

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
JUNE 2, 2016, 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Jon Pike
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
Councilmember Ed Baca
City Attorney Shawn Guzman
City Manager Gary Esplin
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 Ashley Weigel and the invocation was offered by Reverend Alex Wilkie.

Councilmember Randall presented certificates to Zion Harley Davidson, Washington and St. George Home Depot stores, Bloomington Walmart and Lowe's, recognizing them for being veteran friendly and supporting veteran causes.

Mayor Pike mentioned events are taking place in the near future. Additionally, he mentioned the passing of Ron Current, a citizen who fought for those dealing with personal issues, Councilmember Hughes' step father, Cecil Blake and Chris Trani, a former Police Officer.

COMMENTS FROM THE PUBLIC:

There were no public comments; however, Mayor Pike reviewed the rules for speaking. He mentioned that he and the Council are accessible for anyone who would like to meet with them.

FINANCIAL REPORT:

Consider approval of the financial report for April, 2016.

City Manager Gary Esplin stated that the report shows that finances are in good shape to finish the year under budget.

MOTION: A motion was made by Councilmember Randall to approve the April, 2016 financial report.

SECOND: The motion was seconded by Councilmember Baca.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

HANGAR LEASE:

Consider approval of a hangar lease agreement with Bonnacon Holdings, LLC for hangar 55B.

City Manager Gary Esplin advised the applicant is assuming a previous lease and meets all requirements.

Councilmember Arial arrived.

MOTION: A motion was made by Councilmember Hughes to approve the hangar lease with Bonnacon Holdings, LLC.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for the annual purchase of rye grass seed.

City Manager Gary Esplin stated the request is for the annual purchase of rye grass seed to be used on City parks and golf courses.

Purchasing Manager Connie Hood advised the cost per ton lessened to \$2,260 per ton this year. Helena was the low bidder at \$145,770 for 64.5 tons.

MOTION: A motion was made by Councilmember Baca to approve the annual blanket bid for rye grass seed (Palmer IV Prelude IV) for the golf courses and softball complex to be awarded to Helena in the amount of \$145,770.

SECOND: The motion was seconded by Councilmember Hughes.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

REIMBURSEMENT AGREEMENT:

Consider approval of a reimbursement agreement with DSG Holdings for the River Road widening project.

City Manager Gary Esplin, reimbursable agreement with DSG Holdings (Desert Solutions Group) who purchased the property along River Road. They requested that utility stub-outs and access points be installed along their property located along River Road while the widening project is being done rather than having to cut the new roadway in the future. Per the agreement, they will reimburse the City \$100,597 for actual costs.

MOTION: A motion was made by Councilmember Hughes to approve the reimbursement agreement with DSG Holdings in the amount of \$100,597.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin advised that the purchase price for item 6A needs to be discussed in closed session.

PUBLIC HEARING/ZONE CHANGE/ORDINANCE:

Public hearing to consider a zone change on approximately 0.17 acres from R-4 and R-1-10 (Residential) to C3 (Commercial) and approximately 4.5 acres from R-4 and R-1-10 to Open Space; property is generally located south of 476 East Riverside Drive. Southern Utah Disaster Services, applicant.

Planning & Zoning Manager John Willis presented the request for a zone change on 0.17 acres generally located South of 476 East Riverside Drive. He presented a PowerPoint presentation covering the following topics: summary of the request; vicinity map; general plan map; current zoning map; and applicant exhibit. Planning Commission recommends approval.

City Manager Gary Esplin mentioned that the property is bounded by Riverside Apartments. Staff felt open space would be great zoning to attach to the trail. If approved and the applicant purchases the property from the City, a portion of the proceeds from the sale would be used to improve the property adjacent to the trail.

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

MOTION: A motion was made by Councilmember Arial to approve the zone change from R-4 and R-1-10 to C-3 on approximately 1.017 acres and to Open Space on approximately 4.5 acres; property is generally located on East Riverside Drive.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/PD-C ZONE AMENDMENT/ORDINANCE:

Public hearing to consider amending the Pine View Plaza Planned Development Commercial zone on approximately 12.50 acres generally located along the south side of Red Cliffs Drive to add building 375. Steve Jennings, applicant.

Planner Ray Snyder presented the request to amend the Pine View Plaza Planned Development Commercial zone located along the south side of Red Cliffs Drive. He presented a PowerPoint presentation covering the following topics: summary of request; narrative letter; aerial map; site – aerial; plan; close up; and rendering. Staff reviewed parking which meets requirements. Planning Commission recommended approval with the following comments and conditions:

1. Zoning - Approve the PD-C zone change amendment on 12.50 acres.
2. Uses – This use is in harmony with the previously approved uses list for 'Pine View Plaza' on 12.50 acres.
3. Site Plan – The conceptual layout as presented is approved.
4. Colors & Materials – As presented the colors and materials are recommended for approval.
5. Setbacks – Setbacks shall meet the Zoning Ordinance (*staff will confirm during the SPR process*).
6. Landscaping – The applicant shall provide landscaping along Red Cliffs Drive in compliance with the Landscape Ordinance (10-25).
7. Lighting - Provide a photometric plan with submittal of the SPR and demonstrate that lighting will not exceed 1 ft candle at property line and not exceed 15 ft candle on site. Dark sky style lighting fixtures shall be used to avoid a nuisance as seen from adjacent residential neighborhoods and surrounding community.
8. SPR – Upon approval of the zone change, the applicant shall submit an application for a SPR (Site Plan Review) along with the required civil engineering plan set which may include but not be limited to: cover sheet, site

plan, grading plan, erosion control plan, utility plan, landscape plan, irrigation plan, and photometric plan.

9. Merge Lots – The applicant shall legally merge the lots subject to Legal Department review.

City Manager Gary Esplin stated that the applicant contacted him as some of the adjacent property owners misunderstood. This item is before the Council tonight because it is a PD zone. This is a new addition on the existing property, not an increase in acreage or an increase outside the framework and footprint of the original application.

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

MOTION: A motion was made by Councilmember Hughes to amend the Planned Development Pine View Plaza Planned to include building number 375, with the conditions and comments of the Planning Commission.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONE CHANGE/ORDINANCE:

Public hearing to consider changing the zone from R-3 (Multiple Family) to Planned Development Residential for phase 2 and amending the existing Planned Development Residential for phase 3 of the Joshuas at Southgate on 16.78 acres located along Tonaquint Drive north of the Southgate Golf Course. Church Properties, LLC.

Planning & Zoning Manager John Willis explained there are two requests – 1) to change the zone to Planned Development Residential for phase 2 and 2) to amend the existing Planned Development Residential for phase 3 of the Joshuas at Southgate located along Tonaquint Drive, north of the Southgate Golf Course. He presented a PowerPoint presentation covering the following topics: aerial mas of the area; GPA changed from LDR to MDR February 4th CC; current zoning map; proposed site plan; landscaping and parking plan; proposed pool and amenity complex; elevations; photos of proposed single family homes; street views; The Planning Commission spent quite a bit of time and recommended approval 4-2. He reviewed conditions set by the Planning Commission as follows:

1. The applicant must demonstrate they have access through phase 1 and 2 or the adjacent property prior to City Council. The applicant has provided the information, which allows access through phase 1 and 2 of the Joshuas.

2. Requirement for management companies to have 24 hour assistance to its customers.
3. The applicant successfully amend the CC&R's for occupancy limits as presented by the applicant with regarding to size, bedrooms and those that can reside or use each unit.
4. No lock outs or splitting of units allowed.
5. Amenities must be complete before short term rentals are allowed.
6. All final plats and covenants, conditions and restrictions (CC&Rs) which have been recorded shall be amended to include a note indicating that short term residential rental properties are a permitted use. Phase 2 will need to be amended to include the note and modified layout as proposed.
7. City Code requires that an amenity not listed in the ordinance must be approved by City Council. Applicant is proposing a splash pad pool.
8. The applicant is proposing private streets in order to continue the existing streets.

Because this is a PD-C zone change amendment and a request for short term rentals, the Council has considerations when viewing short term rentals in a specific residential neighborhood; some of which are as follows:

1. Are short term rentals compatible with the General Plan for residential areas?
2. This is a commercial residential hybrid.
3. Does it have a greater impact than what is typically found in a residential neighborhood?
4. Is this out of character for this particular area?

He noted that there are approximately 21 existing single family homes in Phase 1 of the Joshuas subdivision. Because the proposed clubhouse is not listed as an amenity in the ordinance, the City Council would have to approve it and determine if it meets the amenity requirements. In order to provide the required onsite, 24-hour management, the applicant is proposing to have four rental companies manage the property.

Applicant Corbin Church presented a PowerPoint presentation covering the following: plan for the project; Joshuas at Southgate facts; aerial map; Why does the Joshuas continue to languish? Clay; Lot 46, 2686 sf, \$289,000; Lot 46, 1450 sf, \$209,900; to mitigate the clay; aerial map of Paradise Village in Santa Clara in 2013; photos of Paradise Valley from August 28, 2014, August 28, 2015 and February 20, 2016; Why would this be beneficial for the residents of the Joshuas?; amenities plan; Why would this be beneficial for the City of St. George?; neighbor's concerns – letters, visits, calls and emails; neighbor's concerns – views; photo of home currently being built; amenity area plan; neighbor's concerns – traffic; neighbor's concerns – parties; neighbor's concerns – free use of the golf course;; neighbor's concerns – crime; neighbor's concerns – noise; neighbor's concerns – ugly homes; neighbor's concerns – parking (cars and RV's); neighbor's concerns – large groups staying in a single home; access; swimming pool & clubhouse; Joshuas swimming pool by comparison; Who is going to police this?; and this rezone is good for all.

Councilmember Bowcutt noted that CCR's have not been recorded. He asked what guarantee is there that they will be recorded.

this property less than a year ago; when they purchased the property, they knew what it was zoned for. He mentioned there are other properties they can put their developments on.

Resident Denise Showalter, president of the Joshuas HOA, stated that she represents the majority of the homeowners and their overwhelming support of the change. She would have never stood behind this cause or asked for community support if measures were not being implemented to mitigate the risks. The homes will not only be used for short term rentals; they will finally have a completed subdivision. She asked the Council to consider the benefits of this change and to help them to achieve their potential as they are out of options.

Resident Julie Nelson stated that she has a 6-year old who she teaches not to talk to strangers. She is opposed to the proposal based upon her concerns for her son's safety as she does not know who her neighbors would be. She asked the Council to deny the request.

Resident Rachel Munoz mentioned that the developer has not addressed the real risk. Tonaquint Intermediate is nearby; the students are the most at risk age for something to go wrong. She does not want her child growing up in an area where he can be at risk of one incident as that is all it takes.

Resident Allen Harrington stated that he is concerned with the buffer zone which is not as wide as Mr. Church projected. He is concerned since the potential for harassment is always there because there is not a proper buffer zone. Even though children currently play on the golf course, there will be an increase with nightly rentals. Although he believes Mr. Church did a great job with his presentation, he asked the Council to deny the request.

Resident Connie Bailey asked the Council to consider that their three minute presentations are taking about an hour and a half of the Council's time; however, this proposal affects their entire life.

Resident Brad Winget stated he is a mortgage and real estate broker and has been in this business for several years. He has successfully managed multiple homes in Paradise Village. He mentioned the rental contract used and noted some of the conditions their tenants have to adhere to. It is great to hear they propose an onsite manager. There has not been a single incident they have had to fine their guests for breaking rules since he began managing Paradise Village. A planned legal short term rental community such as this is a benefit to the City.

Resident Rosalie Mimnaugh stated that she is one of the four homes that will be impacted most. They were not informed of the zone change that has previously taken place. This will greatly affect the homes on Uxbridge, one of which is hers. She asked for clarification on whether or not there can be a wall between them and the Joshuas. They are trying to maintain quality of life and urged the Council to consider these four homes. She understands her home value will decrease because the two-story units proposed on Tonaquint Drive are eyesores.

Resident Dale Bott stated that he believes adding additional people to the area will increase crime statistics. St. George has been touted as one of the top ten secret metro cities in the west - he would hate to see that disappear. He believes the majority of the tenants will be great people; however, there will be some that will commit crimes.

Resident Jane Getzelman commented that they own homes in Las Palmas and in Eden and parking has always been a problem. At times police were called with friends that own units. They have had good renters but there are always issues with parking boats.

Resident Sandy Glade commented that since Mr. Church is seeking to change present zoning he has the burden of providing evidence that his proposal will be positive. He has not told them what the benefits would be as he cannot do so. She stated this will only benefit Mr. Church and those at the Joshuas and requested the Council deny the request.

Resident David Midgley commented that he cares about all of the residents in the area. This proposal will have a negative impact on the values of the surrounding four neighborhoods while being a win for one single neighborhood. He proposed photos of the area and stated the proposal is out of character for the neighborhood. He then asked the Council to deny the request.

Resident Darla Hunt mentioned that she pulled up Paradise Village homes on her phone. One of the homes used for nightly rentals is a 4 bedroom, 4.5 bath home that sleeps 23, another is a 4 bedroom, 4.5 bath home that sleeps 18. Per one of the listings, if extra space is needed, they are instructed to put sleeping bags on the floor.

Resident Beverly Larsen suggested Mr. Church make the entire area into a park.

Resident Paul Bott stated his concern is that the Southgate area represents \$1 million investment in home. The concerns expressed tonight are very real and legitimate. Approving this request would change the characteristics and culture of the neighborhood.

Mr. Church commented that families will stay in these rental homes as there are a limited amount of people who can stay. He believes the discussion is fair but the drama is unhealthy. Looking across at the golf course currently people see debris. Because he purchased these developed lots for \$16,000 each; he can easily flip them; he does not need to be bailed out. The Council has a difficult decision to make and to consider that he wants to rescue the failed subdivision. Some of the homeowners will rent out their homes and will be required to use a management company as they maintain control. After the Planning Commission meeting, they hired someone full time to manage the neighborhood

Resident Dave Veilleux explained that he moved into the area four months ago, after years of evaluating and researching areas to live. He asked the Council if they would approve this in their own neighborhood.

Resident Jennifer Aldana stated that she used to live in Legacy but now lives in Mesa Palms. She wanted to live in the area for safety reasons because she has children. Allowing this subdivision will cause them to lose so much. She fears for her kids as there are dishonest people.

Mayor Pike closed the public hearing.

City Attorney Shawn Guzman pointed out that 10-14-21 of City code pertaining to the purpose and intent of short term rentals states: The purpose of this section is to promote the health, safety and general welfare of the residents of the city by

establishing zoning regulations and zoning standards for short term leases of residential properties in the city so as to ensure:

1. Protection of the environment of the city, including use compatibility with existing residences;
2. Preserving the existing character and property values of the community by assuring appropriate uses;
3. Establishment of appropriate governance procedures to plan and oversee short term leases of residential properties to promote the interests and welfare of the community; and
4. Promote peace and safety within neighborhoods of the city.

He then mentioned that 10-8-1 of City Code, pertaining to the purpose of planned development zones, also lists compatibility of planned development zone type projects with existing developments. These are the considerations the Council has when considering the applicant's request for a zone change.

Mr. Willis explained that the request is as follows: to rezone phase 2 from R-3 to PD-R, to amend phase 3, which is currently PD-R, to include townhouses and site plan and allow for short term rentals for the overall PD. He believes it could be approved in two motions.

City Attorney Shawn Guzman advised it would be appropriate to approve in one motion as the developments together make up the 100 units needed.

City Manager Gary Esplin commented that if the Council concurs with the request, they would also have to determine if the proposed amenities meet the requirements in the ordinance.

City Attorney Shawn Guzman stated the ordinance says pool and clubhouse; however, the Planning Commission decided that the pool as presented was enough of an amenity.

Mr. Willis added that with the splash pad and gathering area, the Planning Commission considered it a package.

City Attorney Shawn Guzman noted that there is room for that allowance.

Councilmember Arial commented that for many months, she has thought about how short term rentals fit into the community. She does not have a problem with them and has previously used them. Her personal feeling is that if the surrounding residential neighborhoods do not want them, neither does she. This is not Park City, San Diego or Las Vegas; this St. George – that means something very distinct and different to her.

Councilmember Randall commented that she is not against nightly rentals; however, the Council recently approved nightly rentals at the Bloomington Country Club where they have many more amenities than what this proposal will offer. If someone buys a subdivision next to Paradise Village, they know what is next to them whereas these residents did not know there would be short term rentals next to them. She mentioned that she is not in favor of this project.

Councilmember Baca stated that he studied this request for several weeks. First and foremost, St. George is a family community. The Council's job is to protect the health, safety and tranquility of neighborhoods. He added that he has spent the last few days at Beehive Homes with his mother-in-law; out her window, he looked directly at this site. He felt the tranquility as has been mentioned by the residents who are present tonight. He is prepared to make a motion to deny this request.

Councilmember Bowcutt commented that for him, one of the challenges is that this would set a precedent that a phase of a subdivision may be changed to help get rid of a project.

Councilmember Hughes told Mr. Church that he does not agree with many of the concerns brought up, but he struggles with zoning. The Council is not against short term rentals - there is a place for them; however, this is not it. He explained that the state legislature will consider taking away the power of the cities to regulate short term rentals. He encouraged citizens to let the legislatures know how they feel.

Mayor Pike commented that St. George is a desirable place for visitors. Short term rentals can be accomplished under the current ordinance. The question is – should they be here and what does it do the immediate and broader neighborhood.

MOTION: A motion was made by Councilmember Hughes to deny the zone change.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

Mayor Pike called for a brief recess.

PUBLIC HEARING/FISCAL YEAR 2016-17 BUDGET:

Public hearing to consider public input regarding the Fiscal Year 2016-17 Budget.

Mayor Pike explained that the City is required to hold one public hearing prior to adopting the budget; this is the first of two. He opened the public hearing. There being no public comment, he closed the public hearing. He then reminded the Council to talk to either him or City manager Gary Esplin regarding any comments they have on the preliminary budget.

A discussion took place regarding work meetings being cancelled in June and July.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to construct a detached accessory structure with a maximum midpoint height of approximately 19' on lot 51 of the Meadow Valley Farms subdivision located on 3970 South Street. S&S Homes, applicant.

Planner Ray Snyder presented the request for a conditional use permit to construct a detached accessory structure on lot 51 of the Meadow Valley Farms subdivision. He presented a PowerPoint presentation covering the following topics: check list for cup's; vicinity aerial map; zoning map; plat; house plans; elevation; and comments outlining the request as follows: email in opposition; photos of the area; examples of large garages in the neighborhood and photos of the lot with the home being built and findings from the Planning Commission – those that apply are aesthetics, height and maintain character and purpose of the zone. Planning Commission recommended approval with the following conditions, comments and findings:

1. Lot 51 - The property is an interior lot with frontage & access only on 3970 South Street.
2. Personal Use - The detached garage and carport is approved only for personal use (ATV, auto, RV, boat storage).
3. Setbacks - The requested setbacks are approved as 5 ft. from the rear property line and 2 feet from the side property line.
4. JUC Letter – The applicant shall obtain and provide a letter of approval from the JUC (Joint Utility Committee) for encroachment in to the side and rear yard setbacks. This shall be provided with the building permit.
5. Location to Home - The structure(s) will be constructed approximately 11.84 feet from the home.
6. Height - The proposed height (midpoint) is approx. nineteen feet (19') to accommodate an RV.
7. Materials - The detached structure will be constructed to match the home using wood construction with a stucco exterior and a concrete tile roof.
8. No H.O.P. – there shall be no HOP (Home Occupation Permit) granted for any business in the work shop or garage area. *(per Section 3-7-1 - only permitted businesses conducted within the residence would qualify for a HOP)*

MOTION: A motion was made by Councilmember Randall to approve the conditional use permit at 3970 South Street for the detached accessory structure.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/2016 JAG GRANT/INTERLOCAL AGREEMENT:
Public hearing to receive public input on and consider approval of an interlocal agreement between the City of St. George and Washington County for the 2016 Byrne Justice Assistance Grant (JAG Grant) for the Police Department.

City Manager Gary Esplin advised each year the Police Department receives funds through the Justice Assistance Grant (JAG Grant) administered through an agreement with Washington County. A public hearing is required.

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

MOTION: A motion was made by Councilmember Hughes to approve the interlocal agreement for the JAG Grant.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

FINAL PLAT AMENDMENT:

Planning & Zoning Manager John Willis presented the request to amend the final plat for Foremaster Ridge Phase 4 Amended located at 1682 East 180 South Street; zoning is R-1-8. The purpose of the amendment is to subdivide lot 442 into two lots and create a public utility easement on the new lot line. He showed and reviewed the amended final plat.

MOTION: A motion was made by Councilmember Baca to approve the final plat amendment for Foremaster Ridge Phase 4.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

FINAL PLAT AMENDMENT:

Planning & Zoning Manager John Willis presented the request to amend the final plat for Hawthorn Estate Phase 2 Amended and Extended located at 3126 East Tonoak Drive; zoning is R-1-10. The purpose of the amendment is to make lot 30 square so other future lots surrounding the lot will also be square. He showed and reviewed the amended final plat.

MOTION: A motion was made by Councilmember Hughes to approve the final plat amendment for Hawthorn Estate Phase 2 Amended and Extended.

SECOND: The motion was seconded by Councilmember Baca.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

FINAL PLAT AMENDMENT:

Planning & Zoning Manager John Willis presented the request to amend the final plat for Primrose Pointe Subdivision Phase 3 Amended located at approximately 138 North Acantilado; zoning is R-1-10. The purpose of the amendment is to adjust the interior lot restriction on the "no access line" for lot 95 – a note will be added to the plat. This change will allow lot 95 to have access near lots 94 and 96. He showed and reviewed the amended final plat.

MOTION: A motion was made by Councilmember Arial to approve the amendment to the final plat for Primrose Pointe Subdivision Phase 3 Amended.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

FINAL PLAT AMENDMENT:

Planning & Zoning Manager John Willis explained that the applicant requested the final plat amendment for Shadow Mountain Townhomes 2nd Amendment be tabled as there are issues they need to work out prior to presenting to the Council.

FINAL PLAT:

Planning & Zoning Manager John Willis presented the final plat for Tupelo Estates Phase 5, a 9-lot residential subdivision located at approximately Crimson Ridge Drive and 3210 East; zoning is R-1-8. He showed and reviewed the final plat.

MOTION: A motion was made by Councilmember Hughes to approve the final plat for Tupelo Estates Phase 5.

SECOND: The motion was seconded by Councilmember Baca.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

SUBDIVISION APPROVAL:

Planning & Zoning Manager John Willis presented the request to approve a 10-lot subdivision without a plat for SG-1620 located on the south side of 250 North Street between Main Street and 100 East Street; zoning is Residential Central City (RCC). He showed and reviewed the record of survey. The approval should be conditioned upon a purchase agreement for a portion of the City right-of-way.

City Manager Gary Esplin advised that the easement was recently abandoned.

City Attorney Shawn Guzman noted that the easement will still have the appropriate utilities.

MOTION: A motion was made by Councilmember Hughes to approve the subdivision of lots without a plat for SG-1620 with the condition that a purchase agreement be worked out with the City for the abandoned property.

SECOND: The motion was seconded by Councilmember Baca.

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

- Councilmember Hughes – aye
- Councilmember Randall - aye
- Councilmember Bowcutt – aye
- Councilmember Arial – aye
- Councilmember Baca – aye

The vote was unanimous and the motion carried.

REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:

Councilmember Arial mentioned that John Kessler elected Chair of the Arts Commission.

Councilmember Baca reported at the recent MPO meeting, they had an interesting discussion on the proposed transit system to Springdale.

City Manager Gary Esplin stated that on the June 30 work meeting, the study will be presented.

Councilmember Baca also stated that the Dinosaur Museum Board received a grant for the mural and is hoping to get funds from the RAP Tax grant.

Councilmember Hughes reported on the homeless coordinating meeting, some people do not want to be helped. Also, they discussed long term affordable housing and the need for transportation countywide.

Councilmember Bowcutt reported that the recent Planning Commission was short and the Airport Advisory Board held a good meeting.

ADJOURN TO CLOSED SESSION:

MOTION: A motion was made by Councilmember Arial to adjourn to a closed session to discuss property sale and potential litigation.
SECOND: The motion was seconded by Councilmember Baca.
VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye
Councilmember Baca - aye

The vote was unanimous and the motion carried.

The meeting reconvened following the closed session.

SALE OF CITY PROPERTY:

Consider the sale of City property located at 250 North between Main Street and 100 East Street. Matt Glendenning, applicant.

MOTION: A motion was made by Councilmember Arial to table the item.
SECOND: The motion was seconded by Councilmember Hughes.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye
Councilmember Baca - aye

The vote was unanimous and the motion carried.

ADJOURN:

MOTION: A motion was made by Councilmember Hughes to adjourn.
SECOND: The motion was seconded by Councilmember Randall.
VOTE: Mayor Pike called for a vote, as follows:

Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye
Councilmember Baca - aye

The vote was unanimous and the motion carried.