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Minutes  
Regular Meeting  
February 24, 2016

Present: Mayor Pro-Tem Jeff Turek, Council Members Troy Belliston, Kolene Granger, Garth Nisson, Thad Seegmiller, City Manager Roger Carter, City Attorney Jeff Starkey, City Recorder Danice Bulloch, Public Works Director Mike Shaw, Assistant Public Works Director Lester Dalton, Power Director Kelly Carlson, City Treasurer Kerry Wheelwright, Community Development Director Drew Ellerman, Police Chief Jim Keith, Audience: Jim Bray, Linda Bray, Dan Drown, Kent Simonson, Linda Simonson, Jayden Smith, Jean VanRy, Kevin Jenkins, Gene Webb, Yvonne Earle, Thomas Earle, Martin Hanson, Ben Willits, Scott Duffin, Kristin Schwierman, Marvelee Lund, Burke Staheli, Tonya Jesienouski, Scott Jesienouski, Valerie Jueschre, Wendy Pickard, Elizabeth Rose, Harold Studley, Ted Hickman II, Ted Hickman Sr., Kelly Cunningham, Kim Cunningham, Jack Eggen, Jackie Eggen, Mary Ann Jones, Lenny Jones, Ben Moore, Michael Moore, Rick Neilson, Chelsea Holt, Tonya Neilson, Russell Neilson, Carter West Scottie Bushar, Bentley Bushar, Scott Bushar, Ryan Robison, Jean Taylor, Maxwell Taylor, Chase Adams, Rex Doman, Ryder Doman, Kaden Koch, Dade Macdonald, Tate Conrad, Samuel Brimer, Jade Conrad, Don Trofler, Bill Cassity, Elvira Cassity, Jason Griffith, Amy Fife, April Ruatt, Troy Bowler, Ken Jones, David South, Micah South

Excused: Mayor Kenneth Neilson

Meeting commenced at 6:00 P.M.

**Invocation:** Council Member Seegmiller

**Pledge of Allegiance:** Boy Scout Tate Conrad

**1. APPROVAL OF THE AGENDA**

*Council Member Seegmiller made a motion to approve the agenda with the removal of Item 9A. Council Member Belliston seconded the motion; which passed with the following roll call vote:*

<i>Council Member Belliston</i>	<i>Aye</i>
<i>Council Member Granger</i>	<i>Aye</i>
<i>Council Member Nisson</i>	<i>Aye</i>
<i>Council Member Seegmiller</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

**2. ANNOUNCEMENTS**

*None*

**3. DECLARATION OF ABSTENTIONS & CONFLICTS**

*None*

**4. SPECIAL EVENT**

**A. Consideration to approve a Special Event for the LDS Church Family Fun Run on March 26, 2016 at Sullivan Virgin River Soccer Park. Applicant: James Bray**

Mr. James Bray stated they intend to have a 5K Run and a 2 Mile walk at the Virgin River Soccer Park. They have requested the 26th of March, which is Easter Weekend. However, there are not any soccer tournaments planned at this time. They estimate approximately 200 people to attend, and the event will be free of charge.

Council Member Granger asked if there will be room for other visitors on the trail.

Mr. Bray stated they do not plan to close the trail, and the event should end before 11:00 A.M. There should not be an issue with other people using the trail.

Council Member Belliston asked if the request had been reviewed with the Community Center.

Mr. Bray stated they have applied with the Community Center and also gotten sign off from the Police Chief.

*Council Member Granger made a motion to approve a Special Event for the LDS Church Family Fun Run on March 26, 2016 at Sullivan Virgin River Soccer Park. Council Member Seegmiller seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston     Aye  
Council Member Granger     Aye  
Council Member Nisson     Aye  
Council Member Seegmiller     Aye  
Mayor Pro-Tem Turek     Aye*

**5. PRELIMINARY PLAT**

**A. Consideration to approve the Preliminary Plat for Coral Canyon Area 4, Phase 2, located at approximately Black Canyon Avenue and south of Rock Creek Drive. Applicant: Ben Willits, Jack Fisher Homes**

Community Development Director Drew Ellerman:

The applicant is requesting approval of a Preliminary plat for the Coral Canyon Area 4, Phase 2

subdivision, located at approximately Black Canyon Avenue and Rock Creek Drive of the Highland Park area of Coral Canyon. The zoning designation at this particular location is Planned Community Development (PCD).

The proposed subdivision conforms to the approved zoning. The request meets the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary plat for the Coral Canyon Area 4, Phase 2 subdivision to the City Council, based on the following findings and subject to the following conditions:

#### Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

#### Conditions

1. A preliminary and final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
  - A. A title report.
  - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a

blasting plan with the construction drawings and issuance of a blasting permit.

11. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

Council Member Seegmiller asked what the blue area on the map will be once complete.

Community Development Director Ellerman stated he would have the developer review the amenity area with Council.

Ben Willits stated they have just begun to get a layout for this particular area. The plan is to have a pool and hot tub area, along with pickleball courts and restroom facilities. There is also an extension of the trail.

Council Member Belliston asked if a design is required as this is a PCD.

Community Development Director Ellerman explained as the design was previously approved in the original Planned Community Development, a detailed plan for each amenity area is not required at the Preliminary Plat level.

*Council Member Seegmiller made a motion to approve the Preliminary Plat for Coral Canyon Area 4, Phase 2, located at approximately Black Canyon Avenue and south of Rock Creek Drive with the findings and conditions of Staff and as recommended by the Planning Commission.*

*Council Member Granger seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston     Aye*  
*Council Member Granger     Aye*  
*Council Member Nisson     Aye*  
*Council Member Seegmiller   Aye*  
*Mayor Pro-Tem Turek        Aye*

## **6.     PUBLIC HEARINGS AND RELATED ORDINANCES/RESOLUTIONS**

### **A.     Public Hearing for consideration to granting a Donation to the Washington County Shooting Sports Park Agency for the construction of an awning. Applicant: Lee Scott**

Mr. Troy Bowler reviewed the statistics for the Washington County Shooting Sports Park. This facility is the only available sports park in Washington County, and is a services for all municipalities. They are interested in constructing an awning on the front of the building. They are asking for a donation from Washington City to assist in the construction. They estimate the construction will be \$10,000, and they would like Washington to donate half of the cost.

Council Member Seegmiller asked if this would fall within the guidelines of the RAP Tax.

City Manager Roger Carter stated they are a non-profit facility, however, it would be at the Council discretion to determine if they feel if it would be a good use of the funds.

City Attorney Jeff Starkey stated Washington City is part of an Interlocal Agreement with the Washington County Shooting Sports Park, which is why a donation is being requested. Typically with an interlocal agreement, there are budgeted amounts by Cities. However, since yearly fees are not requested by the Sports Park, which is why a request for funds would be made in the form of a donation.

Council Member Granger stated if Council is interested in funding a project with RAP Tax, then would they not have to then apply at the next opening in June.

Mayor Pro-Tem Turek stated if Council would prefer to use the RAP Tax process, then the application would then have to be made in the month of June. However, if Council chooses to do so, there are other funds, which could be used as donation.

Council Member Seegmiller stated he would prefer to have the donation be made through the RAP Tax funds.

No public comments were made.

*Council Member Belliston made a motion to close the public hearing. Council Member Nisson seconded the motion; which passed with the following roll call vote:*

<i>Council Member Belliston</i>	<i>Aye</i>
<i>Council Member Granger</i>	<i>Aye</i>
<i>Council Member Nisson</i>	<i>Aye</i>
<i>Council Member Seegmiller</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

**B. Consideration to approve a Resolution granting a donation to the the Washington County Shooting Sports Park Agency.**

*Council Member Seegmiller made a motion to deny a Resolution granting a Donation to the Washington County Shooting Sports Park Agency for the construction of an awning with the recommendation to have the applicant follow the process of making a request for RAP Tax funds, in which applications will be accepted in June. Council Member Belliston seconded the motion; which passed with the following roll call vote:*

<i>Council Member Belliston</i>	<i>Aye</i>
<i>Council Member Granger</i>	<i>Aye</i>
<i>Council Member Nisson</i>	<i>Aye</i>
<i>Council Member Seegmiller</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

**7. ORDINANCES**

**A. Consideration to approve an Ordinance approving an amendment to the General Plan Amendment G-16-01 to change Land Use Designation from LD to CCOM.**

Community Development Director Drew Ellerman reviewed:

Since the public hearing took place and the comments that came forth during that “open to the public” portion of the previous council meeting, I have taken the time to reflect on several things.

First, I would like to point out, that if we (as the city) do not make an effort to do something at this very intersection, we are going to end up with a walled off, corridor looking (not in a good way), eyesore. If we are “trying to leave the fields more open” as proclaimed by so many, then putting residential subdivision after subdivision with block wall perimeters around them, we are definitely defeating the purpose of “openness”. Slight changes in sight lines, such as small clusters of neighborhood commercial plazas at busy intersections, would be perfect for breaking up the block wall corridor scenarios that are becoming so prevalent in the fields. This would also provide much needed conveniences to the surround neighborhood area(s) as well.

Second, the demands of having these types of uses moved somewhere else, just not here (nimby-isms), does not cut it. Commercial development is based purely on roof tops. If we keep forcing these developments to move out where “no one lives yet”, then simply it will not happen.

“Sense of Community” is having a variety of uses mingled and together, with a variety of sight lines and facades. It is not, vast areas of one type of use over here, and another vast area of another use over there, and so on. Community is best felt when uses are mixed, working together to bring a variety of needs in close proximity to one another.

The applicant is seeking to amend the General Plan Land Use Map in the area located at the northwest corner of 2000 South and Washington Fields Road. The requested area covers approximately 35(+) acres. The current Land Use designation is Low Density Residential (LD). The requested change is to the Community Commercial (CCOM) General Plan Land Use Designation, as shown in the exhibit attached to this report.

The request to amend these parcels, is for possible future commercial development in the area. The current surrounding General Plan Land Use designations are Low Density Residential to the south, east and west, also including Civic to the east (the two LDS Chapels), and Open Space to the north. Staff has reviewed the request and has no concerns with this proposal.

The Planning Commission, by a vote of 4-1, recommended denial of G-16-01 to amend the General Plan Land Use Map of approximately 35(+) acres from Low Density Residential (LD) to Community Commercial (CCOM), based on the motion that ..... “it doesn’t meet the character of the area”, to the City Council.

With that said, and after discussions with the property owner(s), the applicants wish to propose a much smaller request and proposal. The new proposal would be for a ten (10) acre area to be amended and only in the southeast corner (by the intersection of Washington Fields Road and Sandia Road (2000 South)). Also, the proposal would be changing from the Community Commercial to the Neighborhood Commercial General Plan Land Use designation. The change from Community to Neighborhood Commercial would mean that only the zoning designations of Administrative Professional and Community Commercial (C-1) could be applied for in any future zone change applications.

The General Plan describes the Neighborhood Commercial designation as “small commercial businesses catering primarily to users from their surrounding areas; buildings should be small scale to relate to surrounding residences. Uses should include convenience stores, gas stations, restaurants, professional offices, and video rentals. Neighborhood Commercial is often located at the intersections of neighborhood and arterial streets to take advantage of higher traffic volumes.”

Council Member Seegmiller asked when the the last General Plan was completed for this area.

Community Development Director Ellerman stated he believes it has been in place for approximately 10 years.

Council Member Belliston stated he attended the Planning Commission meeting approximately 6 weeks ago. The original request for was 34 acres, and he did feel it was a large piece of land. The reduced request for 10 acres is considerably better, however, he still is not certain of the placement right on the corner. He has discussed with Staff the possibility of having a commercial PUD request. His personal opinion is there are some positive benefits to commercial use in the fields. Certain commercial projects can elevate a community. He had discussed with Staff the possibility of moving the commercial area back.

Community Development Director Ellerman reviewed the sketch, which would move the commercial space off of the busy corner, and place it at or near the lighted intersection near Washington Dam Road.

Mayor Pro-Tem Turek agreed the only way he would be comfortable approving a commercial space in the area would be under a PUD request.

Council discussed moving the commercial area north to the intersection of Washington Dam road near Nisson Hill, thereby keeping the commercial area away from the existing neighborhoods.

Council Member Belliston stated regardless of what is placed in the area, he would prefer to have a PUD request, even if the parcel was left residential.

Mayor Pro-Tem Turek commented it is always difficult to satisfy the existing home owners with the landowners, but the sketched plan would bring a good balance to both.

*Council Member Belliston made a motion to approve the Ordinance with the modification of the application to move the neighborhood commercial portion of the parcel north with a specific notation on the general plan that the entire 34 acres it to be handled as a master Planned Unit Development Project. Council Member Seegmiller seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston     Aye  
Council Member Granger     Aye  
Council Member Nisson        Nay  
Council Member Seegmiller   Aye*

**8.      FINANCE**

**A.      Discussion and review of quarterly Investments. Kerry Wheelwright, Treasurer**

City Treasurer Kerry Wheelwright reviewed the Quarterly Investments Report with Council.

**B.      Amending the collection policy on utility billing. Kerry Wheelwright, Treasurer**

City Treasurer Kerry Wheelwright reviewed the requested amendment to the collection policy as it pertains to the utility accounts. He reviewed the collection policies of the surrounding utility companies.

Council Member Seegmiller asked if we could also request a deposit on those individual who are continually behind.

City Treasurer Wheelwright explained one of the proposals being made would be to initiate a deposit on those accounts.

Council discussed the issues with the policy as it is being followed at this time.

City Treasurer Wheelwright reviewed two options for collecting past due accounts. He plans to bring this item back to a Workshop Meeting to review with Council the different options, which could potentially help future collection issues.

**9.      RESOLUTIONS**

**A.      Consideration to approve a Resolution amending the Master Fee Schedule to reflect changes to the Utility Department. Kerry Wheelwright, Treasurer**

*Removed*

**10.     ANNEXATION**

**A.      Consideration to move forward with an annexation request for the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, located at approximately 450 West 3650 South. Gordon Anderson**

City Recorder Danice Bulloch reviewed the annexation request with Council. At this point, Staff is asking if Council would like to move forward with the petition.

*Council Member Granger made a motion to move forward with an annexation request for the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, located at approximately 450 West 3650 South. Council Member Belliston seconded the motion; which*

*passed with the following roll call vote:*

*Council Member Belliston Aye*  
*Council Member Granger Aye*  
*Council Member Nisson Aye*  
*Council Member Seegmiller Aye*  
*Mayor Pro-Tem Turek Aye*

## **11. POWER DEPARTMENT**

### **A. Consideration to approve a Resolution adopting the revised power rate study and rates. Power Director Kelly Carlson**

Power Director Kelly Carlson reviewed the power rate study with Council.

Council Member Granger clarified that Dixie Power is considerably less in cost because of how they get their power.

Power Director Carlson explained they are Federally subsidized. He has a significant amount of documentation, which he will forward to Council with regard to this.

Council Member Belliston asked about the Power Board implementation.

Power Director Carlson stated the Power Board will hold their first meeting on March 1st. However, it is going to take a significant amount of time to bring citizens up to speed on the budgeting process and firm up their understanding of power. He feels it will most likely be up to a year before the Power Board is able to bring any type of recommendation to Council.

Council discussed the future of the power bonds.

Power Director Carlson reviewed Washington City Power purchase and transmission costs with Council.

Council Member Granger stated her understanding is we are looking at this now, rather than waiting for the Power Board because the item qualifies as important and urgent.

*Council Member Belliston made a motion to approve a Resolution adopting the revised power rate study and rates as recommended by Staff, to take effect April 1, 2016. Council Member Granger seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston Aye*  
*Council Member Granger Aye*  
*Council Member Nisson Aye*  
*Council Member Seegmiller Nay*  
*Mayor Pro-Tem Turek Aye*

## **12. PUBLIC WORKS**

**A. Consideration to approve an Ordinance amending the Washington City Construction Design Standards. Assistant Public Works Director Lester Dalton**

Assistant Public Works Director Lester Dalton reviewed the proposed changes to the Construction Design Standards.

Council Member Seegmiller asked what prompted the changes to the Construction Standards.

Assistant Public Works Director Dalton explained there is better technology prompting us to update.

Council Member Belliston asked about the secondary water in the Green Springs area. He understands the requirement in the fields area. However, he does not understand why it is in the Green Springs area.

Assistant Public Works Director Dalton stated it is part of the requirements from the Water Conservancy Pooling Agreement.

Assistant Public Works Director Dalton completed his review of the proposed changes.

*Council Member Belliston made a motion to approve an Ordinance amending the Washington City Construction Design Standards with an amendment to allow for non-domestic fittings. Council Member Seegmiller seconded the motion; which passed with the following roll call vote:*

<i>Council Member Belliston</i>	<i>Aye</i>
<i>Council Member Granger</i>	<i>Aye</i>
<i>Council Member Nisson</i>	<i>Aye</i>
<i>Council Member Seegmiller</i>	<i>Aye</i>
<i>Mayor Pro-Tem Turek</i>	<i>Aye</i>

**13. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE**

Council Member Belliston was able to attend the State Capital with the Youth Council. They had a guided tour of the Capital, and were able to sit in on Senate Committee Meetings.

Council Member Gardner stated she as well as a few other Council were able to meet with Legislators as well as SITLA. They were able to help with and address many of our issues.

**14. CITY MANAGER REPORT**

City Manager Roger Carter updated Council on current Washington City projects.

**15. CLOSED SESSION**

**A. Discuss purchase, exchange or lease of property.**

Removed

**16. ADJOURNMENT**

*Council Member Belliston made a motion to adjourn the meeting. Council Member Nisson seconded the motion; which passed with the following roll call vote:*

*Council Member Belliston     Aye  
Council Member Granger     Aye  
Council Member Nisson     Aye  
Council Member Seegmiller   Aye  
Mayor Pro-Tem Turek     Aye*

*Meeting adjourned at 8:56 P.M.*

Passed and approved this 9th day of March, 2016.

Attest by:

*Danice B. Bulloch*  
Danice B. Bulloch, City Recorder



Washington City

*Kenneth F. Neilson*  
Kenneth F. Neilson, Mayor

