
Minutes
Regular Meeting
August 28, 2013

Present: Mayor Kenneth F. Neilson, Councilmen Bill Hudson, Thad Seegmiller, Kress Staheli, Ronald Truman, Jeff Turek, City Manager Roger Carter, City Recorder Danice Bulloch, Deputy Recorder Tara Pentz, Public Works Director Mike Shaw, City Treasurer Kerry Wheelwright, Police Chief Jim Keith, IT Support Staff Kelly Carlson, Audience: Sherrie Reeder, John Stiedaman, Rex Papa, Ben Willits G. L. Bowers, Shawn Wiscombe, Susan Hannig, Warren Hannig, Katherine Staheli, Ryan Robison, Brett John, Larry Stephenson

Meeting commenced at 6:00 P.M.

Invocation: Councilman Staheli

Pledge of Allegiance: Councilman Turek

1. APPROVAL OF THE AGENDA

Councilman Staheli made a motion to approve the agenda. Councilman Hudson seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. ANNOUNCEMENTS

Mayor Neilson stated on the 16th of September the VFW Post will be holding a Rodney Neilson with a service at his graveside at 10:00 A.M. Washington City Cemetery.

City Manager Carter stated our former City Manager, Ralph McClure passed away. His funeral services will be held this Friday at 4:00 P.M. at Riverside Drive Chapel in St. George.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

Councilman Staheli declared the property in item 7A & 7B is owned by his uncle.

4. **CONSENT AGENDA**

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of August 14, 2013.

Councilman Turek made a motion to approve the consent agenda. Councilman Hudson seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

5. **PLAT AMENDMENT**

A. Consideration to approve a Plat Amendment for Coral Ridge Townhomes Phase 1, located at approximately 2100 North 4250 East. Applicant: Henry Walker Homes/Tyler Meyers

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of an amended final plat for the Coral Ridge Townhomes, Phase 1 subdivision, located at approximately 2100 North 4250 East. This particular amendment request, is to adjust the north boundary line to accommodate for the changes to the platting of lots and common area that resulted from the re-design of the project. The preliminary plat was amended back in May of this year, eliminating many of the smaller townhomes in place of the larger (more popular) units.

Staff has reviewed the requested proposal, and finds no problem with this minor adjust to the subdivision boundaries and its relationship to the entire project. The amended phase 1 subdivision conforms to the approved preliminary plat.

The Planning Commission unanimously recommended approval of the Amended Final Plat for the Coral Ridge Townhomes, Phase 1 subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The amended final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the amended final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed amended final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.

2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

No questions were asked.

Councilman Hudson made a motion to approve a Plat Amendment for Coral Ridge Townhomes Phase 1, located at approximately 2100 North 4250 East with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Truman seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

6. FINAL PLAT

A. Consideration to approve the Final Plat for Coral Ridge Townhomes Phase 3B, located at approximately 2100 North 4200 East. Applicant Henry Walker Homes/Tyler Myers

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for the Coral Ridge Townhomes, Phase 3B subdivision, located at approximately 2100 North 4200 East. This particular phase of the subdivision is proposing 30 lots on an area covering 5.473 acres. The specific location of this subdivision is zoned PCD (Planned Community Development) as part of the Coral Canyon development. The Amended Preliminary Plat was approved back on May 8, 2013.

Staff has reviewed the requested proposal, and the proposed final plat, phase 3B, conforms to the approved preliminary plat.

The Planning Commission unanimously recommended approval of the Final plat for the Coral Ridge Townhomes, Phase 3B subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.

2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms “Home Owners Association”, or “Property Owners”, shall be changed to read as “Property Owners and/or Home Owners Association”.
5. That a post maintenance agreement be recorded prior to the recording of the final plat.

Councilman Hudson clarified there were no changes from the previous meeting when they approved the amended preliminary plat.

Mr. Ellerman confirmed he was correct.

Councilman Hudson made a motion to approve the Final Plat for Coral Ridge Townhomes Phase 3B, located at approximately 2100 North 4200 East with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Truman seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

7. PUBLIC HEARINGS AND RELATED ORDINANCE

A. Public Hearing for the consideration to approve a Zone Change application Z-13-08, requesting to change the present zone from R-1-12 (Residential Single Family Residents 12,000 square foot lots) to AP (Administrative Professional) zone, located approximately at 600 East 2100 South. Applicant: Shawn Wiscombe

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval to change the zoning of approximately 2.00 acres, located at approximately 600 East 2100 South. The requested change is from the current zoning of Single Family Residential-12,000 Square Foot Min. (R-1-12) to a proposed Administrative- Professional (AP) zoning designation.

The General Plan Land Use Map designation for this location is Neighborhood Commercial (NC)

which allows for zoning districts of AP and C-1. The surrounding zoning districts are R-1-12 to the north & west, and AG-20 to the south & east.

The applicant is wishing to rezone this particular parcel to the Administrative / Professional designation for the purpose of developing a funeral home business. Recently the parcel was approved for a General Plan amendment from Low Density Residential (LD) to the Neighborhood Commercial (NC) General Plan Land Use Designation.

This proposed zone change is the second of a three step process for the funeral home to actually be developed at this particular location. If this zone change request is approved by the Planning Commission and City Council, the development will still have to return to the Planning Commission with an application for a Conditional Use Permit (the third and final step in the process).

Staff has reviewed the proposed zone change and finds it conforms to the General Plan Land Use designation for this particular site. The troubling item as it relates to this request, is the concern that was heavily debated in the General Plan Land Use amendment, which is the access to and from the property. As we are all aware, this parcel is currently accessible, only by driving through the Nichols Peak subdivision. The question was asked by a city councilman during their review of the General Plan Land Use Map amendment; "when would be the best time to address the concerns regarding access, now or at the zone change request?" Staff replied that it would probably be more appropriate to be addressed at the zone change request. So, the zone change request has been applied for, and now is that time to address the accessibility to and from the parcel in question.

During the public hearing with the city council, Mrs. Kathrine Staheli (part owner of the lot) made a viable comment which proposed a solution for the accessibility of the lot in question. She suggested that a block wall be built at the end of Kays Circle which would prohibit access into the funeral home parcel from that street. Then utilizing the dirt drive (which currently exist directly east of Nichols Drive), which would be tied to the Old Washington Fields Road (600 East) allowing for direct access to the parcel of this zone change request. Staff feels that this would be a viable solution to the concerns that have been voiced. Of course the proposed drive access would have to meet city standards as per construction, minimum width and grade, etc..

Also, during that same city council hearing, Mr. Ralph Staheli (also an owner of the lot), mentioned that he would like to extend the old Washington Fields Road (600 East) through his property and tie it back into the new Washington Fields Road at some point in the future. This proposed access would be extremely valuable to future neighborhood commercial development at this location.

The Planning Commission unanimously recommended approval of Z-13-08, for the zone change request from Single-family Residential - 12,000 square feet min. (R-1-12) to the Administrative Professional (AP) zoning designation, to the City Council, based on the following findings:

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.

2. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Mr. Ellerman reviewed the new entry to the proposed zone change parcel, in order for the parcel to have a separate access.

Councilman Turek asked if the block wall at the end of Kays Circle is crucial to the zone change.

Mr. Ellerman stated the wall is mandatory due to the separation of the zoning designations.

Ryan Robison stated the intersection there is already a problem. Any additional traffic on the intersection of Washington Fields and 2000 South is going to create additional problems. He feels his property value is going to be decreased with anything other than residential zoning. Most people move to the fields to escape everything commercial.

Councilman Seegmiller explained the Council is aware of the intersection issue. We are working to come up with a resolution.

Katherine Staheli stated after surveying the property since the prior meeting, they are working on finishing Kays Circle and finishing 3 lots which would complete the circle. The small subdivision would have to come before Council for approval. The development of the residential lots would move the proposed funeral home slightly east from what was previously shown, moving structure further away from the residents. She is also concerned about the intersection, but the planned bridge from Mall Drive will hopefully take some of the traffic off of the road.

Councilman Truman stated he feels completing the circle will be a good thing, as it was a concern in the previous meeting. It will also make the area look very nice.

Shawn Wiscombe stated the traffic is not going to change regardless of the use business or residences. On this property, you could place 6 to 7 homes, and the traffic would be far greater than what would be generated from a funeral home. He reviewed the design of the building with the Council with the changes as will be necessary to allow for the additional residential lots. They are going to make the building look like a residence, and the landscaping will also have a residential feel.

No public comments were made.

Councilman Hudson made a motion to close the public hearing. Councilman Truman seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

B. Consideration to approve an Ordinance adopting Zone Change request Z-13-08 to change present zone from R-1-12 to AP zone.

Mr. Ellerman stated he would like to clarify, the exhibit will be the zone change, and if the owner plans to include 3 single family homes, this exhibit will need to be changed.

City Attorney Starkey stated he is not overly concerned about the public input portion or adjusting the boundary of the zone change. However, prior to approving the Ordinance, we have to have a legal description to go along with the Ordinance.

Councilman Seegmiller stated the Ordinance has a specific legal description.

Ms. Staheli stated she can see what the problem is, and she does not have a solution. She would like to ask if the Ordinance could be tabled until a different map could be approved.

City Attorney Starkey stated from his perspective the Ordinance could be approved without having to come back for additional public hearing.

Council discussed different options with bringing these items back to Council.

Councilman Seegmiller made a motion to table an Ordinance adopting Zone Change request Z-13-08 to change present zone from R-1-12 to AP zone until the meeting to be held on September 11, 2013, which will also include a Public Hearing. Councilman Turek seconded the motion; which passed with the following roll call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

8. INVESTMENT COMMITTEE

A. Review and update of the Washington City Investment Portfolio. Treasurer Kerry Wheelwright

City Treasurer Kerry Wheelwright reviewed the Investment Portfolio with Council.

*see attached

9. RESOLUTIONS

A. Consideration to approve a Resolution of the City Council of Washington, Utah, approving the Master Lease Purchase Agreement, Energy Savings Contract Conditions, and Escrow Agreement between Siemens Public LLC and Washington City Corporation, along with other related items. City Manager Roger Carter

Councilman Truman asked if legal counsel has reviewed the agreement.

City Attorney Starkey stated he has reviewed the document. It is a fairly standard lease financing agreement.

Councilman Seegmiller stated the agreement is drafted heavily in favor of Siemens.

City Attorney Starkey agreed it is the reality of these types of agreement.

Councilman Hudson commented he reviewed the agreement, and he does not have any concerns with the document.

Councilman Hudson made a motion to approve a Resolution of the City Council of Washington, Utah, approving the Master Lease Purchase Agreement, Energy Savings Contract Conditions, and Escrow Agreement between Siemens Public LLC and Washington City Corporation, along with other related items. Councilman Turek seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Nay</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

10. ORDINANCES

A. Consideration to approve an Ordinance amending the City Code, Title 5, Chapter 2 Offenses, Crimes and Traffic Codes, Article F by amending the Off Highway Vehicle. Police Chief Jim Keith

Police Chief Jim Keith reviewed:

He would request Council remove the sunset date from the existing Ordinance. We have not had and significant issues with the Ordinance and have had good compliance from most of our citizens. By leaving the sunset date in the Ordinance it requires us to revisit when it is really not needed at this point. The sunset clause was initially included in the Ordinance to allow us to see how it worked. We did not revisit at the end of the last sunset date, which reset the code back to the original one. This has created some issues with the online version of the Ordinance.

Councilman Turek stated he has not seen any problems with the Ordinance, and most of our residents appreciate being able to travel to the riding locations.

Councilman Truman made a motion to approve an Ordinance amending the City Code, Title 5, Chapter 2 Offenses, Crimes and Traffic Codes, Article F by amending the Off Highway Vehicle. Councilman Hudson seconded the motion; which passed with the following role call vote:

Councilman Hudson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Truman Aye
Councilman Turek Aye

11. PLANNING COMMISSION APPOINTMENT

A. Recommendation and consideration to appoint a member to the Planning Commission to fill the recent vacancy. Mayor Kenneth F. Neilson

Mayor Kenneth Neilson made a recommendation to the City Council to appoint Rex Papa to the Planning Commission in order to replace Aaron Averett in filling his remaining term, which is approximately 18 months.

Councilman Hudson stated he feels Mr. Papa will fill the seat admirably.

Councilman Turek stated he is very please we will be able to have a seat filled with a member of the downtown area.

Councilman Hudson made a motion to appointment Mr. Rex Papa to the Washington City Planning Commission to fill a recent vacancy and fill the remaining term of approximately 18 months. Councilman Staheli seconded the motion; which passed with the following role call vote:

Councilman Hudson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Truman Aye
Councilman Turek Aye

12. CONSTRUCTION UPDATE

A. Review and update on the construction of Seminole Way. Public Works Director Mike Shaw

Public Works Director Mike Shaw updated the council on the construction Seminole Way.

Councilman Truman asked if there is an estimated date of completion.

Mr. Shaw stated he would anticipate approximately 1 to 2 months. This area has had many issues, one of them being solid rock, and having to blast the entire thing. The water and sewer lines all have to be dug and backfilled separately as well. When the project is complete it will be very nice with curb, gutter, sidewalk, and lighting.

Councilman Truman stated Council does feel for the homeowners who have been left with one access.

Brett John stated he is the contractor doing the construction on the project. Dixie Power cashed their check for this project in May. They were paid to dig the trench, but do not have crews to do the dig. His company actually went ahead and did the trench, and he has been told they will be there on Tuesday to do the power installation. They will continue to be inconvenienced because there will be multiple trenches across the road, but they will try to keep the road open throughout the construction process. He would prefer they did not have residential traffic during the construction. However, he is trying to be accommodating. They do plan to have the road completed in 4 to 6 weeks.

Councilman Hudson asked to be kept updated if there are going to be any delays.

Councilman Truman thanked Mr. John for all of his efforts.

Larry Stephenson stated he appreciates what has been done the past few days. However, they do not want to have this road sitting there, and have all of the traffic go through the lower part of the subdivision. They would just like to ask the road be completed. He would like to know what will happen if the road is not completed.

Councilman Seegmiller stated the only option Council would have would be to call the bond, and complete the work themselves. However, he is not inclined to doing that at this point.

Councilman Turek stated unfortunately the contractor is at the mercy of Dixie Power, and it does not make sense to construct the road to be torn up to install the power. Hopefully, they will follow through and get there on Tuesday as promised.

13. ROAD CLOSURE

A. Consideration to the Parade Route for the Pine View High School Homecoming Parade. Logan Cox, Student Body President

Logan Cox stated the Pine View High School Homecoming Parade will be held on September 25, 2013. They would like to ask for approval to close Telegraph from 200 East to 100 West from 7:00 P.M. - 7:40 P.M.

Police Chief Jim Keith stated we have Pine View High School begin their parade at 200 East in the past because of the few entries, and we do not shut down the major intersection.

Mayor Neilson asked if they would be interested in the Mayor and Council participating in the parade.

Mr. Cox stated if Council and Mayor would like to participate that would be great.

Councilman Hudson made a motion to approve the parade route road closure 200 East to 100 West on September 25, 2013 from 7:00 to 7:40 P.M.. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:

Councilman Hudson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Truman Aye
Councilman Turek Aye

14. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

Councilman Turek stated he supplied the Council with dates of usages of the Covington Home by the Youth Council. If anyone has issues or concerns with those dates, please let him know, and he will take care of it.

15. CITY MANAGER REPORT

City Manager Carter stated he and Mike Shaw drove the Southern Parkway from Washington Dam Road to Sandhollow. That is very impressive, and they are on schedule for the November deadline. He drove the Warner Valley to Washington Dam, and they will most likely be done in November as well. The study continues on the Green Spring and Telegraph intersection. At this point, the best solution would most likely be an additional freeway exit into Washington City. The most likely exits locations would be either I-15 and Main or I-15 and 300 East. This will be discussed further as UDOT continues to look at the Telegraph and Green Springs area. Bill Jackson is here reviewing the proposed cemetery expansion. The only issue is the hill is slightly problematic because of the drainage. Mr. Jackson will be coming before Council with a proposed plan as soon as he has something drawn. Still waiting for Fish & Wildlife on the Virgin River Trail. Washington County approved the application for the generation station conditional use permit. We have also received the air permit.

16. CLOSED SESSION

- A. The character or professional competence of an individual;**
- B. To discuss pending or potential litigation; and/or**
- C. Discuss purchase, exchange or lease of property.**

Councilman Hudson made a motion to move into Closed Session to discuss the character or professional competence of an individual and the purchase, exchange or lease of property. Councilman Staheli seconded the motion; which passed with the following roll call vote:

Councilman Hudson Aye
Councilman Seegmiller Aye
Councilman Staheli Aye
Councilman Truman Aye
Councilman Turek Aye

Council moved into Closed Session at 7:20 P.M.

Council left the Closed Session and returned to adjourn the Regular Meeting at 8:40 P.M.

17. ADJOURNMENT

Councilman Hudson made a motion to adjourn the Regular Meeting. Councilman Staheli seconded the motion; which passed with the following role call vote:

<i>Councilman Hudson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

Meeting adjourned at 8:40 P.M.

Passed and approved this 25th day of September 2013.

Washington City



Attest by:

Danice B. Bulloch
Danice B. Bulloch, CMC
City Recorder

Kenneth F. Neilson
Kenneth F. Neilson, Mayor