



Washington City Council
Regular Meeting Minutes
February 9, 2022

Present: Mayor Kress Staheli, Council Members Kimberly Casperson, Craig Coats, Bret Henderson, Kurt Ivie, Ben Martinsen, City Manager Jeremy Redd, City Recorder Tara Pentz, City Attorney Thad Seegmiller, Deputy Recorder Lexi Ruesch, Community Development Director Drew Ellerman, City Planner Eldon Gibb, IS Director Steven Whittikiend, Finance Director Brian Brown, Public Works Director Mike Shaw, Assistant Public Works Director Lester Dalton, Assistant Public Works Director Andy Stevens, Police Chief Jason Williams, Fire Chief Matt Evans, Leisure Services Director Barry Blake, Power Director Rick Hansen, Media & Systems Administrator David Woodcock, Audience: Dick and Laurie Sanders, Brian Musso, Rod and Becky Kerr, Nicole Laughman, Ashley Farmer, Torild J Henrie, Marcella Henrie, Katie Davis, Randy Davis, Don Bean, Don Trotter, Roberta Trotter, Shauna Jo Larkin, KayLynn Peterson, Riley Snow, Chris Tidwell, Richard Macaluso, Braydon Bergeson, Michelle Evans, Lenny Jones, Mary Ann Jones, Phil Giles, Kole Staheli, Cameron Chatwin, Matt Polifka, Nikki Van Orman, Kim Brown, Sam Johnston, Bronson Bundy, Stan Snow, Carmen Snow, Robert Sneed, Karen Brown, Stan Brown, Juliana De Batz, George L Hampton III

Invocation: Council Member Henderson

Pledge of Allegiance: Washington City Police Officer Scott Ray

1. APPROVAL OF AGENDA

Council Member Ivie made a motion to approve the agenda. Council Member Henderson seconded the motion; which passed unanimously.

2. ANNOUNCEMENTS

Mayor Kress Staheli reviewed the following announcements:

- We had a good visit to the Capital earlier this week - thank you City Council for each of you making the time and sacrifice to be there representing Washington City
- The Legislative Session continues through March 4th
- Lions Club Meeting is tomorrow at 7pm in the Old Relief Society Building
- Lincoln Day event is Saturday, February 12th
- Valentine's Day is Monday, February 14th
- February 16th at 11:30am until 1pm will be the State of the City Address in conjunction with the St George Area Chamber at Cotton Town Village
- February 16th at 4pm is a Council Workshop.
- February 17th at 7pm is the Washington City Historical Society Meeting, held at the Relief Society Hall

- City Hall will be closed on Monday, February 21st in observance of Presidents' Day
- Our next Regular Meeting will be on February 23rd at 4:00pm

3. REPORT OF OFFICERS FROM ASSIGNED COMMITTEES

Council Members reported on their assigned committees.

4. CITY MANAGER REPORT

City Manager Jeremy Redd updated Council on current Washington City Projects.

5. DECLARATION OF ABSTENTIONS & CONFLICTS

None

6. CONSENT AGENDA

- a. **BOARD AUDIT REPORT:** Consideration to approve the Board Audit Report from January 2022.
- b. **APPROVAL OF MINUTES:** Consideration to approve the minutes from the City Council Meeting of 01/26/22 and 02/02/22.
- c. **FINAL PLAT**
 - i. **Consideration to approve a Final Plat Final Plat Frontier Subdivision located at approximately 2000 East Washington Dam Road. Applicant: Dennett Construction**

The applicant is requesting approval of a final plat for the Frontier subdivision, located at approximately 2000 East Washington Dam Road. This particular subdivision is proposing 21 lots on an area covering 11.92 acres. The specific location of this subdivision is zoned Residential-1 acre with bonus density credits

Staff has reviewed the requested proposal and the proposed final plat conforms to the approved preliminary plat which was approved on June 23, 2021. Staff recommends that the City Council approve the Final plat for the Frontier subdivision, 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 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. When applicable, in the General Notes where the terms "HomeOwners Association", or "Property Owners" are used, they shall be changed to read as "Property Owners and/or HomeOwners Association".
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

d. SPECIAL EVENTS

- i. **Consideration to approve a Special Event for the 2022 Southern Utah Half Marathon. Applicant: Dan Aamodt**
- ii. **Consideration to approve a Special Event for the Lake to Lake Relay. Applicant: Sadie Bassett**

e. LOCAL CONSENT

- i. **Consideration to approve a Restaurant Liquor and Bar License for Koral Kafe and Entertainment located at 2400 N. Town Center Drive. Applicant: Kim Brown**

Council Member Coats made a motion to remove the minutes of 1/26/22 from the consent agenda. Council Member Henderson seconded the motion; which passed unanimously.

Council Member Coats made a motion to approve the consent agenda. Council Member Martinsen seconded the motion; which passed unanimously.

6bi. Consideration to approve the minutes from the City Council Meeting of 01/26/22 and 02/02/22.

Council Member Coats made a motion to approve the minutes from 02/02/2022 and table the minutes from 01/26/22. Council Member Casperson seconded the motion; which passed unanimously.

7. RAP TAX

- a. **Consideration to approve an Ordinance Distributing the Recreational, Arts, and Parks Tax in Washington City. City Manager Jeremy Redd**

City Manager Jeremy Redd reviewed:

The City currently has \$1,243,268 in available RAP tax funds. Of that amount, \$458,889 has been committed by the Council for Cultural Facilities & Arts, leaving \$784,378 uncommitted and available. Below is a table containing the requests we received for funding this cycle. Applicants are not presenting, but will be available for questions.

Name	Desc	Amount
Dixie State University Athletics	Youth skills & Activities, etc.	\$5,000
TOTAL		\$5,000

Fiscal Impact: RAP tax funds are budgeted to allocate by the City according to community needs.

Council Member Ivie commented that this applicant provides direct involvement and activities for the youth in our City.

Matt Polifka stated that they are excited to continue the partnership with Washington City.

Cameron Chatwin with Dixie State University Athletics revealed that they have created a program with student athletes that travel to schools and give presentations on internet safety. They also provide game sponsorships to their partnerships including Washington City.

Council Member Coats asked if they have gone to other Cities to apply for RAP Tax.

Mr Chatwin confirmed that they are going to multiple Cities.

Council Member Ivie made a motion to approve RAP Tax funding to the Dixie State University Athletics in the amount of \$5,000. Council Member Coats seconded the motion; which passed with the following roll call vote:

<i>Council Member Casperson</i>	<i>Aye</i>
<i>Council Member Coats</i>	<i>Aye</i>
<i>Council Member Henderson</i>	<i>Aye</i>
<i>Council Member Ivie</i>	<i>Aye</i>
<i>Council Member Martinsen</i>	<i>Aye</i>

8. AWARD OF BID

a. Consideration to award the bid for the 2022 Slurry Seal Project. Assistant Public Works Director Andy Stevens

Assistant Public Works Director Andy Stevens reviewed:

On February 1st Bids were opened publicly and read aloud. Project consists of 501,694 sq yards of type two slurry seal with the striping for the roads. This project is on many roadways on the Northside of Washington City. We received 4 bids for the project with Intermountain Slurry Seal Inc. being the low bidder. Staff recommends awarding the bid to the low bidder in the \$649,560.60.

The Council expressed appreciation for the work that the Public Works department puts into slurry sealing our roads to make them last.

Assistant Public Works Director Andy Stevens clarified that the roads are crack sealed and then slurry sealed over the top. This significantly lengthens the life of the roads in our City. This service is provided by outside contractors.

Council Member Coats made a motion to award the bid for the 2022 Slurry Seal Project to Intermountain Slurry Seal Inc in the amount of \$649,560.60 Council Member Henderson seconded the motion; which passed with the following roll call vote:

<i>Council Member Casperson</i>	<i>Aye</i>
<i>Council Member Coats</i>	<i>Aye</i>
<i>Council Member Henderson</i>	<i>Aye</i>
<i>Council Member Ivie</i>	<i>Aye</i>
<i>Council Member Martinsen</i>	<i>Aye</i>

9. PUBLIC HEARINGS

a. Public hearing and consideration to approve a Resolution amending the 2021/2022 FY Budget. Finance Director Brian Brown

Finance Director Brian Brown reviewed:

After the original budget is approved, it can only be adjusted throughout the fiscal year by a budget amendment. This is the third budget opening for this fiscal year.

This budget opening increases the 12-8-21 budget amendment from \$100,912,912 to \$102,627,270. This majority of the budget amendment is due to higher power costs and an increase in load, Cemetery Phase 3, and newly requested positions.

Power Director Rick Hansen reviewed the changes to the Power budget specifically relating the the power rates.

Council Member Coats asked how the City generators impacted our power situation.

Power Director Rick Hansen stated that our generation typically covers about 10% of our power load through the Summer.

Council Member Henderson asked about the negotiation process on the bucket

truck purchase.

Power Director Rick Hansen stated that they bought a used truck that would enable them to reach taller lines.

City Manager Jeremy Redd reviewed:

Due to the rapid growth of the City and changing conditions, it is sometimes necessary to ask for additional positions mid-budget cycle. This flexibility allows us to review financial conditions and changing staffing needs. The three positions below are requested and 1/3 of their cost for the budget year has been added to the budget adjustment.

Battalion Chief - This is a fire department position that we have been waiting to hire for quite some time. The size of the department is now sufficient that this new position is necessary. The Battalion Chief will report to the Fire Chief and supervise Fire Captains. The position will provide backup and support directly to the Fire Chief.

Recorder Receptionist - This position will allow the City to re-engage the task of digitizing documents that was suspended with the retirement of our Recorder and the promotion of our scanning clerk. This position will help customers and answer phones for the Recorder's office and also provide any necessary administrative support to the City Council. The addition of the position will free up the Deputy Recorder to begin again the digitization of City records.

Public Affairs Officer - This new position will help extend the reach of the Attorney, City Manager, Mayor, and City Council. This position will perform research and provide advice on policy issues, help coordinate the City's lobbying efforts, review items of policy from the Council, Planning Commission, and other boards, coordinate with other local government agencies, and work with the Mayor, Council, and management on the public affairs of the City.

Each position will be posted and filled using the existing open hiring process employed for all positions.

Mayor Kress Staheli opened the Public Hearing.

Mayor Staheli closed the Public Hearing.

Council Member Coats made a motion to approve Resolution R2022-07 amending the 2021/2022 FY Budget to the amount of \$102,627,270 . Council Member Ivie seconded the motion; which passed with the following roll call vote:

<i>Council Member Casperson</i>	<i>Aye</i>
<i>Council Member Coats</i>	<i>Aye</i>
<i>Council Member Henderson</i>	<i>Aye</i>
<i>Council Member Ivie</i>	<i>Aye</i>
<i>Council Member Martinsen</i>	<i>Aye</i>

b. Public hearing and consideration to approve an Ordinance for Zone Change Z-21-26 PUD-C Planned Unit Development- Commercial Design and Use located at Washington Fields Road and 2000 South. Applicant: Darin Snow

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of the design/use for their currently PUD-C zoned property which is approximately 3.46 acres in size. The property is located at approximately the northwest corner of Washington Fields Road and Sandia Road (2000 South). The name of this particular portion of the master developed area will be known as Heritage Place Commercial. The property was granted the PUD-C zoning at an earlier date, with the applicant knowing they would have to come back to the city for the specific design and use approval. The applicant is now wishing to have this proposal reviewed.

The PUD-C requires an approved site design before the property can be used as a commercial development. This application is proposing to break the 3.46 acres into three areas of development: with one area proposing a four (4) bay manual car wash, with a two (2) bay vacuum station as well; another area proposing a convenience store with a fueling station island consisting of twelve (12) gas pumps; and lastly, a commercial plaza building consisting of three (3) individual units.

Staff's previous concerns with the proposed use of just building a manual car wash to start and putting off the other portions of the development have been addressed.

The Planning Commission, by a vote of 3-2, recommended denial of Z-21-13, for the specific site design/use to the already zoned Planned Unit Development - Commercial (PUD-C). The reason for the denial was "although zoning allows a gas station and self-serve car wash, it is not appropriate for this location", this was passed onto the City Council. Base on the following findings and subject to the following conditions:

Findings

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. The utilities that will be necessary for this type of development will be readily accessible to the site.

Conditions

1. The project shall conform to the standards of the PUD - Commercial Zone.
2. A traffic study shall be submitted to the public works department for review and approval, prior to submitting construction drawings.
3. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to site development. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
4. Detailed landscape and irrigation plans shall be submitted for review and approval

prior to building permit applications and shall conform to the approved zoning plan. The developer shall install the landscaping and irrigation infrastructure prior to the occupancy of any unit.

5. All structure and site improvements shall meet the requirements of City-adopted building and fire codes.

6. A Post Construction Maintenance Agreement must be recorded prior to any plat recordings.

7. All lighting will be directed inward to the project site. No spill-over into the residential developments surrounding the project.

8. Dumpster designs will be block walls with a screen gate(s). Earth tone colors will be used.

9. All signage will be in accordance with the Sign Regulations of the City.

Mayor Kress Staheli clarified that 19 Public Comments were received electronically on this item. All comments were read by the Mayor and by the Council

Those making comments tonight, please remember a few things:

1. State your name for the record when you get to the mic.
2. Please keep your comments within the scope of the agenda item being considered
3. Please keep your comments professional and avoid any speech that may come across accusatory, degrading or personal to any of the parties involved - Staff, Council and the Applicant
4. Most comments can be made in less than 2 to 3 minutes, and certainly should not take more than 5 minutes
5. The Mayor, Council and Staff will be taking notes of your questions and concerns while we listen and will address those after the Public Hearing has been closed
6. Please no clapping, standing or making noise after comments
7. Please know that once a question or concern has been brought up, that we recognize others may have the same concern or question. It is not necessary to be redundant.

Council, please remember:

1. A Public Hearing is the time to listen to those residents we represent and to consider their comments and perspective
2. Please make notes of any questions you would like to ask or comments you would like to share. The Mayor will close the public hearing and then give the Council plenty of opportunity to speak before calling for a vote.

To the applicant

1. The applicant will be given an opportunity to speak after the Staff's presentation. They will also be allowed to speak again after the Public Hearing has been closed.
2. State your name for the record when you get to the mic.
3. Please keep your comments within the scope of the agenda item being considered

4. Please keep your comments professional and avoid any speech that may come across accusatory, degrading or personal to any of the parties involved - Staff, Council and the Residents

Mayor Kress Staheli opened the Public Hearing.

Nicole Laughman stated she lives 353 feet away from the proposed store. She read from the code which states that liquor stores must be 600 feet from any residential homes. She provided maps for the Council for review.

Mary Ann Jones stated she has provided a packet for the Council for review, which includes benzene gas emission information. The 2019 study provided to the Council stated that the emission from fuel tank vents extended over 500 feet from the property. Benzene causes cancer, anemia, as well as fertility issues and many other illnesses. She has reached out to the Utah Division of Air Quality Control. Joel Thomas stated Utah does not have any filters or emission controls in the State of Utah, which means this gas will spread out to the community. She has also included a 2001 study which states that gas stations are the primary source of benzene exposure to residents within 324 feet. She reviewed maps of current and approved homes surrounding the property being considered for a service station. There is a petition in the packet of those individuals who are concerned about benzene contamination in this area.

Lenny Jones proposed getting an Ordinance in place to protect areas from this type of business.

Karen Brown from Desert Meadows stated that the Planning Commission previously asked for input for what the public would like on the property. She asked that the owner consider a type of low impact commercial for this area. She recommended boutique shops, bakeries, ice cream shops, indoor pickleball, barber shops and hair salons, a pet grooming place, or a sandwich shop. There are already 6 gas stations within a 3 mile radius of their home. They are asking the Council to consider low impact rather than a gas station.

Nikki Van Orman stated there are approximately 105 children in the adjacent subdivisions. She is concerned about the health and safety of the children in their neighborhood. There are multiple children playing in the driveways / road in the neighborhood. She is also concerned about the ingress and egress of the gas station. People are going to want to go right, which means they will turn into her subdivision, and make a u-turn where the children are playing. This is a horrible intersection, and she has witnessed many near accidents. She reviewed statistics involving pedestrian involved crashes in Washington County. She is also concerned about the Benzene within the 500 foot radius exposing the children. She is asking the Council to consider the safety of their children and community.

Shauna Jo Larken stated she is a real estate professional who fights daily for property rights. She realizes the owner has property rights. It is difficult to balance the safety of the neighborhood, and the rights to the property rights. She would like to suggest there

is a better location for a gas station and car wash at 3650 South and Washington Fields road. There are fewer homes in this area, and would be a lesser impact to the surrounding property owners.

Becky Kerr said that she represents residents that don't have a voice because they haven't moved into this neighborhood yet. St George is working to ban car washes. She believes that Washington should follow suit. This project will set a precedent for others to come.

Markell Mansly stated this parcel was approved years ago to be zoned PUD. He felt that the zoning suggested that there would be public input in order to make the project neighborhood friendly. Making the project look neighborhood friendly does not make it a neighborhood friendly use. The landscape buffer is only 5 feet wide, and children will be directly behind the convenience store. This parcel is not big enough to do what they are asking and fit in with the neighborhood.

Chris Tidwell stated he is a home owner and business owner in Washington City. He has witnessed the growth in this City in a short period of time. Our City is growing and no one can stop it. It is the fact of life. He is in favor of this project. He values all of the comments made so far but the bottom line is, we are growing and the convenience factor of this development is huge. It took him 15 minutes and 3 waits at stop lights to get to the City building. To be able to get fuel in Washington Fields would be huge. He feels that commercial development is long overdue. Is this project perfect for everyone? No, but it will benefit everyone as a whole. It would be nice to have a place to walk to and get dinner and snacks. There is no place for the kids to ride their bikes to get drinks and candy. Part of the benefit of having this property developed is the land owners will have to put in curb, gutter, and sidewalk which will help the neighborhood as a whole. The lot is there, and the owners have property rights. Most of the farm fields are being sold for homes. The majority of Washington City is going to be south of the river, and there has been no commercial development. We have a local family willing to put their money into this project, to keep Washington City values, and make it aesthetically pleasing and to make it the best project they can for the Council and the community. He is speaking for the greater good of the community as a whole. Having a place to get fuel, a car wash, and a meal is going to be extremely important for the Washington Fields residents. The neighbors have good points, but they are personal issues, and not looking at the great good for the community.

Karen Blake stated she lives across the street. She is trying to understand how the drive thru works. She would like clarification on how the traffic will flow. She would also like to address the parking and the amount of traffic going through the development. People going in and coming out will have a significant amount of merging in the middle. She is also concerned about the large amount of parking. Additionally, they have two entrances to their subdivision. It is difficult to get out of their development and turn left without any development, and there is going to be added townhomes, and now this convenience store. This is all going to be more traffic, which is a huge concern.

Richard Macaluso stated that he appreciates the comments related to convenience, but he doesn't think that convenience should trump health concerns. There was a discussion in the Planning Commission about the drive thrus and stacking. He feels that the City is bending over backwards to allow this development in. There is no room to bring tankers in to refill the pumps. Bringing these big trucks through this neighborhood is an unnecessary risk. He has recently looked into nuisance laws and reviewed State nuisance laws. He explained that he feels that these laws apply in this case. The developer shouldn't have more rights than the citizens.

Deanna Ackerman??? is concerned about this being a huge amount of development for this location. There is currently not a school bus system that services their neighborhood and their kids either have to be driven or walk to a distant bus stop. There is also no sidewalk on their side of the road. Traffic is a nightmare on that road. Her kids have been run off the road by the traffic. She would never allow her children or teenagers to cross the street to reach the convenience store.

Ashley Farmer from Desert Meadows subdivision stated that she has seen a lot of growth in this area. Years ago there was a little boy hit on Washington Field Road by the bridge. People don't stop for that light on 2000 S, and it is a very dangerous corner. Why do we have to keep fighting this traffic issue. She would like to have this project tabled. Does the developer understand how much traffic comes in and out of the area. Putting a gas station here would make the traffic insanely dangerous.

Mayor Kress Staheli closed the Public Hearing.

Bronson Bundy responded to the question about the proximity requirements for alcohol sales.

City Attorney Thad Seegmiller clarified that the citizen mentioned did quote from a Washington City Code. While the City and the State both regulate alcohol licenses, we do not ask the Council to make decisions about alcohol regulation at this zone change level. While he understands the comments that are being made, the license decision would be pending by the future applicant. We are not considering any alcohol approvals tonight.

Mr. Bundy stated he was born and raised here, and he is very aware of the water issues. The landscaping has been taken into consideration, they will have very low water landscaping and shrubs. In addition, with a car wash, a car wash uses a significantly lower amount of water than washing your car at home. It is approximately a 60% reduction of water use than washing at your home.

Council Member asked a question about the varieties of car washes. He wanted to know if they were all pull-thru car washes.

Mr Bundy stated there will be 3 self-serve bays and 1 automatic friction wash bay. They show a door because they need to be able to heat that bay so that the water does not

freeze in the winter. They have multiple ways to recycle the water they use in the car wash.

Council Member Coats asked if they are proposing to use a water recycler.

Mr Bundy stated that they could hit the 50% usage requirements without a recycler, but they could install one if they needed to hit the 80-90% requirement.

City Attorney Thad Seegmiller clarified that there is currently no moratorium on car washes in Southern Utah. As the City is considering an ordinance on water conservation, they can ask the applicant to comply with those requirements.

Mr Bundy stated that there is a lot of sediment associated with self run car washes. This makes it more difficult to install a recycler. They are trying to contain all sediment on site. They use a pump truck to remove the sediment. He also stated that there has been a lot of research done on benzene. They are following all State regulations on this. The vents are required and the State inspects the installation of all tanks. He reviewed insulation requirements for the fuel tanks. He reviewed another document concerning continuous inspections of the gas station. There are a lot of regulations and inspections on gas stations.

Stan Snow stated that he has been in the gasoline industry since 1968. The fuel tankers fill the tank with fuel and collect the gasses contained in the underground tanks. If you are going to get any benzene, you are going to be exposed to it while you are fueling your car. Gas vapors are dangerous if they ignite. However, the gasses are contained in the fuel trucks. This process is very well regulated.

City Attorney Thad Seegmiller read from Utah Code 10-9a-102(3) and section 40-6-2.5(1). The State regulates the fuel and the fumes as well as the transportation of all fuel.

Mr Bundy clarified that it is a \$10,000 fine if a trucker does not comply with these State regulations.

Council Member Henderson asked how many tankers they anticipate per week.

Mr Bundy stated that they are only anticipating 1 fuel tanker per week.

Council Member Coats asked them to review the placement of the sign. He also wanted to know a little more about the traffic flow in the parking lot. It also may help to rotate the traffic pumps.

Phil Giles with Mainline Engineering explained they did a trip generation memo to determine how much traffic they will generate throughout the day. They should have good circulation through the development. In doing the initial study, there were no immediate concerns. They have multiple developments in St. George with similar designs, and they have not seen any traffic issues.

Council Member Coats asked about the striping of the do not block zone. If there is not enough stacking this could turn into a nightmare. If there is enough stacking in the parking lot it could work.

Council Member Henderson stated he does not have a personal concern with the traffic, but he did hear the concerns at the Planning Commission, so he does want to ensure there is enough stacking, and he appreciates them addressing those concerns.

Mr Bundy mentioned that these are smaller commercial units. The unit to the West will not have a drive thru and will be a sit down restaurant.

Council Member Henderson asked what types of businesses they are envisioning in these retail spaces.

Mr Bundy responded that they are envisioning a sub shop, pizza joint or something similar.

Mayor Staheli noted he does not vote on this item, but he does have some concern with a double drive thru. His question would be if they are open to one drive thru rather than two.

Mr Bundy stated that they would take that into consideration. It could work with one drive thru, however they don't want to limit what type of businesses want to do business in these units.

Council Member Coats stated this was a concern for him as well. However, he has seen this done in other parts of our community. Since Covid, people do not want to go inside, and the double drive thrus have worked for those areas. This is not currently something he is concerned about.

City Attorney Thad Seegmiller clarified that the State Legislature has some regulation on drive-thrus. He read Utah Code 10-8-44.6 regarding regulation of drive-thrus.

Mayor Staheli reviewed some of the public comments questions.

Derek Wiggins stated that they are looking for low impact tenants in this area. They would even love to have a dentist office. He is not surprised there are 6 gas stations within a 3 mile radius. However, they do feel this is an appropriate location for a gas station.

City Attorney Thad Seegmiller stated that the PUD offers the executive body broad authority to create development projects in the community. There is no direct regulation for gas stations.

Mayor Staheli said that he sees a PUD-C as an opportunity for the City and the community to work together on development projects. The Council needs to determine if the project makes sense for the proposed community.

Council Member Casperson asked how they balance the property rights of the developer.

City Attorney Thad Seegmiller stated that applicants receive help and advice from staff prior to being sent to the Planning Commission. If the applications comply with administrative requirements, they can be moved forward through the process. However, the legislative body also must take the zoning and community into consideration as they determine what would be a good fit. The Council has a broader concern concerning the community and citizens.

Council Member Coats stated that he thought the traffic study and layout seems adequate. His kids have also had issues with the bus stops and the busy roads, but they are working on improving these conditions. The City does what they can, but can't control bad drivers. He feels that this development will improve the traffic control in this area.

Council Member Casperson asked if the City could put sidewalks along both sides of the road in order to help improve these traffic issues.

City Attorney Thad Seegmiller clarified that they do not own the sidewalk easement on the South side of 2000 S. The stretch was included in the land owner's property description. However, if the owners wanted to deed that section back to the City, they would be happy to comply.

The Council asked a question about the parking system.

Community Development Director Drew Ellerman revealed that they would need a minimum of 40 spaces, and the development currently has plans for 72 parking stalls.

Council Member Henderson stated that there had been some question about whether the gas station should be cut to 8 pumps. However he believes that it is better to have the 12 pumps in order to keep the traffic flowing.

Council Member Casperson said that she has spent a lot of time learning about the safety measures that are in place in gas stations. There are State and Federal laws that regulate these gas stations. She believes that these regulations lessen the health concerns for the surrounding community.

Council Member Coats stated that he read through all the information provided to him as well. He feels that putting gas stations throughout the community also lessens the fume emissions from driving across town to get to other gas stations. The State and Federal governments regulate gas stations heavily, and they would address any concerns he would have.

Council Member Henderson stated he had a few concerns however during the discussion they have been resolved. He is good with the use. He likes the project, he is good with the gas station and stores. He likes the site plan and the improvements they have made since the Planning Commission. One thing he would like to address is our vision for how we would like our fields to look. He is not thrilled with the aesthetic of this commercial development. It looks very commercial, and he would like the design to fit better with the community. It's a fantastic project, but he feels the design could be better. He likes the architecture of "The Creamery" in Beaver. Some type of historic design, which would fit in better with Washington City.

Council Member Martinsen said that his research has shown that the vapor capture technology has lessened these health threats. There is a bigger concern from the gas that spills onto the ground as you are fueling your vehicle. Any ways that we could alleviate this hazard would be great.

City Manager Jeremy Redd stated that this commercial property was reduced in size from what was originally suggested. The City has tried to make this a neighborhood commercial project.

Community Development Director Drew Ellerman clarified that this piece has had it's current zoning for 2 years.

City Manager Jeremy Redd revealed that Washington is very residential heavy. However, there is a need for commercial development here as well. The City is working on design guidelines in order to make these developments fit into the overall community. The developer needs clarification as to if the City approves of the uses, because the design and architecture can be adjusted.

Council Member Coats noted he is fine with the number of gas pumps. If anything he would rather have more pumps installed in order to prevent traffic backing up.

Council Member Casperson said that she doesn't feel like banning carwashes is an effective method. She feels that they need to address the community as a whole, and not pick out certain businesses that cannot use water.

Council Member Coats asked if there is a number the Council is comfortable with for water usage on the car wash. He believes the developer noted they would use 40 to 60 percent of home usage.

Council Member Martinsen noted the developer felt with a recycler they could potentially get down to 15% usage.

Council Member Coats stated he believes all car washes should have a recycler.

Mayor Staheli stated that other Cities are coming down a little stricter on car washes. He would ask that the developer comply with the water conservation ordinance that passes. This will allow for uniformity between neighboring Cities.

Council Member Coats stated he would like to be consistent, but he is not certain what the exact numbers are at this time.

Council Member Casperson asked about the percentages of usages mentioned in that ordinance.

City Manager Jeremy Redd clarified that it was written as a 25% usage. Council could stipulate that the developer would have to comply with our future ordinance. We hope it will be approved before they are ready to go

City Attorney Thad Seegmiller said that the document he found said 20% usage for new or re-developed car washes. The ordinance also requires recirculation.

Mayor Staheli stated he would like the applicant to take a look at the concerns the neighboring development has. He reviewed those concerns submitted through the public comments as follows:

Architectural design:

- We would like to see an overall design that fits our area and identifies an upscale development.
- Possibly flat roofs with varying heights.
- Possibly exterior walls that have awnings and other detail and would jog in and out to provide visual interest. No blank, flat walls.
- Possibly eliminate or minimize the Vacuum Station awning. It shouldn't be an eyesore.
- If possible, we would like to be kept abreast of the proposed design detail so we might be able to comment.

Block walls:

- We would like to see identical block walls to our Heritage Place subdivision, which will be charcoal color with one row of split face block showing through on both sides.
- We would like to see a 7', rather than 6', block wall (measured from the highest grade of the commercial or townhomes) between Heritage Place townhomes and the commercial.
- We would like to see a 6' block wall on the west side of the development running through the middle of the proposed landscape area. This will minimize the visual impact of the commercial and it would help block the noise coming from the vacuums, drive-thru(s) and car wash.

Elevation: We would like to see the grade elevation of the commercial be no higher than the grade elevation of the adjacent Heritage Place townhomes.

Lighting: We would like to see shielded down-lighting, preferably a yellow/amber light color including parking light lighting, that would not spill over (and glare) into residents' homes, and no LEDs. This includes lighting for the gas pumps. Possibly have all, or some, of the perimeter and parking lot lighting be bollards rather than poles. Minimize the overall amount of light in the project, but with enough for safety.

Signage: We would like to see all signs be monument signs, not pole signs; no flashing signs; store signs that do not glare into residents' homes; no LED messaging; and gas price signs that do not include LED gas prices.

Landscaping: We would like to see the landscape strip portion of the landscaping on the west side of the development be identical to our Heritage Place subdivision which will include two large alternating trees, Southern Live Oak and Red Push Pistache. Trees would be located outside the requested block wall.

Location of Gas Pumps: If possible, we would like to see the pumps relocated to run perpendicular to the C-Store so there is less impact on the adjacent townhomes. If perpendicular, car headlights would not be pointed at townhome residents when entering, exiting and fueling.

Hours of Operation: We request that the hours of operation be limited because the project is located in a residential neighborhood.

Council Member Casperson asked whether the hours of operations were added as a condition by the Planning Commission.

Mayor Staheli clarified that the Planning Commission recommended denial, so it is up to the City Council to recommend conditions.

Council Member Coats stated that he doesn't feel that the City should require all of these conditions from the developer. He feels that the developer is aware of them, and it doesn't need to be reiterated by the Council.

Council Member Coats made a motion to approve an Ordinance for Zone Change Z-21-26 PUD-C Planned Unit Development- Commercial Design and Use located at Washington Fields Road and 2000 South with the findings and conditions from staff approving the uses, layouts, and the access points only reserving all other items to be readdress when looking at the architecture at a future meeting on March 23rd, 2022. Uses defined as follows: 1) Gas station 2) Car wash 3) Convenience store; with the addition of a condition that the car wash must have a recycling system with a 20 gallon per wash limit. Council Member Henderson seconded the motion; which passed with the following roll call vote:

Council Member Casperson	Aye
Council Member Coats	Aye
Council Member Henderson	Aye
Council Member Ivie	Nay
Council Member Martinsen	Aye

10. CLOSED SESSION

- a. Purchase, exchange, or lease of property;
- b. Pending or potential litigation;
- c. Character or professional competence of an individual.

None

11. ADJOURNMENT

Council Member Coats made a motion to adjourn the meeting. Council Member Martinsen seconded the motion; which passed unanimously.

Meeting adjourned at 7:55 P.M.

Passed and approved on the 23rd day of February, 2022.

Washington City

Attest by:


Tara Pentz, City Recorder




Kees Staheli, Mayor