

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 1, 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 was led by Wendy Barris and the invocation was offered by Pastor Joe Doherty with the New Promise Lutheran Church.

Councilmember Baca read a proclamation proclaiming September as Childhood Cancer Awareness Month.

COMMENTS FROM THE PUBLIC:

Mayor Pike outlined the rules for speaking during this portion of the agenda. He mentioned that two forms were received; however, the citizens wished to comment on items on tonight's agenda, which is not allowed. One of the items wished to be discussed is item 6A. He explained that item is a lot split and does not require a public hearing. Zone changes do require public hearings. Additionally, he mentioned that the SunRiver public hearing is not on tonight's agenda, rather the Council will set the public hearing for September 22, 2016.

A gentleman from the audience expressed his objection to the Mayor's position.

FINANCIAL REPORT:

Consider approval of the financial report for July, 2016.

City Manager Gary Esplin advised this is the first month of the fiscal year.

MOTION: A motion was made by Councilmember Arial to approve the financial report for July, 2016.

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.

AWARD OF BID:

Consider award of bid for the St. George Industrial Park Drainage Phase 2 project.

City Manager Gary Esplin explained this item is for the drainage at the industrial park which has always been a problem. Funds for this project are included in the current budget.

Purchasing Manager Connie Hood advised Progressive Contracting was the low bidder in the amount of \$484,828.81.

MOTION: A motion was made by Councilmember Randall to approve the bid for the St. George Industrial Park Drainage Phase 2 project to Progressive Contracting in the amount of \$484,828.81.

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.

AWARD OF BID:

Consider award of bid for the annual slurry seal project.

City Manager Gary Esplin explained this is the annual slurry seal project as part of pavement management program and is included in the current budget.

Purchasing Manager Connie Hood recommended awarding the bid to M&M Asphalt Services in the amount of \$103,000, about 10% less than last year.

City Manager Gary Esplin added that the agenda packet includes a list of the street that will be done as part of the project.

MOTION: A motion was made by Councilmember Baca to award the bid to M&M Asphalt Services to complete the 2016 slurry seal project in the amount of \$103,000.

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.

AWARD OF BID:

Consider award of bid for a 2016 Freightliner chassis/cab for the Water Department.

City Manager Gary Esplin explained the purchase of a portion of a dump truck from Freightliner of Utah will be made under the state contract. The current budget includes \$150,000; however, the cost for this part as well as the other total \$142,000 for both parts.

Purchasing Manager Connie Hood added that the purchase price for this particular part is \$105,680.

MOTION: A motion was made by Councilmember Hughes to approve the bid for the Freightliner in the amount of \$105,680.

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 of the seal coat project for Red Hills Parkway.

City Manager Gary Esplin explained this item is part of the pavement management program. This is a sole source bid with Straight Stripe Painting. A portion of the road was tested with this new product; it turned out well. He outlined which streets will be coated.

Purchasing Manager Connie Hood advised the amount is \$146,000.

MOTION: A motion was made by Councilmember Arial to approve the contract with Straight Stripe Painting for a sand seal coat on Red Hills Parkway in the amount of \$146,000.

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.

AWARD OF BID:

Consider award of bid for the high density mineral bond seal coat project for various streets within the City.

City Manager Gary Esplin explained this is a sole source bid with Holbrook Asphalt for high density mineral bond seal coat. This product will be used on private streets throughout the City and on trails.

Purchasing Manager Connie Hood recommended awarding the bid to Holbrook Asphalt in the amount of \$123,750.

MOTION: A motion was made by Councilmember Randall to approve the contract with Holbrook Asphalt in the amount of \$123,750.

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.

AWARD OF BID:

Consider award of bid for six (6) substation voltage cooper regulators for Snow Canyon and Eastridge additions.

City Manager Gary Esplin stated this is also a sole source for substation regulators for the new facilities.

Purchasing Manager Connie Hood advised Anixter is the manufacturer's regional representative for Eaton Power Systems. The cost for the regulators is \$199,923.84

MOTION: A motion was made by Councilmember Hughes to award the bid for six (6) substation voltage regulators in the amount of \$199,923.84.

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 transformer relays, voltage regulators and recloser controls for the Eastridge and Snow Canyon substation upgrade.

City Manager Gary Esplin explained this item is for additional equipment for the new substations. The cost for the additional equipment is \$54,483 and is included in the current budget.

Purchasing Manager Connie Hood noted that Schweitzer Engineering is the sole source provider of this equipment.

MOTION: A motion was made by Councilmember Hughes to approve the bid with Schweitzer Engineering for the voltage regulators in the amount of \$54,483.

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.

AWARD OF BID:

Consider award of bid for the purchase of a records analytics program for the Police Department.

Police Chief Marlon Stratton advised the Police Department utilizes Spillman Technologies. This bid is for a program to assist staff with extracting information from their records management system; currently being done manually which is time consuming. Additionally, the activity of the officers is logged; this program will help with the deployment and assignment of officer where there is greater need.

City Manager Gary Esplin explained additional funding is not being requested; rather staff will look at readjusting their priorities.

MOTION: A motion was made by Councilmember Arial to approve the purchase of Spillman Dashboard for the records management system in the amount of \$64,960.

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 bulk fuel.

City Manager Gary Esplin advised this bid is for the annual purchase of fuel.

Purchasing Manager Connie Hood explained Overland Petroleum is like a clearinghouse for purchasing fuel. The City has seen good results in the last 5 years. This is an annual blanket not to exceed \$1,500,000.

City Manager Gary Esplin further explained that Overland Petroleum "chases" the refineries to find the best cost to purchase the fuel.

MOTION: A motion was made by Councilmember Hughes to approve the blanket bid for fuel purchase with Overland Petroleum in the amount of \$1,500,000.

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.

AWARD OF BID:

Consider award of bid for the Bloomington baseball field construction.

City Manager Gary Esplin explained when the City sold the Elks Field, the baseball field was relocated to Bloomington Park and the horseshoe pits were moved to Snow Park. As part of the move, baseball representatives asked the City to build another baseball field at Bloomington Park that can be used as a little league field. Sunrise Engineering designed a field with a grass infield. Bids came in under the budgeted amount at \$269,547.31; however, it does not include any lights. The low bidder was B. Hansen Construction.

Mayor Pike clarified that the equestrian field will remain.

City Manager Gary Esplin advised this new field will replace the volleyball courts.

Parks Planner Millie Cockerill explained the conduits and boxes for the lights will be installed. The total cost including the lights was approximately \$380,000.

Councilmember Hughes added that he would like to find a way to get the lights.

City Manager Gary Esplin will look into this to see if staff can install the lights.

The Council discussed the sand volleyball courts at Vernon Worthen Park.

MOTION: A motion was made by Councilmember Hughes to award the bid for the baseball fields at \$269,547.31.

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.

AWARD OF BID:

Consider award of bid for the supply of 24" ductile iron pipe and appurtenances for the pipeline between the Mall Drive Bridge and Riverside Drive.

City Manager Gary Esplin explained Desert Hills Construction is currently installing all of the underground utilities for the Smith's being built along Mall Drive. There is a need to install a 24" waterline along the bridge to Riverside Drive. He recommends hiring Desert Hills to install the waterline as they are already installing utilities in the area and there cannot be two contractors working in the same area at the same time.

Water Services Director advised the low bidder for the materials and supplies was Ferguson. He clarified that they are not going all the way to Riverside Drive.

Mayor Pike noted that the cost of the materials is \$159,012.60.

MOTION: A motion was made by Councilmember Hughes to award the bid for the 24" pipe for Mall Drive in the amount of \$159,012.60

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.

APPROVAL OF A CONTRACT:

Consider approval of a contract to install 24" waterline along Mall Drive and through the Smith's project.

MOTION: A motion was made by Councilmember Hughes to approve the contract with Desert Hills Construction to install 24" ductile line for \$127,000.

Mr. Taylor noted that the cost changed a bit as Desert Hills did not have their payment performance bond included in the cost. The updated cost is \$129,002.

AMENDED

MOTION: A motion was made by Councilmember Hughes to change the cost to \$129,003.

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.

PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:

Public hearing to consider amending the General Plan from Low Density Residential to Commercial on approximately 7.0 acres generally located at the intersection of 2450 South and River Road. Dave Weller, applicant.

Planner Ray Snyder presented the request to amend the General Plan from Low Density Residential to Commercial on approximately 7.0 acres generally located at the intersection of 2450 South and River Road. He presented a PowerPoint presentation covering the following: summary of request; general plan map; zoning map; aerial site; proposed general plan amendment; letter from applicant to residents; resident's response; comparable commercial sites; and 500' radius letters sent out.

Councilmember Bowcutt clarified that the finished product will not be seen until it comes in for approval.

Dave Weller, applicant, pointed out that he met with the neighbors. At the meeting in April, it was decided that Patrick Carroll and Zac Weiland be act as a liaison between him and the neighbors. He feels as this is a compromise as all parties have not gotten what they wanted.

Resident Zac Weiland explained he spent quite bit of time talking with the other residents. With the changes in the overall plan, the neighbors and the developer were able to come to a consensus; residents are now in support of the proposed change.

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

Mr. Weller explained that he has talked to the veterinarian in the area – at this point he plans on staying separate from this project. He will visit with him again once they get further along with the project.

Planning and Zoning Manager John Willis noted that this is a General Plan amendment; therefore it is a bubble. Looking at the way it is configured, it would be difficult to layout a property that is this narrow along River Road. When the zone change comes in for approval, it may change a bit.

MOTION: A motion was made by Councilmember Randall to amend the General Plan from Low Density Residential to Commercial on approximately 7.0 acres located at 2450 South and River Road.

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.

PUBLIC HEARING/AMEND HIDDEN VALLEY MASTER PLAN/ORDINANCE:

Public hearing to consider amending the Hidden Valley Master Plan increasing the total number of residential units and amending the Planned Development Residential zoning district to add 54 units on approximately 4.46 acres; property is generally located at the northeast corner of 840 West and Desert Hills Drive. Development Solutions, applicant.

Planning and Zoning Manager John Willis presented the request to: 1) To amend the Hidden Valley Master Plan to increase the number of units and 2) To review a townhouse project. The project is on approximately 4.46 acres generally located at the northeast corner of 840 West and Desert Hills Drive. He presented a PowerPoint presentation covering the following topics: aerial map; zoning map; general plan map; summary of the proposal; land use plan map; a close up of land use plan map; proposed Master Plan amendment; site plan for Desert Hills Townhomes; landscape concept plan; elevations; shutter detail; entry sign; and photos of the site. The Planning Commission recommended approval 5-0 with the following conditions:

1. The applicant has submitted a colored site plan, colored elevations and a color materials board as required.
2. A six foot masonry wall be built adjacent to the existing commercial use to the north.
3. Buildings must meet setback and building separation requirements for the PD zone.
4. A subdivision will need to occur along the zone boundaries.

5. Building permits for construction must be obtained within eighteen (18) months or property will revert back to the previous zone.

The overall PD was approved for 1600 units; this request will increase that number by 54. Access is proposed to be off 840 East which will not trigger a traffic study.

Councilmember Bowcutt clarified the commercial area will remain commercial, it is just being reduced.

Applicant Curt Gordon stated that he feels this is a good fit for the neighborhood and that it is consistent with what is across the street.

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 amending the Hidden Valley Master Plan, increasing the total number of residential units and amending the PD-R zone to add 54 units on approximately 4.46 acres.

SECOND: The motion was seconded by Councilmember Hughes.

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.

SUBDIVISION OF 10 LOTS OR LESS:

Consider approval of a subdivision of 10-lots or less without a plat on property located on the west side of Snow Canyon Parkway between Dixie Downs Road and 2200 North. Civil Science, applicant.

Assistant Public Works Director Wes Jenkins presented the request for a subdivision of 10-lots or less without a plat on property located on the west side of Snow Canyon Parkway between Dixie Downs Road and 2200 North. He showed and outlined the proposed subdivision. The applicant would like to split the lot to create two commercial building lots.

Neal Walter, representative for Harts, stated they have tried really hard to work on traffic considerations and have been cognizant and aware of the concerns with Snow Canyon Parkway. This item was tabled at the last City Council meeting so they could visit with City Manager Gary Esplin and City Attorney Shawn Guzman regarding potential concerns regarding the proposal. The applicant was receptive to the

issues and concerns of the City and has made accommodations, specifically with the building architecture, landscaping and lighting. Representatives from Civil Science have reached out to members of the community to hear and understand their concerns.

Mayor Pike mentioned this item is a request for a lot split. As this parcel is already zoned commercial, it does not require a public hearing. He acknowledged that the Council has received and read a fairly large number of emails regarding this subject; they understand the concerns. The developer has offered to continue to meet with staff to discuss such things as colors, landscaping and lighting so that the project can be as pleasant as possible. He has personally spoken with the Co-CEO of the company who is willing to work with staff if the project were to move forward.

Councilmember Baca noted that this has gone above and beyond a typical lot split. What is being done is similar to a Planned Development, voluntarily by the applicant.

Councilmember Hughes explained this is a lot split – this property has been zone C-2 for a number of years. Some residents stated that the Council should have been more forward thinking and initiated a zone change sooner – the City does not initiate zone changes. Another said that this is not the place to have commercial. At this point, the Council is simply considering a lot split. He does not remember a lot split ever being denied. The City's goal moving forward is to work with the developers to mitigate some of the concerns voiced by neighbors.

Councilmember Bowcutt expressed his appreciation to all of the residents who submitted letters/emails. It is encouraging to see this type of response from the citizens prior to the meeting. Too many times, they receive complaints after.

Councilmember Baca commented that as the zone sits, the applicant can build a gas station and a convenience store on the property.

MOTION: A motion was made by Councilmember Hughes to approve the lot subdivision on the corner of Snow Canyon Parkway and Dixie Downs Road.

SECOND: The motion was seconded by Councilmember Arial mentioning that she has read all of the emails and loves Snow Canyon Parkway.

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.

SET PUBLIC HEARINGS:

Planner Ray Snyder advised at its meeting held on August 23, 2016, the Planning Commission recommended setting public hearings for September 22, 2016 to consider: 1) a zone change amendment for the Dixie Regional Medical Center – Intermountain Healthcare parking lot expansion consisting of A) changing approximately 17 acres located on the east side of Medical Center Drive from Administrative Professional to Planned Development Commercial and include it into the medical campus and B) expanding the hospital parking by developing a parking lot on the east side of Medical Center Drive to support the campus, its expansion and a future proposed cancer center building; 2) a zone change amendment for the Sun River Commons by A) moving 9.78 acres of PD-R zoning from the SunRiver St. George Planned Development into the Interchange PD and combine it into the mixed use area 3.1 and to update its land use to mixed use; B) approve a proposed 5-story hotel site on 2.43 acres fronting SunRiver Parkway, west of Pioneer Road; and C) restore the use of auto sales & service (including RV) as a permitted use in the Interchange PD’s Community Commercial planning areas; 3) a zone change from R-1-10 to PD-r pm 2.95 acres to accommodate the River Walk Village, a multiple family development project located on the west side of the logical extension of 2450 East and the Virgin River; and 4) a zone change from R-1-12 to R-1-10 on 0.61 acres located north of Sage Meadows Phase 3 between 2940 East and 3000 East.

Councilmember Baca noted that the Council is not voting for any of the issues mentioned, they are simply setting the public hearings.

MOTION: A motion was made by Councilmember Baca to set the public hearings to advertise the items as discussed for September 22, 2016.

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.

City Manager Gary Esplin mentioned that he asked Councilmember Bowcutt to clarify what “restore auto dealership” meant. It means to restore the zoning that was previously deleted from the list of uses.

FINAL PLAT:

Assistant Public Works Director Wes Jenkins presented the final plat for The Cove at Little Valley Phase 1, a 23-lot residential subdivision located at the southeast intersection of Horseman Park Drive and 2350 East Street; zoning is R-1-12. He showed and outlined the final plat. The developer dedicated additional right of way to the City so that the roads align.

Councilmember Arial stepped out.

MOTION: A motion was made by Councilmember Randall to approve the final plat for the Cove at Little Valley Phase 1.

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.

HILLSIDE DEVELOPMENT PERMIT:

Planner Ray Snyder presented the request for a hillside development permit to develop a 100' tall cell tower and related building equipment on property generally located off Dixie Drive near Star Nursery. He presented a PowerPoint presentation covering the following topics: background and summary of request.

Councilmember Arial returned and Mayor Pike stepped out.

Mr. Snyder noted that the property has not yet been annexed into the City. Once the annexation is complete, it will be zoned Mining & Grading which allows for a cell tower. He continued with the PowerPoint presentation covering the following topics: density & disturbance, drainage, and the geotech report. He mentioned that a permit is required and outlined the process for approving the request. It is recommended that the following conditions be proposed to the Planning Commission and City Council for this project:

1. The requested disturbance as presented is recommended for approval
2. The applicant shall demonstrate previous County entitlements and prior site approvals for the site while in the County jurisdiction to the satisfaction of the City of St. George.
3. The property shall be legally annexed into the City before any permits may be issued.
4. The applicant shall submit a site plan review application for civil engineering plan review.
5. The applicant shall submit a building permit application and the project shall have a full review by the Building and Fire Departments.
6. The applicant shall submit a construction plan set.
7. The tower height shall not exceed 100' in height.
8. The applicant shall provide an access easement/agreement for review and approval by the City Attorney's office. The access shall be made available through a 15' access and utility easement/agreement along the southeasterly property line as presented.

9. The applicant shall install as presented, a 6' high CMU (block) wall around the perimeter of the telecommunications facility with gates.
10. The minimum required setbacks for a building/structure in the Mining & Grazing zone are 25' for the front and street side and 20' for a side or rear yard. The applicant shall demonstrate this is met in the plan review process.

Mayor Pike returned.

After visiting the site, the Hillside Review Board recommends approval with the suggested comments and conditions from staff. Further, the Board felt the requested disturbance is non contiguous and insignificant per the hillside ordinance. The Board suggested the following comments/conditions:

1. The applicant shall provide a drainage report to City staff for review and approval.
2. The report shall address all on-site and off-site drainage as a result of this development.
3. The Board asked the applicant to consider moving the tower a bit to the north.
4. A geotechnical report will be required for staff to review and approve as well as a soils report.
5. The Board recommends the applicant consider an alternate access through the adjacent property and not off Dixie Drive. If access is to off Dixie Drive, the Board recommended a barrier gate be installed to prevent the public from accessing the site.
6. The Board prefers a chain link fence rather than a block wall be installed around the tower and equipment building.

Mr. Snyder presented the following: letter from Alpha Engineering; vicinity map; aerial view; photos of the site; contour map; plan and profile for road; zoning map; general plan map; site plan; utility plan; and photos of the site.

Councilmember Baca noted the County approved the cell tower. When the property is annexed into the City that approval will have to be allowed.

City Attorney Shawn Guzman advised this site was the subject of a lawsuit. This request is part of the negotiated settlement on the lawsuit. He provided an updated on the annexation and explained that some of what was negotiated was the block wall.

City Manager Gary Esplin noted that it is was the applicant's responsibility to install the block wall correctly.

Jared Madsen with Alpha Engineering who represents the applicant stated they will be going through the approval process and will address all of the issues and concerns.

MOTION: A motion was made by Councilmember Hughes to approve the hillside development permit with the conditions outlined by the Planning Commission.

SECOND: The motion was seconded by Councilmember Randall.

City Attorney Shawn Guzman advised the Planning Commission did not recommend a block wall.

AMENDED

MOTION: Councilmember Hughes amended his motion to approve the permit with the conditions of the Planning Commission except adding the block wall be built and striking the chain link fence.

SECOND: The motion was seconded by Councilmember Randall.

Planning & Zoning Manager John Willis added that the Hillside Review Board recommended a chain link fence because of concerns with blue clay.

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.

HILLSIDE DEVELOPMENT PERMIT:

Planner Ray Snyder presented the proposed project flowchart for a hillside permit to remove the Jones Family Hill located at 1923 South River Road. He presented a PowerPoint presentation covering the following topics: history of request to remove hill; purpose of the hill removal; questions and answers; letter from Sunroc Corporation; and flow chart.

Applicant Dan Tovey explained there was a conditional approval. The time frame of 18 – 24 months can be met. He spoke with Sunroc regarding the time frame and removal.

Councilmember Baca clarified that Council approved the request with conditions. He asked for a better understanding on the time frame as this will make a big impact on the traffic on River Road.

Mayor Pike mentioned the minutes from the previous City Council meeting – they stated that it could take six months or longer. He asked why it couldn't be done sooner and if they plan on taking their time to be able to sell the dirt and rock.

Mr. Tovey replied yes. There are approximately 515 cubic yards that have to be removed. They are trying to be sensitive to the number of trucks to reduce the burden on River Road.

Mayor Pike mentioned that one of his concerns is that this is creating an excavation pit in the middle of town. The impact of the street itself is concerning as well as how long this may take.

Mr. Tovey mentioned the schedule was put together by Sunroc and should be in the packet.

A discussion took place regarding the removal and the number of trucks being used. There would be about one truck every six minutes for up to two years.

Councilmember Bowcutt commented that he believes the project will beautify the area – there can be a truck every ten minutes anywhere in the City. Further, he believes the City has micro managed the project.

Councilmember Randall commented that it would feel like moving Bryce Christensen's business at that property.

Councilmember Hughes commented that complaints come in about Mr. Christensen's business as well.

Mayor Pike noted that the Council needs to decide if the impact is worth it.

Mr. Tovey mentioned that Cottam Cove has the need for 25% of the material which will keep it off River Road. There is a combination of things that can be done to reduce the number of trucks.

City Manager Gary Esplin asked if there has been an analysis of what is in the hill.

Mr. Tovey stated yes. There are about 86,000 yards of sandstone and has been tested by Landmark. Regarding air quality, Sunroc has stated that they will take measures to see that guidelines are followed as they do on other projects.

City Attorney Shawn Guzman explained that a blasting permit will be issued. If the blasting causes damage to a neighbor's home, the City would not be responsible. The neighbor can take action against the entity doing the blasting.

Councilmember Hughes commented that he sees the value of removing the hill, but it will be a painful process and he worries about the project being halted in the middle of it.

A discussion took place regarding bonding for the project.

Mr. Tovey noted there are currently five projects that will take the material. The mining, sorting and loading will be done through Sunroc and multiple companies will be removing the material themselves. It is quite possible that it can be completed sooner than the two years.

Councilmember Hughes pointed out that the hillside permit was approved; however, the applicant did not have a plan at that time.

Mayor Pike inquired if approved, can it be conditional on the applicant working with staff to minimize the impact.

City Attorney Shawn Guzman advised staff can draft an agreement; however, he is not clear on what the Council would like to see in the agreement.

A discussion took place on what the terms of the agreement should be.

Mr. Tovey added that they have a pending agreement with Sunroc.

The consensus of the Council is to have City Attorney Shawn Guzman draft an agreement fairly quickly and have City Manager Gary Esplin approve it.

City Manager Gary Esplin noted that he believes the main issues needing to be addressed are the number of vehicles, load amounts, dust control and blasting. His biggest concern is that they work with more than one excavator. There needs to be some sort of control with a reputable company.

City Attorney Shawn Guzman asked if this is the flow chart the Council wants to approve or do they want to have one included in the agreement.

After a discussion, the Council recommended the flow chart be approved as part of the agreement.

MOTION: A motion was made by Councilmember Hughes to instruct staff to work out an agreement with the applicant so there is someone in charge and that it covers of the issues as discussed and to approve the 24 month time frame subject to the approval of an agreement by the City Manager.

SECOND: The motion was seconded by Councilmember Bowcutt.

Councilmember Baca stated that he believes 24 months is too big a burden to put on the roadway and citizens.

City Attorney Shawn Guzman advised the approval is not requiring them take the entire 24 months if the project can be done sooner.

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

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

The motion carried.

Mayor Pike called for a five minute recess.

PERMANENT TRANSFER OF FIREARMS

Consider approval of a permanent transfer of firearms to the State lab.

City Manager Gary Esplin explained the request is to transfer the firearms currently in evidence to the State lab to handle.

MOTION: A motion was made by Councilmember Bowcutt to approve the permanent transfer of firearms to the State lab.

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.

**WASTEWATER COLLECTIONS BUILDING ADDITION:
Consider approval of the Wastewater Collections building addition.**

City Manager Gary Esplin advised this item is for the addition to the Wastewater Collections building. This project is included in the current budget. It is recommended to award the project to the low bidder, Steed Construction.

MOTION: A motion was made by Councilmember Arial to award the Wastewater Collections building addition project to Steed Construction.

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.

**PURCHASE EQUIPMENT FOR WASTEWATER TREATMENT PLANT:
Consider approval to purchase surface aeration equipment for oxidation ditches #1 and #2 at the Wastewater Treatment Plant.**

City Manager Gary Esplin stated there was emergency purchase made to clean out residue left in the ditches at the Wastewater Treatment Plant. Recently, one of the aerators fell into the other ditch. He explained three bids were received; Bryce Christensen was the low bidder. The first ditch has already been cleaned out and hauled to the landfill. He noted that only two of the four ditches currently operational. Staff found two aerators that are exactly like the ones needed.

Water Services Director Scott Taylor added that WesTech Engineering has two aerators currently and will fabricate the other two. The cost is \$399,640 for the four of them.

MOTION: A motion was made by Councilmember Bowcutt to purchase surface aeration equipment for the oxidation ditches at the Wastewater Treatment Plant.

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.

**TRANSFER A PORTION OF LEDGES PARKWAY TO THE CITY/RESOLUTION:
Consider approval of a resolution accepting a transfer of a portion of Ledges
Parkway to the City.**

City Manager Gary Esplin explained when the original developers of the Ledges Golf Course filed bankruptcy, the roadway was never recorded. The ownership stayed within his property and was not part of the bankruptcy. Because he did not pay taxes on the property, the County acquired it. The recommendation is to accept the right-of-way from the County by resolution.

MOTION: A motion was made by Councilmember Arial to approve the transfer of a portion Ledges Parkway to the City.

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.

**SALE OF CITY PROPERTY:
Consider approval of the sale of 426 sq. ft. of City owned property adjacent
to Millcreek Park. Calvin and Emily Staheli, applicants.**

City Manager Gary Esplin recommended selling City owned property adjacent to Millcreek Park to the Staheli's. The property will be sold at \$1.50 per sq. ft.

MOTION: A motion was made by Councilmember Randall to approve the sale of City owned property adjacent to Millcreek Park to Calvin and Emily Staheli.

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.

REPORTS FROM THE MAYOR, COUNCILMEMBERS AND CITY MANAGER:

No reports were given.

MINUTES:

Consider approval of the minutes from the meeting held on July 21, 2016.

MOTION: A motion was made by Councilmember Randall to approve the minutes from July 21, 2016.

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 TO CLOSED SESSION:

MOTION: A motion was made by Councilmember Randall to discuss property sale.

SECOND: The motion was seconded by Councilmember Bowcutt.

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.

Mayor Pike and City Manager Gary Esplin updated the Council on the All Abilities Park. The grand opening will take place October 8, 2016.

A discussion took place regarding truck parking near the Pilot station.

Mayor Pike mentioned that all of the City employees will be given a t-shirt with the new City log.

ADJOURN:

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

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.