in another city, they have had to put in a new sign because the engineering could not be verified. He feels that if a sign has been in place for a number of years, it should not have to be done all over again.

City Attorney Shawn Guzman advised that just changed in the last couple of years; that is a building code requirement. Just because a pole has been in place for 20 years does not mean adding the new sign does not mean the pole is adequate in the first place. The business owner can hire an engineering firm to say whether the pole will meet the loads required currently.

Brad Harr, business owner, mentioned the sign he has on St. George Boulevard which cost him quite a bit of money. He is concerned that he will have to change it.

Deputy City Attorney Paula Houston explained that after discussions on the proposed ordinance, she and Planning & Zoning Manager John Willis removed language pertaining to on premises signs. The language remaining pertains to the standards for billboards and the definitions regarding alterations and non-conforming uses.

City Attorney Shawn Guzman noted that with regards to brightness, LED lights are now less bright than traditional billboards.

Mayor Pike commented that anyone who would like to make comments or give input offline are welcome to do so.

Mike Helm, with YESCO Outdoor, stated that he has been working with staff regarding off premises signs. The proposed ordinance is good for the City and for them as well.

Jared Johnson, with YESCO Electronics, stated that they discussed this ordinance with staff. He acknowledges the affect that some of the definitions may have on those with on premises signs; therefore, he is okay with waiting until that is cleared up.

Councilmember Almquist commented that some digital displays are not as heavy as the traditional sign if the backing structure is replaced.

Mr. Johnson explained that weight is not always the concern, rather it is wind loads. Staff can calculate to see whether a reduction in area of signage is sufficient to meet current codes.

Daniel Wittwer, business owner, commented that he is concerned that slight changes in the past have not been slight changes. He asked that the Council be respectful of business owners. They have been warned for having signs with things the City feels is inappropriate. He believes the trees were planted where they were to block their signs so they would be forced to have monument signs.

**MOTION:** A motion was made by Councilmember Almquist to continue the public hearing.

**SECOND:** The motion was seconded by Councilmember Hughes.

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

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

The vote was unanimous and the motion carried.

Mayor Pike called for a short recess.

**FEE WAIVER:**

**Consider approval of a fee waiver for the use of Vernon Worthen Park for the Looking Upward 2015 event. John Shaw, applicant.**

City Manager Gary Esplin stated that staff has no concerns with this request.

John Shaw, applicant, explained that Calvary Chapel has been holding the Church in the Park event for years. This year, they are changing the day and name and requesting a fee waiver for the use of Vernon Worthen Park.

City Manager Gary Esplin asked that since the City is waiving fees, he requested they clean up after the event.

**MOTION:** A motion was made by Councilmember Randall to approve the fee waiver for the use of Vernon Worthen Park for the Looking Upward 2015 event noting that the applicant will clean up the park after the event.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

**FEE WAIVER:**

**Consider approval of a fee waiver for the use of Hela Seegmiller Historic Farm for the Round Up Days Barn Dance event. Gregg McArthur, applicant.**

City Manager Gary Esplin stated that the Chamber of Commerce would like to hold a Round Up Days Barn Dance event at Hela Seegmiller Farm. Per policy, a staff member is required to be present during special events; therefore, he suggested the applicant cover the cost of that staff member.

Councilmember Bowcutt noted that the idea is to have different events in conjunction with the Dixie Round Up Rodeo to increase awareness and have fun.

**MOTION:** A motion was made by Councilmember Arial to approve the fee waiver for the use of Hela Seegmiller Historic Farm for the Round Up Days Barn Dance event with the exception of the staff member who is required to be present and that they clean up after the event.

**SECOND:** The motion was seconded by Councilmember Almquist.

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

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

The vote was unanimous and the motion carried.

**ROAD CLOSURE:**

**Consider approval of a request for partial road closures in the Ft. Pierce Industrial Park and a temporary crossing of River Road at two locations for the Ham It Up Against Hunger 5k event. Kelly Ochsenhirt, applicant.**

City Manager Gary Esplin explained that staff supports the request; however, they are concerned with the proposed road closures on River Road as there is heavy truck traffic in that area.

Angela Lopez, with the Utah Food Bank, explained that their development manager worked with staff on the traffic control plan. They are happy to address any concerns with regard to the traffic concerns.

Councilmember Almquist suggested they look at a different route.

City Manager Gary Esplin commented that staff suggested a different route; however, the applicant wanted to have the runners cross the road.

A discussion took place on proposed route changes.

Ms. Lopez will pass the Council's concerns to the development manager.

City Manager Gary Esplin noted that changing the route to not cross River Road would save them in costs as they will not have to have as much traffic control.

Ms. Lopez mentioned that they plan on making this an annual event.

City Manager Gary Esplin stated if they can come up with an alternate route, it can return for a discussion at the next work meeting.

**REPEAL CITY CODE/ORDINANCE:**

**Consider approval of an ordinance repealing Title 4, Chapter 3 of City code pertaining to the inspection and cleaning of property.**

Deputy City Attorney Paula Houston advised this is an ordinance repealing Title 4, Chapter 3 of City code pertaining to the inspection and cleaning of property. It has some conflicts with some of the newer provisions and has not been used in years.

**MOTION:** A motion was made by Councilmember Arial to repeal Title 4, Chapter 3 of City code pertaining to the inspection and cleaning of property.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

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

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

The vote was unanimous and the motion carried.

**AMEND CITY CODE/ORDINANCE:**

**Consider approval of an ordinance amending Title 1, Chapter 12A, Section 16 of City code pertaining to inspections of property.**

Deputy City Attorney Paula Houston stated that this ordinance is to amend Title 1, Chapter 12A, Section 16 of City code pertaining to inspections of property. Language has been added to clarify the right to inspect, making it represent how the City actually handles cases, how officers enter onto property and how inspections are done. Additionally, it adds in the provision that officers comply with Utah law and the Fourth Amendment. It does not change anything that is currently being done.

Councilmember Hughes noted that some of the concerns in the past have been that although the City followed the law, the ordinance currently states that officers were authorized to inspect a property. It did not clarify that officers need to follow and comply with Utah law and the Fourth Amendment.

City Attorney Shawn Guzman stated that a federal judge ruled that the current language is constitutional; however, staff wanted to make that clear.

**MOTION:** A motion was made by Councilmember Hughes to approve the amendments to the language to Title 1, Chapter 12A, Section 16 of City code regarding inspections of property.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

**AMEND CITY CODE/ORDINANCE:**

**Consider approval of an ordinance amending Title 4, Chapter 4 of City code adopting the recycling waste collection program with a limited time opt-out provision.**

City Attorney Shawn Guzman explained that this ordinance pertains to the recycling program. The proposed ordinance has some technical changes and outlines the recycling program and opt out procedures. Residents who are utility customers as of October 31, 2015 have until November 1, 2015 to notify the City that they wish to opt out in a manner specified in the ordinance. There is a provision for those that have extraordinary circumstances in the future to be able to possibly opt out if they make the request to the review board. The review board shall consist of one employee from the finance department, one employee from the public works department and one employee at large.

Councilmember Bowcutt asked if there would be an advantage to have one board member who is not an employee of the City.

City Attorney Shawn Guzman replied that the Council can structure the board as they wish.

Mayor Pike explained that if someone who opts out wants to opt back in they can.

City Attorney Shawn Guzman explained that he and Administrative Services Director Deanna Brklacich worked on the ordinance with staff input. There was no input from the Solid Waste Board.

Councilmember Hughes noted that there have been talk in the community about mandatory versus opt out. People cannot be forced to recycle; however, the City wants to encourage people to do so. It would have been much easier on City staff to make this mandatory.

Administrative Services Director Deanna Brklacich explained that staff has been working with the Solid Waste District on the campaign. The goal is to educate customers as to why they should recycle and the benefits of recycling. The "Blu" stands for better landfill utilization. She explained how customers will be notified and given information about the program.

Support Services Marc Mortensen stated that a new website was launched about tonight. The opt out period begins September 1<sup>st</sup>. He showed the website – [www.blucan.org](http://www.blucan.org) which includes a link to opt out. Additionally customers can opt out by calling 627-4226 or in person at the utility office.

Administrative Services Director Deanna Brklacich explained that to opt in, customers do not need to do anything. She encouraged customers to use the website to opt out as it will be easier for staff.

City Attorney Shawn Guzman stated that curbside recycling is exclusively with Washington County Solid Waste. Under the agreement with the District, the City cannot allow other companies to offer curbside recycling.

Mayor Pike commented that Republic Services offers curbside recycling now, privately. They have 2,500 customers throughout the County.

Administrative Services Director Deanna Brklacich clarified when the curbside recycling contract was being negotiated, Republic Waste Services advised to stop sending new customers their way as they have stopped taking new applications. Per Neil Schwendiman with the Washington County Solid Waste District, stated that they will coordinate if there are customers using Republic Waste Services for curbside recycling. Curbside recycling will be exclusive to the Solid Waste District.

Mayor Pike added that the recycling "binnies" will stay in place for now. Glass will not be included in curbside recycling; customers will have to take them to the "binnies". He added that this will lengthen the life of the landfill by a decade or more.

**MOTION:** A motion was made by Councilmember Almquist to approve the ordinance amending Title 4, Chapter 4 of City code, adopting the recycling waste program, with the limited time opt out provision as explained.

**SECOND:** The motion was seconded by Councilmember Randall.

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

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

The vote was unanimous and the motion carried.

**AGREEMENT/RESOLUTION:**

**Consider approval of a resolution approving an agreement between the Washington County Special Services District No. 1 and the City of St. George and between the Washington County Special Services District No. 1 and Dixie Waste Services, Inc. for curbside residential recycling collection.**

City Attorney Shawn Guzman explained the resolution is to approve an agreement between the Washington County Solid Waste District (Washington County Special Services District No. 1) and the City for curbside residential recycling collection services. It also approves an agreement between Dixie Waste Services, Inc. and the Washington County Special Services District No. 1. He and Administrative Services Director Deanna Brklacich met with attorney for the Solid Waste District. They have reviewed the agreement as has staff.

Councilmember Hughes excused himself, since his brother is the President and majority owner of Dixie Waste.  
Councilmember Arial asked if he needs to step out or if he can just declare the possible conflict of interest.

City Attorney Shawn Guzman advised that Councilmember Hughes does not need to, but can if he chooses to.

Councilmember Hughes stepped out.

City Attorney Shawn Guzman added that the agreement is for 5 years. At that time, the District will put the services out to bid again.

**MOTION:** A motion was made by Councilmember Arial to approve the resolution approving an agreement between the Washington County Special Services District No. 1 and the City of St. George and between the Washington County Special Services District No. 1 and Dixie Waste Services, Inc. for curbside residential recycling collection.

**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

The vote was unanimous and the motion carried.

#### **SALE OF CITY PROPERTY:**

**Consider approval to sell City property located in the Virgin River and also at the rear of the lot located at 2850 South Palm Circle. Nathan Hendrickson, applicant.**

City Manager Gary Esplin explained that the property is located near the Ft. Pearce Wash, not the Virgin River. The title report shows that the previous owner has encroached onto City property significantly. Staff met with Mr. Hendrickson and is recommending selling the property at \$1.50 a square foot as the City has done previously in the Bloomington Hills area; however, the owner is requesting it be lower. He referred the Council to the map to see the size of the encroachment.

**MOTION:** A motion was made by Councilmember Randall to approve the sale of City property located in the Ft. Pearce wash area, the lot located at 2850 South Palm Circle in the amount of \$1.50 a square foot.

**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

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for Aspen Estates Phase 1, an 18-lot residential subdivision located at approximately 2930 South and 3000 East Street; zoning is R-1-10.

Councilmember Hughes returned.

**MOTION:** A motion was made by Councilmember Randall to approve the final plat for Aspen Estates Phase 1.

**SECOND:** The motion was seconded by Councilmember Almquist.

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

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

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for Desert Crest Phase 1, a 16-lot residential subdivision located at approximately 5980 South Desert Canyons Parkway; zoning is PD-R.

**MOTION:** A motion was made by Councilmember Almquist to approve the final plat for Desert Crest Phase 1.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for SunRiver St. George Phase 40, a 19-lot residential subdivision located at Grapevine Drive and Pearl Vista Drive (at approximately 1360 West and 5210 South); zoning is PD-R.

**MOTION:** A motion was made by Councilmember Randall to approve the final plat for SunRiver St. George Phase 40.

**SECOND:** The motion was seconded by Councilmember Hughes.

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

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

**FINAL PLAT:**

Assistant Public Works Director Wes Jenkins presented the final plat for SunRiver St. George Phase 41, a 22-lot residential subdivision located at Grapevine Drive (at approximately 1500 West and 5250 South); zoning is PD-R.

**MOTION:** A motion was made by Councilmember Hughes to approve the final plat for SunRiver St. George Phase 41.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

Councilmember Almquist asked what the existing density is in SunRiver.

Mr. Jenkins stated that the density is approximately four units per acre with the golf course.

**COOPERATIVE AGREEMENT:**

**Consider approval of a cooperative agreement between the Aeronautical Operations Division of the State of Utah and the City of St. George.**

City Manager Gary Esplin explained that this is a housekeeping item and will be the last payment from the federal government.

**MOTION:** A motion was made by Councilmember Almquist to approve the agreement between the Aeronautical Operations Division of the State of Utah and the City of St. George.

**SECOND:** The motion was seconded by Councilmember Hughes.

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

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye  
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**APPOINTMENTS:**

Mayor Pike recommended appointing Bill Western, an architect and Gary Colf, a plumber with fire expertise to the Board of Appeals. Additionally, he recommended appointing Melanie Hinton to the Museum Board.

**MOTION:** A motion was made by Councilmember Randall to approve the appointments.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on May 21, 2015.**

**MOTION:** A motion was made by Councilmember Randall to approve the minutes for May 21, 2015.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on June 4, 2015.**

**MOTION:** A motion was made by Councilmember Bowcutt to approve the minutes for June 4, 2015.

**SECOND:** The motion was seconded by Councilmember Arial.

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

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye

Councilmember Bowcutt – aye  
Councilmember Arial – aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on June 18, 2015.**

**MOTION:** A motion was made by Councilmember Randall to approve the minutes for June 18, 2015.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

**ADJOURN TO CLOSED SESSION:**

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

**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 Randall – aye  
Councilmember Bowcutt – aye  
Councilmember Arial – aye

The vote was unanimous and the motion carried.

The meeting adjourned after the closed session.