
Minutes
Regular Meeting
August 14, 2013

Present: Mayor Kenneth F. Neilson, Councilmen Bill Hudson, Thad Seegmiller, Kress Staheli, Ronald Truman, Jeff Turek, City Attorney Jeff Starkey, City Manager Roger Carter, City Recorder Danice Bulloch, Deputy Recorder Tara Pentz, IT Director Steven Whittekiend, IT Support Technician Kelly L. Carlson, Community Development Director Drew Ellerman, Public Works Director Mike Shaw, Audience: Karl Rasmussen, Sherrie Reeder, Aneita F. Millett, Chris Nelson, Rick Davis, Tyler Ames, Barry Howard, Rex Papa, Michael Corrigeux, Craig Manwaring, Kathy Manwaring, Christy Hardy, Doug Dennett

Meeting commenced at 6:55 P.M.

Invocation: Councilman Turek

Pledge of Allegiance: Councilman Seegmiller

1. **APPROVAL OF THE AGENDA**

Councilman Hudson made a motion to approve the agenda. Councilman Seegmiller 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>

2. **ANNOUNCEMENTS**

None

3. **DECLARATION OF ABSTENTIONS & CONFLICTS**

Councilman Staheli asked for clarification on his ability to vote for an item. His aunt and uncle are the owners of the property involved in Item 5C & Item 5D. However, he does not have any financial involvement, so he would look to Council to get direction on how they would feel if he were to vote.

Councilman Turek commented as no financial gain is involved he would like to have Councilman Staheli vote on the items.

Attorney Starkey stated Councilman Shaheli is not required by State Law to withdraw himself from voting unless there is a financial gain.

4. CONSENT AGENDA

APPROVAL OF MINUTES: Consideration to approve the minutes from the City Council Meetings of 06/25/13, 06/26/13, 07/17/13, and 07/23/13.

BOARD AUDIT REPORT: Consideration to approve the Board Audit Report for June and July.

Councilman Turek made a motion to approve the consent agenda. Councilman Seegmiller 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. PUBLIC HEARINGS AND RELATED ORDINANCES/RESOLUTION

A. Public Hearing for consideration to give a Donation to the Washington County Youth Crisis Center. Tami Fullerton

Tami Fullerton stated she is the director of the Washington County Youth Crisis Center. She reviewed the Youth Crisis Center with the Council Members along with the request for donations from Washington County as well as the Municipalities. They receive some private donations of small amounts, but they are in need of \$80,000 to keep the program running.

Councilman Seegmiller asked if they receive funding from those individuals who bring the patients. It would make sense those people help pay for the center.

Ms. Fullerton stated most times the individuals are brought to them by police departments.

Councilman Segmiller stated he would like to look at putting the request as a line item in the budget by the police department, rather than having the YCC come before Council each year.

Ms. Fullerton stated the majority of the money does still come from the State, but they do have a shortage, and it would be great to have it as a regular budget item. She would work with staff in any possible to help with reminding.

Councilman Truman stated our Police Chief was at the previous meeting and feels it is a very

important facility, and would be in favor of the support.

Councilman Seegmiller asked for Staff's assistance in reminding Council to consider placing an item in the budget as a regular line item.

No Public Comments were made.

Councilman Turek made a motion to close the public hearing. Councilman Seegmiller 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>

B. Consideration to approve a Resolution granting a Donation to the Washington County Youth Crisis Center.

Councilman Seegmiller made a motion to approve a Resolution granting a Donation to the Washington County Youth Crisis Center in the amount of \$5000. 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>

C. Public Hearing for consideration to approve a Zone Change application Z-13-07, requesting to change the present zone from RA-1 (Residential Agricultural minimum 1 acre) to R-1-10 (Single Family Residential minimum 10,000 square foot lots) zone, located approximately at 3310 South 950 East. Applicant: Doug Dennett, Dennett Construction

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval to change the zoning of approximately 17.92 acres, located approximately at 3300 South 950 East. The requested change is from the current zoning of Residential-Agricultural / One Acre Min. (RA-1) to a proposed Single-family Residential - 10,000 square feet min. (R-1-10) zoning designation.

The General Plan Land Use Map designation for this location is Low Density Residential (LD) which allows for zoning districts of R-1-8, R-1-10 and R-1-12. The surrounding zoning districts are R-1-15 to the north and east, RA-1 to the south and Ag-20 to the west (Staheli Farms).

The applicant is wishing to rezone this particular area to the R-1-10 and incorporate it into a subdivision conceptual plan to the north and east. These R-1-10 lots would allow for a variety of

lot sizes mixed with the R-1-15 zoned lots.

Staff has reviewed the proposed zone change and finds it fitting with the General Plan designation for this area and feels the mix of R-1-10 and R-1-15 lots would be compatible for the area. Just to note, the Staheli Farms area is designated as Community Commercial for future growth, as outlined in the General Plan Land Use Map.

The Planning Commission unanimously recommended approval of Z-13-07, for the zone change request from the Residential-Agricultural / One Acre min. (RA-1) zoning designation to the Single-Family Residential - 10,000 Square Foot min. (R-1-10) 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 requested zoning will be compatible with surrounding developments.
3. That the utilities that will be necessary for this type of development will be readily accessible to the site.

Councilman Hudson asked for clarification the lots size would be approximately quarter acre.

Mr. Ellerman confirmed he was correct.

Councilman Staheli clarified the general parameters of the General Plan would allow for 8,000 to 12,000 square foot lots.

Mr. Ellerman confirmed he was correct.

Councilman Hudson clarified the area is master planned for low density, and has not been changed.

Mr. Ellerman explained there has not been a changed since the original land use map was adopted in 2004.

Councilman Seegmiller stated he enjoys the Majestic View area with the large lots. He would be more comfortable if the land would conform to the larger open lots.

Mr. Ellerman stated just as a side note, the Staheli Farms property is master planned for community commercial and medium density, which would be 6,000 to 8,000 square foot lots. Staff would like to see the stepping into the different zones.

Kristy Hardy states she lives in the Majestic View Subdivision. She would like to refer to the email, which was given to them, and she would like to refer to the letter, as they all feel the same.

Karl Rasmussen stated he is representing Dennett Construction. The City has requirements for the intersections, and because of the layout of this land, they are going to have to do smaller lots mixed with some large ones. They will have some lots that are going to be larger than 15,000

square feet.

Councilman Seegmiller clarified they will be getting 2.8 to 3 lots per acre.

Mr. Rasmussen confirmed he was correct. There is a fault line along the property so it may even be less than that once the overall topography is taken into account. He reviewed the proposed street locations.

Councilman Staheli asked how palatable 12,000 lots be for the land.

Mr. Rasmussen stated the reason for the 10,000 is so they can get the number lots to make it a viable project, some of the lots are going to have to be so large.

Councilman Truman commented historically the fields have been the last area of open space. When he purchased his lot it was 5 acre lots, and he requested a zone change for 2 acre lots. Every person was upset by the small 2 acres. We do still want to keep the area somewhat open, and he feels this is a density creep and would hate to see the area lose the open feel.

Rex Papa asked if the water supply has been considered for these additional homes.

Councilman Seegmiller stated these things are reviewed at the time of the subdivision. The water is supplied by our water lines, and supplied by the Water Conservancy District. We also require a secondary water line be installed for the future use for irrigation.

Councilman Turek stated the latest information show there will be enough water through 2025 with the existing conditions, and at that point we go dry without the pipeline.

Councilman Seegmiller stated at this point we have enough water to meet the growth.

Michael Corrigeux stated he lives in Majestic View. He is new to the neighborhood, and he is not opposed to the growth. His concern with the R-1-10 is the potential of the small lots adjacent to his property. He feels much smaller lots would devalue his property.

Councilman Staheli asked how Mr. Corrigeux would feel about R-1-12 lots.

Mr. Corrigeux stated if the entire property is given R-1-10, then the entire property could be 10,000 lots and they do not want it.

Councilman Seegmiller stated because of the topography of our area, it is very unlikely they would be able to do all of the property in 10,000 square foot lots. However, Mr. Corrigeux is correct if the land were flat and workable, it could be all done in 10,000.

No further comments were made.

Councilman Hudson made a motion to close the public hearing. Councilman Truman 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*

D. Consideration to approve an Ordinance adopting Zone Change request Z-13-07 to change present zone from RA-1 to R-1-10 zone.

Councilman Staheli stated in fairness to the landowner, the General Plan clearly states the property can go as small as 8,000. The developer purchases the land based on it. However, he would personally feel the 10,000 square foot zone is too small, and he would feel more comfortable with R-1-12 zone.

Councilman Truman stated he feels the General Plan is a moving target, and he still would not be in favor of the density getting higher and higher.

Councilman Seegmiller stated he is grateful for the General Plan. However, he would prefer to have this parcel conform more to what exists rather than what is allowed in the general plan.

Councilman Turek stated in his opinion it would be a step down from the 15,000 foot lots, which is bordered by the road, and a possible future commercial. He would be in favor of the request.

Councilman Hudson stated he has been involved in many General Plan meetings, and this particular density in the area was never brought forward as a concern.

Councilman Turek stated he can sympathize with the developer based on the topography in the area. He has many large lots in his area, and there is a small yard and then the rest of the property grows weeds.

Councilman Hudson stated there are many large lots in the downtown area, and the only request from Council is multi-family.

Councilman Seegmiller stated this area is very nice and attractive with the larger lots.

Councilman Staheli asked if the project would be viable with 12,000 square foot lots.

Mr. Rasmussen stated the R-1-10 gives them some flexibility to mix larger lots with smaller lots. They will most likely have some lots, which will be over 15,000 square feet because of the roads and the topography they are dealing with.

Councilman Seegmiller asked if it is within the Councils discretion to adjust the request to a R-1-12.

City Attorney Starkey stated State Law indicates the Council has the ability to adjust the zone as they see fit. However, there has not been any public comment at the Planning Commission level for this request, but it is at the discretion of the Council to make the decision.

Mr. Ellerman stated he will reiterate what the Planning Commission has to take into consideration. They have to look at what is going to be there in the next 10 to 20 years. In 20 years, Staheli Farms could be so busy, it would be nearly commercial. If the property is zone half acre, and down the road there is a commercial adjacent, those property owners are going very upset.

Councilman Seegmiller stated he would prefer not imputing a zone if it was not requested. He would prefer the developer come to Council with the request.

Councilman Seegmiller made a motion to table the request for 20 minutes until the developer can arrive. 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>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye.</i>

After Mr. Dennett arrived Council continued the discussion.

Doug Dennett explained they discussed this development with Paul Freed who is the developer of Rustic Hills. The property is currently zoned R-1-15. The problem with this portion of property is fault lines, and yellow clay. If an excavator does not do the project, there could be some serious issues. When they met with Staff, they layed out what would be possible with the property. If they go with what the property is zoned which is RA-1 and a bonus density they will get the exact same amount of lots as they would with the R-1-10 zone. This is just a much shorter process without having to have a Homeowners Association. The terrain is very rocky, and and uneven, which makes it so they will have to have very large lots mixed in with the smaller. They are not looking to get additional lots, but get the best project they can.

Councilman Seegmiller asked if the developer would consider R-1-12 rather than R-1-10.

Mr. Dennett stated the problem is the cost of doing the development overall with the rock and clay.

Councilman Staheli asked how many lots they anticipate having.

Mr. Rasmussen stated they anticipate having approximately 50 to 60 lots on the 21 acres.

Mr. Dennett stated they will make a great project, but if the Council prefers a bonus density, they are only going to gain a Homeowners Association.

Kathy Manwaring stated they live on the property adjacent in Majestic View. The lot size to her matters very little if the homes do not devalue their homes. She would like to ask if they can stipulate the home sizes.

Councilman Seegmiller explained home size would be handled by CC&R's, which are not

regulated by the City.

Mr. Dennett comment this zone would buffer down to what is allowed in the General Plan with the adjacent parcels. Also, each lot has to be certified due to the clay to make sure the homes are safe. The property is going to be a challenge with the fault lines and the clay.

Craig Manwaring asked if the developers ever give a tentative plan so Council can see what they plan to do.

Councilman Seegmiller reviewed the zone change, preliminary plat and final plat approval process.

Kristy Hardy stated she is a builder and is not against building, but she does want to mention the clay in the area is a nightmare. She would prefer keeping the lots larger because the clay is going to be much more difficult than they think.

Mr. Dennett stated if they go with the bonus density they will get the R-1-10 zone anyway. If you get the right guy in there and do the lots like they are supposed to, the adjacent properties will not be devalued because the homes will not fail.

Councilman Turek stated he feels he has brought up a good point. He developed White Sage, and it is R-1-10 and they have many of those lots that are larger, and it turned out very nice with the mix of larger and smaller lots.

No further comments were made.

Councilman Turek made a motion to close the public hearing. Councilman Seegmiller 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>

Councilman Turek made a motion to approve an Ordinance adopting Zone Change request Z-13-07 to change present zone from RA-1 to R-1-10 zone. 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>Nay</i>
<i>Councilman Staheli</i>	<i>Nay</i>
<i>Councilman Truman</i>	<i>Nay</i>
<i>Councilman Turek</i>	<i>Aye</i>

6. RESOLUTIONS

A. Consideration to approve a Resolution Waiving Washington City Utility charges for activated Military households. Administrative Service Manager, Kimberly Ruesch

City Manager Carter reviewed the proposed waiving of the Washington City Utility Charges for Military household.

Councilman Seegmiller would like to note the Resolution date should be changed to today's date.

City Manager Carter stated Washington City is proud to help those families who are serving our Country.

Councilman Hudson made a motion to approve a Resolution waiving Washington City Utility charges for activated Military households. Councilman Seegmiller 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>

7. SET CANVASSING DATE

A. Consideration to set a date for the canvas of the 2013 Primary Election. City Recorder Danice Bulloch

City Recorder Danice Bulloch recommended setting the date of August 27, 2013 to hold a Special Meeting for the canvas of the Primary Election. State Law requires the canvassing be held no earlier than 7 days after an election and no later than 14 days from the date of the election.

Councilman Hudson stated he would prefer holding a special meeting to begin right at 6:00 P.M. and then we will hold the Workshop Meeting directly following.

Councilman Seegmiller made a motion to hold a Special Meeting on August 27, 2013 at 6:00 P.M. for the canvassing of the 2013 Primary Election. 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>

8. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE

Councilman Seegmiller attended the landfill meeting and they have discontinued using the sludge

for the mulch. Once the sludge is delivered, it is immediately buried. This has help the smell tremendously, however, they have had many individuals who want the sludge added back into to the mulch, and they are trying to come up with ideas to alleviate the smell, which is currently still unresolved.

Councilman Turek stated he met with the Investment Committee, and they are happy to report the average return was 3.6%. Our investments continue to do very well, and it is a very good thing for our community. He also attended the flood control authority meeting. We have applied for a \$50,000 grant for tamarisk removal, which the majority of those are located in Washington City, so it would greatly enhance our community.

Councilman Hudson stated the Washington County Fair had a record attendance this year. They were very happy with the outcome.

9. CITY MANAGER REPORT

City Manager Carter stated the Stucki Farm to Southern Parkway road development is completed. However, the subgrade is soft, and it is not going to pass. It has been determined they will keep the traffic off the road for the next couple of months, and let it dry to see what will need to take place. The airport to Warner Valley is scheduled for an October completion, Washington Dam to Sand Hollow is currently under construction and expected to be completed by November. We are working on a small road project on Telegraph dealing with some clay issues. One of the chillers at the community center went out, and the 5 year warranty is out. Worst case scenario, full replacement is \$34,000 if it is the motor only it will be \$12,000. Recommendation of Staff is to begin with the motor. Bill Jackson will be bringing some preliminary designs for the cemetery expansion, and will be bringing the before Council within the next couple of months.

Councilman Seegmiller asked if there is anything we can do with the erosion on 300 East on the hillside.

Mr. Shaw stated they anticipated an ongoing project to keep the sidewalk clear, and the hill has been seeded, but it is very difficult to get anything to grow.

City Attorney Starkey reviewed a proposed legislation with regard to collecting sales tax from businesses who are not brick and mortar.

10. 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, pending or potential litigation, purchase, exchange or lease of property. Councilman Turek 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 8:42 P.M.

Council left the Closed Session and returned to adjourn the Regular Meeting at 10:05 P.M.

11. ADJOURNMENT

Councilman Hudson made a motion to adjourn the Regular Meeting. Councilman Turek 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

Meeting adjourned at 10:05 P.M.

Passed and approved this 28th day of August 2013.

Washington City

Attest by:



Danice B. Bulloch, CMC
City Recorder




Kenneth F. Neilson, Mayor