

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
JANUARY 16, 2014, 4:00 P.M.
ADMINISTRATIVE CONFERENCE ROOM**

PRESENT:

**Mayor Jon Pike
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
City Manager Gary Esplin
City Attorney Shawn Guzman
City Recorder Christina Fernandez**

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Councilmember Almquist and the invocation was offered by Councilmember Randall.

Mayor Pike mentioned the City's 152nd birthday. The tradition of celebrating with root beer floats will take place on Saturday from 12:00 - 2:00 p.m. at the Social Hall. Immediately following will be the grand opening of the St. George Children's Museum. The museum has seen approximately 25,000 visitors since it opened its doors. He invited the scouts in the audience to introduce themselves.

USE OF CITY PROPERTY:

Consider a request from Washington County to use City property for a temporary location for the USU Extension office.

City Manager Gary Esplin advised the original building was recently destroyed in a fire. When he learned that Washington County was looking for a place to house the extension office, he had them look at the two hangars at the old airport site. Dean Cox is requesting to utilize the southern most hangar. He recommends allowing Washington County to use that hangar providing they have insurance and cover the cost of the utilities for at least one year. The north end is used for the temporary homeless shelter.

MOTION: A motion was made by Councilmember Almquist to allow the County to use the City property for the temporary location for the USU Extension office at the south end hangar at the old airport site.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist- aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

DISCUSSION WITH MEMBERS OF THE BLOOMINGTON COMMUNITY COUNCIL:

Mayor Pike introduced the Bloomington Community Council. He explained that they are here to discuss a topic that may lead to a more broad discussion regarding the Bloomington Community Park.

Gail Maxwell stated that they are proposing to build a foursome pickleball court on the southwest corner of Bloomington Park. They received a bid for \$52,000.00 to build the

four courts. He explained that there is a drain that will need to be moved at a cost of approximately \$9,000.00. They are proposing to put in \$10,000.00 towards the cost of the courts and pay for moving the drain. Landscaping and sidewalks could be done by those looking for Eagle Scout projects. Currently, they have 12 Eagle Scouts that are getting ready to present plans to get approved for the volleyball courts.

City Manager Gary Esplin stated that staff had previously suggested having pickleball courts in different locations of the City prior to building the pickleball complex. Staff estimates that it would cost approximately \$190,000.00 to build the four courts.

Mr. Maxwell stated they are proposing to pay \$10,000.00 toward the cost to build the courts, build the pad, and put the drain into the river. They are requesting the City furnish the lights and materials to put the drain into the river and contribute the remainder of the funds to build the courts.

City Manager Gary Esplin advised there is no money in the current budget for this project. He can see if there are any extra funds in the Capital Project funds. This project is not eligible to be paid for out of park impact fees.

Councilmember Almquist asked Mr. Maxwell how certain is he that the contractor will honor the bid.

Mr. Maxwell stated the contractor put the bid in writing so the bid should be honored. The contractor is local. Additionally, he was told by the contractor that to lower costs, they could get their own concrete company as long as the concrete was post tension.

Mayor Pike inquired if staff would be required to put this out for bid since it is a City project.

City Manager Gary Esplin stated since there is such a disconnect between their bid and what staff estimates, the numbers will need to be reviewed. In addition, he will need to look at what funds are available. If the City is going to put money into the project, there are bidding requirements that staff would have to adhere to. He will have City Attorney Shawn Guzman look at how things need to be done.

Consensus of the Councilmembers is to move forward with looking at the cost.

Mayor Pike stated there is a unique history to that park. It has never been quite finished. This has been done this in other situations. All Councilmembers who attended the Economic Summit were asked by Kyle Case, with the Huntsman Senior Games, if the pickleball courts will be finished at Little Valley by March 1st so that they can use them for the Senior Games.

City Manager Gary Esplin stated the cost to finish that entire project is approximately \$1.3 million.

DISCUSSION ON THE MIXED USE PROVISIONS IN C4 ZONE:

City Manager Gary Esplin stated this discussion is a continuation from last weeks City Council Meeting. The C-4 zone is approximately fifteen blocks in the downtown area. The zone allows for things that are not allowed in other zones, primarily housing. A provision in the C-4 zone was that you can have a mixed use project which could include housing and commercial. Discussion from last week included what combinations of the mixed use will be required to allow the project to progress. How much landscaping is required,

parking and phasing of the building are all areas that staff is struggling with. The most dense housing in the entire zoning ordinance is in the C-4 zone.

Deputy City Attorney Paula Houston advised there is not a density in the C-4 zone , so the potential is there for it to be higher than any other zone.

City Attorney Shawn Guzman stated that staff will have to make sure there are buildings facing the street that have the facade of a main entrance with commercial on the bottom floor and residential on top.

Deputy City Attorney Paula Houston stated that after last week's discussion, changes were made to add more flexibility. Changes were made to the proposed ordinance regarding phasing requirements and allowing for a main entrance inside the interior of the lot in addition to a main entrance facing the street. Currently, setbacks are 0'-20', however, there was a discussion if there should be a greater setback. The current landscape requirement is approximately 22%. Additionally, a change was made that will allow for a perpendicular building that will front on the street. If perpendicular, it would require the section that is adjacent to the street, be commercial use.

City Attorney Shawn Guzman stated they he and Paula have been working with Bob Nicholson on this.

Deputy City Attorney Paula Houston advised the proposed ordinance states that a minimum of 50% of the ground floor area within the project shall be for commercial uses. The site plan will need to be approved by the City Council. Another change that was made states that some of both residential and commercial uses, it is of 50/50 on phasing, but overall would have to be 50% commercial.

City Attorney Shawn Guzman explained that with phasing, the site plans can be looked at. There will have to be at least some commercial use in each phase.

City Manager Gary Esplin stated that with the market being where it is at this time, it could be a long time before commercial is added.

Wes Davis inquired if a developer can follow the same process as a request for PD, PUD or PD-Commercial residential project. The developer will want to maximize their investment and return. He believes that rather than having the requirement of having so much commercial and so much residential, the developer submit a plan as outlined in a PD zone and move forward that way in phasing.

City Attorney Shawn Guzman advised the way the ordinance has changed, it still addresses the City Councils concern of allowing just the residential, then the zone would just be changed to PD-Residential.

City Manager Gary Esplin stated the purpose of the C-4 zone is to try to bring residential downtown. The question is how long are the Councilmembers willing to allow for less commercial.

Councilmember Almquist stated it will be nice to have mixed use somewhere. Having it downtown is a way to draw people to the area.

City Manager Gary Esplin advised the idea was to not be 50/50. He inquired, if another mixed use comes in, where are they going to get the green space. The flexibility may need to be project specific.

Councilmember Randall stated she believes one rule does not apply to all.

City Manager Gary Esplin stated this particular site is unique from any other site in a C-4 zone.

Randy Wilkinson stated that possibly, depending on how much frontage a building has, the percentage of the street frontage can be commercial.

City Manager Gary Esplin suggested staff have a meeting with property owners and developers and come back for further action. He stated he is not opposed to creating an RDA in that area.

CONTINUE DISCUSSION ON THE LOCATION AND TYPE OF FENCES ALLOWED ON PROPERTIES:

City Manager Gary Esplin stated the public hearing on this item was closed at the last City Council meeting.

Craig Harvey provided a map which shows the amended changes. He stated that the current ordinance allows for a 4 foot decorative fence on a corner lot. The proposal is to allow the fence to go to the front of the corner of the house and go 6 foot to the street as long as the top 2 feet of the fence was wrought iron.

City Manager Gary Esplin advised that staff felt that wrought iron will not achieve what they originally thought as far as visibility. The biggest concerns are the angle, making sure that someone backing out of their garage has visibility to see as well as the joint utility trench.

City Attorney Shawn Guzman advised that some people want to line up with their neighbor. He explained that at the previous council meeting, a discussion took place regarding corner homes that have a side entry garage. There is nothing in the current ordinance that mentions how far the fence will need to be.

City Manager Gary Esplin advised that requiring a fence permit, even if there is no charge, may alleviate some issues.

Mr. Harvey stated that a permit is required when building a fence on a corner lot but not for any other.

City Attorney Shawn Guzman advised requiring a permit will also help with issues of neighbors installing walls of different heights.

Tracy Ence stated he feels people should use common sense. He believes the ordinance should include the ability for the City Attorney to make changes as he sees fit. He inquired if language could be added that states if a property is a non driveway side, a fence can go to one foot from the sidewalk.

City Attorney Shawn Guzman explained that driveways are the only issue. He believes that this is the first step of looking at the rock wall ordinance.

City Manager Gary Esplin advised there could be a requirement on a side driveway entrance that it be diagonal so that the fence cannot go all the way to the edge.

City Attorney Shawn Guzman stated that angling the fence would give the flexibility for the largest yards.

City Attorney Shawn Guzman advised the 30 foot requirement may be too much. Staff would have to determine the proper angle.

Councilmember Randall stated she believes it is important to get input from the builders.

Mari Smith with SUHBA, stated that they have a government affairs committee. She would like a copy of the current ordinance so that they can look at it and make suggestions.

Paul Iverson advised that there is a long wall in Meadow Valley that the homeowners are responsible for. There are a lot of tumbleweeds in that area.

City Manager Gary Esplin stated that is a good example of why the ordinance did not work that required the property owners be responsible for landscaping outside of the walls. The City now maintains the landscaping and is charging a fee for every lot that comes in.

City Manager Gary Esplin asked SUHBA to invite staff to their meeting so that they can discuss their proposals.

REPORT FROM COUNCILMEMBERS:

Mayor Pike explained that he would like the work meeting agenda include an item for a report from Councilmembers. This will be an opportunity for them to bring up items from the different committees and boards in which they are assigned to. His intent is to have the work meeting go no later than 7:00 p.m.

Councilmember Almquist stated that with regards to the Planning Commission, there are some appointments that need to be made. With the high quality of individuals that are applying for the vacant City Council seat, he would like to see some of the applicants appointed to boards as needed. He would like to discuss 1450 South River Road, conduits were put in that road at that the time the signal was put in. He also wished to discuss the large rocks from 3000 East that were to be saved for City projects. He was informed that stipulation was never put into the contract. In addition, he inquired about the poles on 700 South.

City Attorney Shawn Guzman advised the poles belong to IHC. He explained that Interlinks sold the property to IHC. The poles provide a critical link between the two hospitals.

Councilmember Almquist stated he would like to be proactive on air quality. He explained that the Historic Preservation Committee met regarding the Hafen home. There is a concern that the roof is metal and not historic.

Councilmember Hughes stated that he recently met with the local homeless coordinating council. He explained the council is a group of different agencies that deal with homeless and those that are under-housed. It is a requirement of the funding agencies to have a committee. In the near future, the council will do what is called "a point in time" to count

all of the homeless people in Washington County. They are in need of 200 volunteers to assist in the counting and will have a training meeting. The goal of the council is to end homelessness. If anyone knows of a place where homeless people are living, he asked that they let him know. During the count, food boxes and wallets will be handed out.

City Manager Gary Esplin advised that the work meeting on February 13th will include a presentation from the Dixie Care and Share.

Councilmember Hughes stated there was quite a bit of discussion regarding what type of housing is available.

Mayor Pike advised that Councilmember Hughes has been previously approved to be a board member for the St. George Housing Authority. He stated that Tom Culver would like to be on board as well. Since Mike Barben has been in the Director position, everything is running smoothly. Their audit is on schedule and things are going well in terms of his management.

Councilmember Randall stated that she is on the Veteran's Advisory Council. Currently, they meet every second and fourth Tuesday. She explained that they would be willing to help with the homeless count as there is a number of homeless vets in Washington County. They trying to get letters out to area vets informing them of programs that are available. She will see that they attend the training meeting for the homeless count. Additionally, she would like to have Bruce with the veteran center come in for a work meeting and include the department heads.

Mayor Pike stated he wished to clarify that Art Around the Corner has asked the City to purchase the dandelion piece. He would like direction from the Councilmembers on what they would like to do. He explained that the net proceeds from the carousel will be used to budget a projected amount to be used for purchasing items to be displayed throughout the City.

City Manager Gary Esplin stated that is a great idea. The net proceeds are approximately \$10,000 per year and should be allocated in the budget. At some point there should be recommendations from the Arts Commission or Art Around the Corner as to which pieces to purchase.

City Attorney Shawn Guzman advised that every year Art Around the Corner is getting better known. They loan the pieces to the City for a year.

Mayor Pike stated that not everything needs to be in Town Square. He believes the Arts Commission should be making the recommendations. Some pieces are more than \$10,000-\$15,000. Additionally, he brought up the issue of the potential fuel tax. The issue is that cars are getting better mileage, therefore, the fuel tax revenue is declining.

City Manager Gary Esplin stated that he has been trying to schedule the County to give a presentation at a City Council meeting.

Mayor Pike advised that 25 applications have been received for the vacant City Council seat. The qualifications are still being reviewed. He encouraged the Councilmembers to review the applications and call the listed references. The applications and resumes will be given to the Councilmembers after tonight's meeting.

City Attorney Shawn Guzman advised the statute says that the interview will consist of at least one question to all applicants, it does not have to be a standard question. In case of a tie, the Mayor can vote; however, in talking with other attorneys, there is some discrepancies on how other Cities have handled this situation.

City Manager Gary Esplin suggested a certified letter be sent to all candidates informing they have to present at the next City Council meeting for the interview process.

Mayor Pike advised the interview process will probably take some time. There will be opportunity for discussion in an open meeting. Motions will be made, there many not be a second; however, if there is a second, there can be further discussion. A lot of good people that have applied.

REQUEST A CLOSED SESSION:

MOTION: A motion was made by Councilmember Hughes to adjourn to a closed session to discuss possible litigation and land sale.

SECOND: The motion was seconded by Councilmember Almquist.

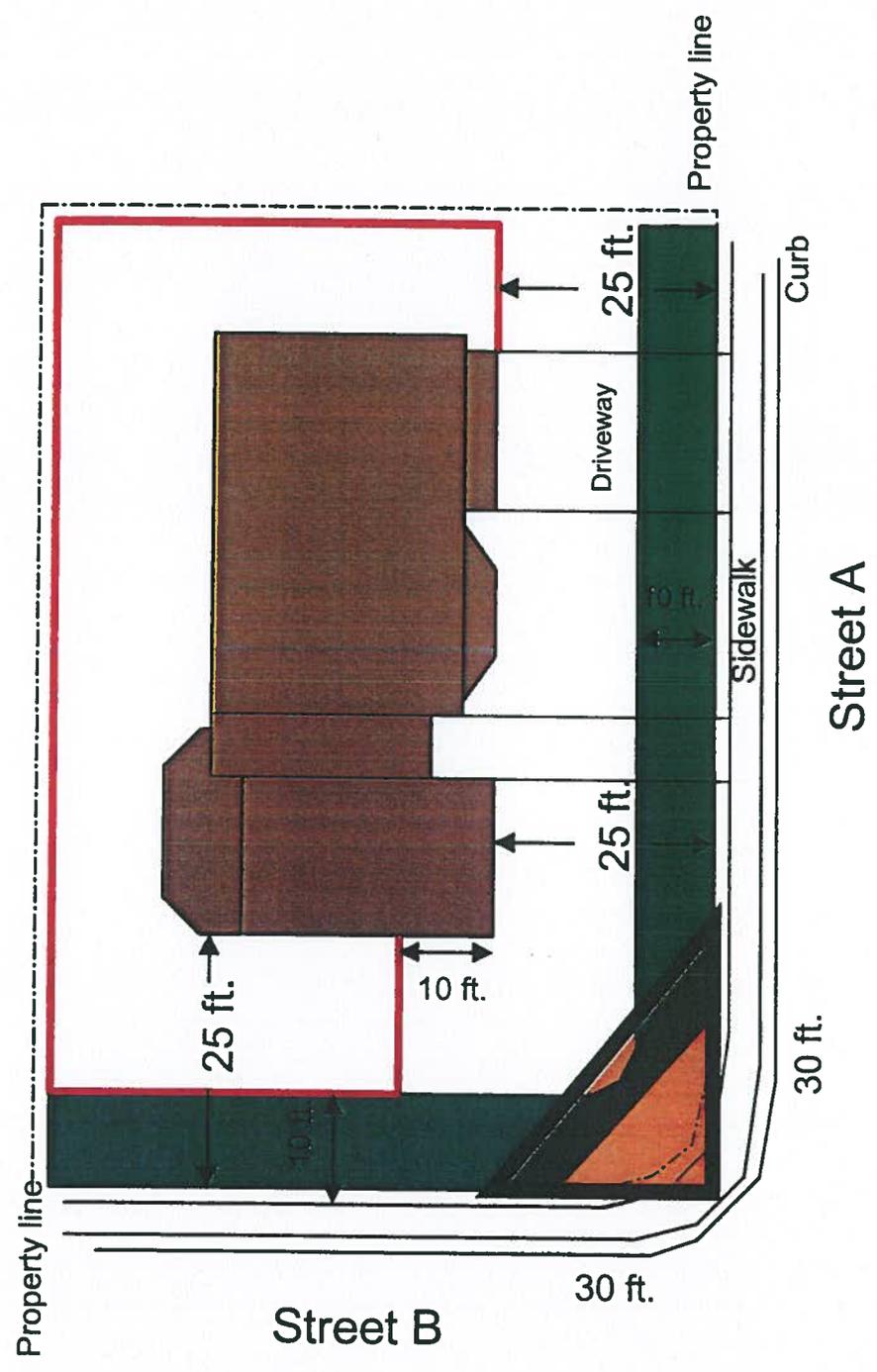
VOTE: Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist- aye
Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye

The vote was unanimous and the motion carried.

The meeting then adjourned.

WALLS/FENCES - FRONT SETBACK



No obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection.

-  6 ft. wall/solid allowed
-  4 ft. decorative fences (i.e. picket or wrought iron with at least 50% open)
-  30 ft. site distance triangle – no obstructions greater than 3 feet