

**ST. GEORGE CITY COUNCIL MINUTES  
REGULAR MEETING  
FEBRUARY 6, 2014, 5:00 P.M.  
CITY COUNCIL CHAMBERS**

**PRESENT:**

**Mayor Jon Pike  
Councilmember Gil Almquist  
Councilmember Jimmie Hughes  
Councilmember Michele Randall  
Councilmember Joe Bowcutt  
Councilmember Bette Arial  
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 Bowcutt and the invocation was offered by Reverend Alex Wilkie.

Mayor Pike mentioned that Coach Sark Arslanian celebrated his 90<sup>th</sup> birthday this week. Additionally, he mentioned upcoming events such as the Parade of Homes and the Polar Plunge.

**COMMENTS FROM THE PUBLIC:**

Mayor Pike stated this is the first day that public comment will be heard at a regular Council meeting and will continue on the first Thursday of each month. The three ground rules are: 1) Keep total time to approximately 15 - 20 minutes; 2) Show respect; and 3) Comments cannot be related to pending issues which the other party is not present to present their side. For example, there are a number of people present who wish to discuss a project on 1450 South and River Road, however, there will be a public hearing when the zone change request comes before the Council. Although, these items are on tonight's agenda, he will allow comments to be heard on roundabouts and Little Valley Road improvements since the City is present to tell their side. There was an opportunity for a public hearing for both of these projects during the budget process.

Len Levine stated he would like to discuss fireworks. He believes the problem here in St. George is the fact that fireworks are allowed a few days before and after the holiday. He feels that this issue affects animals. Personally, this problem has cost him over \$1,000.00 in vet bills. He suggests that fireworks be allowed only for one day. His concern is that pets cannot speak for themselves. He feels his suggestion would cut down on problems with the Fire Department as well.

City Attorney Shawn Guzman advised that the League of Cities and Towns was not in favor of the change at the legislature. The League voiced their concerns that each jurisdiction should be allowed to control fireworks. The state is losing too much money to out of state fireworks. The City cannot currently prohibit fireworks in most areas of the City, unless there is a change by the Legislature.

Mr. Levine stated he feels all pets must be on leashes, cats included. When feral cats run from day and night, the dogs bark and disturb the peace. There are too many kittens out there. He feels the feral cats should be caught and sold.

Mayor Pike explained that is one item that is being looked at.

Thayne Bristol stated he feels that roundabouts are dangerous. He has come close to being hit by cars while in them and feels they are a waste of tax payer dollars. He believes a 4-way stop or traffic lights are a safer alternative.

Mayor Pike advised that there are people on both sides of this issue. There may be differing opinions even on the Council. Under the right circumstances roundabouts can be a good idea. In terms of price, they are similar to a traffic signal.

Brent Crosby stated he is concerned regarding the expense of the roundabout when the City cannot take afford to take care of the City Cemetery. In July, he found that one of his relative's headstones was damaged. The Cemetery admitted that they damaged the headstones with the lawn mower. He has been told several times that the City does not have the funds to maintain the Cemetery properly. The water that is being used at the Cemetery is also damaging the headstones. He would like to schedule a time for the Council to meet him at the Cemetery.

Councilmember Hughes advised that the goal is to keep the Cemetery affordable. He has spoken with Kenworthy Monuments regarding the headstones and water. Possibly, staff can look at volunteers to help maintain the Cemetery. He stated that he will follow up with Mr. Crosby.

City Manager Gary Esplin stated the water is taken out of the River, pumped to the ponds at the City yard and then are pressured back down and they irrigate not only the Cemetery, but also City parks, the Dixie State University campus and the middle school and high school campuses. There have been discussions regarding the content of water.

Mayor Pike advised that the roundabouts are one time funds and the Cemetery long time funds.

Paul Gooch stated that residents in Little Valley tried to find ways to preserve agriculture use. They are not against development in the area and over the last few years they have remained quiet. It wasn't until this week, when Little Valley Road was closed, it dawned on them that the traffic in front of their subdivision is heavy. The potential to keep the agriculture is feasible if they get rid of the race track in their neighborhood. With having large animals they do not feel safe any longer. He and his neighbors are asking for a brief reprieve.

Dorothy Engleman stated that she is concerned about the fact that she heard different things regarding the opportunity to give public comment. There were a number of citizens present earlier to give their comments only to be told that they were forbidden to speak about their issues. She believes it is interesting that there was no way for the public to know, other than from the newspaper, that public comments were going to be heard. Previously a rule was that anything can be discussed unless the item was on the agenda that day. It seems to her, that the Council threw that rule by the wayside with the comments that were previously heard. She believes that there is an inequality with the public comment is being administered. Her hope is that citizens are encouraged to speak and that all rules are enforced equally.

Mayor Pike stated that he is sorry for the confusion, this is the first time public comments have been heard in this setting. He allowed the items that are on tonight's agenda to be heard because the City is the other side. Although the rules may be adjusted a bit, he does not believe there will be a change regarding the rule that pending items cannot be discussed, such as 1450 River Road.

City Attorney Shawn Guzman stated this could be the other way around, the developer could have been here to speak and the residents were not notified that he was coming in to speak. The fairest way is to say if it is an issue requires a public hearing, the public hearing will be noticed.

Ronna Marker explained that she was confused because she received a letter dated February 6, 2014 notifying her that they were allowed to come to discuss the Jiffy Lube project. She stated that on the City's website, under the General Plan 5.6.1, floodplain policies state "The City's policy is to discourage any development within the 100 year flood plain. Exceptions can be made for uses compatible with periodic flooding such as trail systems, golf courses and other public or private uses that will permit the free passage of flood waters". Chapter 1 states "The present planning challenge is to direct and to manage growth in order to preserve the quality of life now enjoyed by residents". Having an outline of what the City is doing doesn't help if it isn't being followed, particularly not building in the floodplain. There were huge ramifications of the 2005 and 2010 floods with

regard to structures built in the floodplain. Her hope is that the Council is familiar with what is on the City Plan and she hopes they are more careful with obeying those presets.

Travis Marker stated that he feels it would be helpful if the City can look at how many residents actually live within the 500 feet when sending notifications for zone changes. He wondered if the borders can be looked at so that more residents that may be outside of the 500 feet could be given notice and give them the opportunity to participate. Additionally, he is aware that the General Plan is discretionary, however, it is clear that the City could make a provision that portions of the plan do become an ordinance that would have to be followed. He suggested stronger language in the General Plan, rather than it saying 'discouraging' it could say 'prohibits'. It might provide some opportunity that may be beneficial to the City.

Mayor Pike advised that even ordinances can be changed.

City Attorney Shawn Guzman stated that is it fair to go beyond the 500 foot range when sending notifications. As far as the ordinances and General Plan, there is a reason why there is a General Plan. In the past there were Master Plans which, in sense, became the zoning. The General Plan just says that this intersection can be commercial. If it is done by ordinance, you lose the flexibility.

Mr. Marker stated that sometimes it may be better to have a law that is not flexible. He was astonished at the damage the river caused during the flood.

City Attorney Shawn Guzman stated that approximately 7 years ago, there was a drive at the Legislature to do away with all of any requirements regarding aesthetics on hillsides and engineering. Now you are talking about someone else's property rights and Utah is a property rights dominated state. When you look at the flood plains, for example, with the laws that are in place, if a developer can engineer the property so that it is out of the flood plain, the City needs to be very careful about denying them the right to develop the property.

Councilmember Hughes advised that the notice can be looked at as it has been an issue at Planning Commission meetings.

City Manager Gary Esplin clarified the General Plan is a guideline. In the ordinance, a developer has the ability to build on their property if they take it out of the erosion hazard area and elevate out of the flood plain. The erosion hazard is different than the 100 year flood plain. The issues in Santa Clara were not because they built in the flood plain, it was because of an erosion hazard issue. Further, there is no federal or state law that states that building cannot happen in a flood plain. City code states that you can build in a flood plain if it is elevated 2 feet out of the flood plain, however, you can build a number of other things in a flood plain without elevating.

**APPROVAL OF CONTRACT:**

**Consider approval of a contract with Progressive Contracting, Inc for the construction of River Road Bridge and Trail Erosion Protection.**

City Manager Gary Esplin advised that the NRCS has completed a portion of the erosion hazard boundary along the south side of the Virgin River. This would provide extra protection for the River Road Bridge and utilities as well as provide a trail along this portion of the River.

Purchasing Manager Connie Hood stated that the total cost \$104,484.18, the City's portion is \$67,117.00. The remaining portions will be paid for by the adjacent property owners.

**MOTION:** A motion was made by Councilmember Almquist to award to Progressive Contracting, Inc. for the project discussed in the amount of \$67,117.00, total cost of \$104,484.18.

**SECOND:** The motion was seconded by Councilmember Hughes.

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

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

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider award of bid to Progressive Contracting to build the 600 West Tonaquint and 400 East Tabernacle roundabouts.**

Purchasing Manager Connie Hood advised Progressive Contracting submitted the low bid of \$549,117.67. There were 3 bidders for this project.

City Manager Gary Esplin stated the roundabouts will have landscaping similar to what is on the other side of the road. Additionally, there will be a sidewalk and the roadway will be widened and tie in to Dixie Drive. He advised that the Council authorized expenditures of funds to finish the entire project. Staff will be providing some of the trees at the nursery.

Councilmember Arial asked if there were plans for landscaping within the roundabouts. Citizens are concerned about the height of some of the plants used.

City Manager Gary Esplin stated that staff can make sure they are not too high. There is a potential for an art piece in the middle. Safety is always a concern.

Councilmember Hughes stated he is not generally in favor of roundabouts; however, he has concluded that drivers do not drive through them properly.

**MOTION:** A motion was made by Councilmember Hughes to award the bid to PCI for the 600 West Tonaquint and 400 East Tabernacle roundabouts in the amount of \$549,117.67.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

Councilmember Almquist stated that most of the decision is based on a graduated scale of what would be appropriate for an intersection. What level the intersection is graded will tell you what the appropriate application, a signal, a roundabout or a 4-way stop.

**AMENDED**

**MOTION:** A motion was made by Councilmember Hughes amended his motion to include the landscaping for \$117,199.23 for the alternate.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

**APPROVAL OF CONTRACT:**

**Consider approval of a contract with Progressive Contracting, Inc for the construction of the 2013 Riverside HMGP Project**

Purchasing Manager Connie Hood advised this project is partially funded by a grant. This contract would be with Progressive Contracting, Inc. for the construction of the 2013 Riverside HMGP project. The grant would cover 75% of the cost, the City would cover 25%. Total cost of the project is \$208,240.00.

City Manager Gary Esplin explained this area is right below the Volunteer Doctor's Clinic and the parking lot for the Virgin River trail. During the last flood, the City applied for and was awarded a grant from the State and FEMA to mitigate for future storms. This would solidify that particular area. The City's match is 25%.

**MOTION:** A motion was made by Councilmember Almquist to award the bid to Progressive Contracting, Inc for the Riverside HMGP project, total amount of the project is \$208,240.00, with the City being responsible for 25%.  
**SECOND:** The motion was seconded by Councilmember Randall.  
**VOTE:** Mayor Pike called for a vote, as follows:

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

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider approval of an agreement with PUB-QP, LLC to construct improvements along 3000 East, Phase 2, in the vicinity of 1130 South.**

Purchasing Manager Connie Hood advised this cost sharing agreement is with Quality Properties for Phase 2 of the 3000 East project. The cost of the agreement is \$126,000.00.

City Manager Gary Esplin explained that as the next phase of 3000 East is improved, this is the portion goes from Phase 1 north to the new road that will be built as part of the Mall Drive Bridge. This project will widen the shoulders to the west side. The property owner has agreed to dedicate the roadway and install curb and gutter. The City will then improve the road. Since there are no plans to develop the area at this time, the City will have to use funds to advance the tie in to the Mall Drive Bridge.

Councilmember Hughes inquired if there was a way to have an agreement in which adjoining property owners reimburse the City when they develop.

City Manager Gary Esplin advised the funds will come from impact fees so someone has already paid.

**MOTION:** A motion was made by Councilmember Hughes to approve the agreement with PUB-QP, LLC for the improvements along 3000 East, Phase 2 in the amount of \$126,000.00.  
**SECOND:** The motion was seconded by Councilmember Almquist.  
**VOTE:** Mayor Pike called for a vote, as follows:

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

The vote was unanimous and the motion carried.

**CHANGE ORDER:**

**Consider approval of a change order to the 3000 East, Phase 1 project to extend improvements for an additional 525 feet along 3000 East in the vicinity of 2000 South.**

City Manager Gary Esplin advised this request is a similar situation as the last item. The developer has stated that he will not improve his property at this time, it may be 2-3 years. There is a section of property that will not be improved unless the City does it. The developer has agreed to contribute \$30,000.00 and will dedicate a specially designed manhole that is needed. The City will put in the additional improvements along the frontage in order to tie the whole project on that side of the road. There is no way of forcing someone to pay, so there have never been reimbursable agreements with developers. The total cost is \$82,107.50 with the City's portion being \$52,107.50.

**MOTION:** A motion was made by Councilmember Arial to approve the change order in the amount of \$52,107.50.

**SECOND:** The motion was seconded by Councilmember Randall.

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

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

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider award of bid to Bud Mahas Construction for the City Hall East Annex Plaza on 200 East.**

City Manager Gary Esplin stated this request is for the award of bid to Bud Mahas for the City Hall East Annex Plaza on 200 East.

Purchasing Manager Connie Hood advised that Bud Mahas came in with the low bid. The cost of the bid, including the alternate is \$152,552.07. There were 3 bids received.

City Manager Gary Esplin explained that Bud Mahas has the existing contract to move the Recreation Department to the East Annex. This bid will be for the cement and re-doing the plaza. There are funds in the current budget.

**MOTION:** A motion was made by Councilmember Randall to award the bid to Bud Mahas Construction for \$152,552.07 for the City Hall East Annex Plaza.

**SECOND:** The motion was seconded by Councilmember Hughes.

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

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

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider award of bid to Interstate Rock Projects, Inc for Little Valley Road improvements.**

City Manager Gary Esplin advised during the current budget, \$860,000.00 was budgeted for improvements on Little Valley Road. There have been property owners stating the road was

unsafe with the amount of traffic. Little Valley Road was dedicated as a 66 foot road in 1982. All subdivisions that have been improved in that area have deeded the right of way for the 66 foot road. Eventually, the road will hit 3000 East and go across the Fort Pierce Wash. Council has instructed staff to install 30 feet of pavement down to Crimson Ridge Drive. Tonight's agenda includes a request for an agreement with the developer to jointly put in the improvements. Once construction starts on Little Valley Road, there will be no access. Staff recommends taking an additional \$250,000.00 to improve from Crimson Ridge Drive to Banded Hills Drive. There will be a number of connections to 3000 East when everything is done. The developer is putting in \$1.5 million to make the improvements on his side of the road. The City is putting in \$400,000.00 and will end up with a 40 foot road. Additionally, included in the current budget are funds to improve Little Valley Road.

Councilmember Hughes inquired how far the curb and gutter will go.

Transportation Manager Cameron Cutler replied that this project puts curb, gutter and sidewalk on the east side of the road to Horseman's Park Road. He stated that he met with each property owner to discuss how this will affect their driveways and driveway entrances. He explained that drainage would be an issue without curb and gutter.

City Manager Gary Esplin advised the request is to approve an agreement with Quality Excavation and for the City to reimburse them later. If the property owner makes his improvements now and the City waits, there are some issues with the water line that runs through the middle of the road. His understanding with the timing on 3000 East is that it will be completed in approximately 2-3 weeks with the idea of having it to Crimson Ridge Drive. The developer is already working on some of the excavation. Council can choose not to participate at this time and require the property owner to do his frontage and could have a 25 foot road which is not enough in his opinion versus having a 40 foot road all the way to Banded Hills.

Councilmember Almquist stated he feels that anything that make 3000 East safer in a cost sharing agreement is worth it. He believes there will be more of a benefit by doing the improvements at the same time. The whole purpose of having a grid or a network is having alternatives for safety reasons. In this case, whatever traffic calming can be done to allow the agriculture feel, go ahead and improve 3000 East.

Councilmember Hughes stated one issue that he feels is important, is preserving the agriculture lifestyle in the Little Valley Area. He would like the Council to do a site visit to the area before this bid is awarded.

City Attorney Shawn Guzman inquired about how long the bid is good for.

Mr. Cutler answered that he would have to check the bid documents.

Councilmember Bowcutt stated he has the same concerns that Councilmember Hughes has. He asked if the request can be tabled at this time.

Councilmember Randall stated that after spending time in the area this morning with Councilmember Arial, she agrees with Councilmember Hughes. She would like a site visit as well.

Councilmember Almquist inquired if the road is safe enough to remain in the current condition.

Mr. Cutler replied that he would have to find out how much of the chip seal has been torn up. It can be maintained with roadbase but will have to watered frequently so there is no dust.

Mayor Pike stated that in light of the comments and pending bid, he suggests the Council do a site visit next week.

Councilmember Arial stated that she has great sympathy for the agriculture areas, however, she feels there is a great need to improve the road and provide additional access.

City Attorney Shawn Guzman advised to continue on with the other agenda items and have Mr. Cutler research the time frame of the bid.

Mayor Pike stated that he feels there is no reason to wait on item 2H, however, he would like to wait until it is determined when the bid will expire, to take action on item 2B.

**APPROVAL OF AGREEMENT:**

**Consider approval of an agreement with Quality Excavation for improvements on 3000 East in the vicinity of Crimson Ridge Drive and Banded Hills.**

**MOTION:** A motion was made by Councilmember Almquist to approve the agreement with Quality Excavation for improvements on 3000 East from Crimson Ridge Drive and to Banded Hills.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

**AMENDING SECTION 10-10-5:K OF THE CITY ZONING REGULATIONS/ORDINANCE:**

**Consider an ordinance amending section 10-10-5:K of the City Zoning Regulations to modify the requirements for mixed use projects in the C-4 zone.**

Bob Nicholson stated the mixed use standards applies only to the C-4 zone, which is a small portion in the downtown area. The mixed use combines residential and commercial uses. Plans have to be approved by the Planning Commission and City Council similar to a planned development zone. In the mixed use standards, there is not a density cap. The factors for limiting the density will be building height, parking requirements and the landscaping. If a project is built in phases, each phase shall be all commercial or may include a mix of commercial and residential use. No phase shall be solely residential. Wes Davis suggested to add that no phase shall be solely residential unless some commercial has been built in previous phases.

City Attorney Shawn Guzman stated that he agrees with Mr. Davis' suggestion. Saying some commercial is not clear enough, however, staff can work on a ratio that will work.

Mr. Nicholson advised there are some basic building design standards will require a building facade to have architectural variations. The ordinance could include language that requires that material samples be included for approval. This is required in a PD zone. There is no density cap, so when approving, you will want to make sure it is a high quality building of character.

Councilmember Almquist advised that he would like to add language to that effect.

Mr. Nicholson stated with regards to the landscape provisions, the proposed ordinance states that mixed use developments must provide a minimum of 20% of the total site area in landscaping, which may include recreation facilities such as playgrounds, outdoor pools, tennis courts and basketball courts. No more than half of the total required landscape area may consist of recreation facilities.

City Attorney Shawn Guzman advised that changes need to be made to the proposed ordinance. Currently, the language states that a minimum of 50% be for commercial uses. He inquired if it could say that no phase shall be solely residential unless at least 50% of the minimum commercial use has been built.

**MOTION:** A motion was made by Councilmember Hughes to amend the City Zoning Regulations for mixed use projects in the C4 zone with the changes give to Bob Nicholson.

**SECOND:** The motion was seconded by Councilmember Arial.

Councilmember Almquist eager to move forward. Talked about the fact that some of the buildings will have a sidewalk and frontage with no landscape requirements. He inquired if street trees will be required.

Mr. Nicholson replied that the commercial store front may have an extra wide sidewalk.

City Attorney Shawn Guzman advised trees can be addressed when the site plan comes in for approval. The way the proposed ordinance is drafted it will give an opportunity to review that.

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

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

The vote was unanimous and the motion carried.

**RESOLUTION:**

**Consider a resolution increasing the fees at the St. George Animal Shelter.**

City Manager Gary Esplin advised the resolution is a recommendation for changes of the fee structure at the Animal Shelter.

Sergeant Fuller stated that the proposed fees changes are as follows: Relinquishing an animal be \$50.00; impound fees be \$50.00 for the first impound, \$75.00 for the second and \$100.00 for the third; and adoption fees be \$50.00 for dogs which would include the spay and neuter fee. Additionally, after the Animal Shelter Review Board meeting, staff felt that \$50.00 may be too much for adult cats, therefore, they suggested the fee to adopt a cat be \$40.00.

Mayor Pike stated that he attended the board meeting this past Tuesday. He thanked Sgt. Fuller for his work. His plan is to expand the board as he was impressed with the members and for what they are doing to help get the animals adopted. The boarding fee will remain \$5.00 per day.

Councilmember Hughes asked if the animal rescue groups are in agreement with the fees. He is concerned with the first time impound fee, he feels it may be too high.

Mayor Pike advised there is a cost of sending someone out to get the animal. In comparison to other city's the proposed fee is reasonable.

**MOTION:** A motion was made by Councilmember Arial to approve the resolution increase the fees for the St. George Animal Shelter per the schedule provided, adding that the adoption fee for cats be \$40.00.

**SECOND:** The motion was seconded by Councilmember Randall.

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

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

The vote was unanimous and the motion carried.

**SALE OF CITY PROPERTY:**

**Consider the sale of excess City property located next to 2881 South Evergreen Drive. Samoa Tumanuvao, applicant.**

City Manager Gary Esplin advised that in order to sell 16.08 sq feet of City owned property to the adjacent property owner, it needed to be declared surplus. This request has been reviewed by the JUC. The proposed purchase price is \$1.00 per square foot.

Councilmember Arial stepped out.

**MOTION:** A motion was made by Councilmember Almquist to proceed.  
**SECOND:** The motion was seconded by Councilmember Hughes.  
**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.

Mr. Tumanuvao thanked the Councilmembers for their consideration.

**FEE WAIVER:**

**Consider approval of a fee waiver for the use of Snow Park for the Best Friends Animal Society Pet Super Adoption event. Tamara Simon, applicant.**

City Manager Gary Esplin advised that staff is in agreement with the fee waiver and encouraged the adoption program to go forward.

**MOTION:** A motion was made by Councilmember Bowcutt to approve the fee waiver.  
**SECOND:** The motion was seconded by Councilmember Almquist.  
**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.

Councilmember Arial returned.

**FULL SERVICE RESTAURANT LIQUOR LICENSE:**

**Consider approval of a full service restaurant liquor license for the Ninja Japanese Steakhouse & Sushi Restaurant located at 245 North Red Cliffs Drive #10. Jun F Zhou, applicant.**

City Manager Gary Esplin advised this new business is in the same location as the former Samurai 21. Technically it will be a new license, however, the previous owner had one. The applicant meets all requirements and staff recommends approval.

**MOTION:** A motion was made by Councilmember Randall to approve the liquor license for the Ninja Japanese Steakhouse & Sushi Restaurant.  
**SECOND:** The motion was seconded by Councilmember Arial.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist- aye  
Councilmember Hughes - aye

Councilmember Randall - aye  
Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**CONDITIONAL USE PERMIT:**

**Consider approval of a conditional use permit to construct a detached garage with a height up to 29" at 2529 East 3860 South. Gerard Holzapfel, applicant.**

City Manager Gary Esplin apologized to the applicant for not having this on the previous agenda. He advised that the planning Commission recommends approval.

Craig Harvey stated the height will exceed what is allowed, therefore a conditional use permit is required. The residence is located at 2529 East 3860 South, zoning is RE-37.5. The proposed structure will be located in the rear yard approximately 90 feet from the house and 10 feet from the side and rear property line and will be used to store the applicants boat and RV. The proposed height is due to accommodate the main dwellings roof pitch in addition to the height of the RV. The garage will have the same finishes as the existing home and similar colors. Planning Commission recommends approval with findings. A letter in opposition was received from a neighbor to the east that explained that there will be a partial blockage of the their view, however, for the applicants to not obstruct the view, they would have to move it almost the same length of the structure forward. The applicant's property is approximately 4 feet lower than their neighbors.

**MOTION:** A motion was made by Councilmember Randall to approve the conditional use permit.

**SECOND:** The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

**APPOINTMENTS:**

Mayor Pike mentioned that the Mayor and City Council are members of the Solid Waste Board meet on Monday at 5:00 p.m.

**CONTINUED DISCUSSION:**

**Consider award of bid to Interstate Rock Projects, Inc for Little Valley Road improvements.**

City Manager Gary Esplin advised the bid will expire 60 days from January 28, 2014.

Mayor Pike stated he feels the Council should make a trip to the area. The project has been approved in the current budget.

**MOTION:** A motion was made by Councilmember Almquist to table the request to February 20, 2014 and to include a site visit on the agenda for February 13, 2014.

**SECOND:** The motion was seconded by Councilmember Hughes.

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

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

Councilmember Bowcutt - aye  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the City Council meeting held on January 6, 2014.**

**MOTION:** A motion was made by Councilmember Almquist to approve the minutes.  
**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  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the City Council meeting held on January 2, 2014.**

**MOTION:** A motion was made by Councilmember Bowcutt to approve the minutes.  
**SECOND:** The motion was seconded by Councilmember Almquist.  
**VOTE:** Mayor Pike called for a vote, as follows:

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

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the City Council meeting held on January 9, 2014.**

**MOTION:** A motion was made by Councilmember Almquist to approve the minutes.  
**SECOND:** The motion was seconded by Councilmember Arial.  
**VOTE:** Mayor Pike called for a vote, as follows:

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

The vote was unanimous and the motion carried.

**ADJOURN TO CLOSED SESSION:**

**MOTION:** A motion was made by Councilmember Almquist to adjourn to a closed session to discuss a land issue.

**SECOND:** The motion was seconded by Councilmember Arial.  
**VOTE:** Mayor Pike called for a roll call vote, as follows:

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

The vote was unanimous and the motion carried.

**RECONVENE AND ADJOURN:**

**MOTION:** A motion was made by Councilmember Almquist to reconvene and adjourn.  
**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  
Councilmember Arial - aye

The vote was unanimous and the motion carried.

**NOTICE OF REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF ST. GEORGE,  
WASHINGTON COUNTY, UTAH**

**Public Notice**

Public notice is hereby given that the City Council of the City of St. George, Washington County, Utah, will hold a regular meeting in the City Council Chambers, 175 East 200 North, St. George, Utah, on Thursday, February 6, 2014 commencing at 5:00 p.m.

The agenda for the meeting is as follows:

Call to Order  
Invocation  
Flag Salute

1. **CONSENT CALENDAR**

A. Comments from the public.

2. **BID OPENINGS**

A. Consider approval of a contract with Progressive Contracting, Inc for the construction of River Road Bridge and Trail Erosion Protection.

B. Consider award of bid to Interstate Rock Projects, Inc for Little Valley Road improvements.

C. Consider award of bid to Progressive Contracting to build the 400 East Tonaquint and 400 East Tabernacle roundabouts.

D. Consider approval of a contract with Progressive Contracting, Inc for the construction of the 2013 Riverside HMGP Project.

E. Consider approval of an agreement with PUB-QP, LLC to construct improvements along 3000 East, Phase 2, in the vicinity of 1130 South.

F. Consider approval of a change order to the 3000 East, Phase 1 project to extend improvements for an additional 525 feet along 3000 East in the vicinity of 2000 South.

3. **PUBLIC HEARINGS** - None scheduled

4. **ORDINANCES** - None scheduled

5. **RESOLUTIONS** - None scheduled

6. **STAFF REPORTS** - None scheduled

A. Consider the sale of excess City property located next to 2881 South Evergreen Drive. Samoa Tumanuvao, applicant.

B. Consider approval of a fee waiver for the use of Snow Park for the Best Friends Animal Society Pet Super Adoption event. Tamara Simon, applicant.

C. Consider approval of a full service restaurant liquor license for the Ninja Japanese Steakhouse & Sushi Restaurant located at 245 North Red Cliffs Drive #10. Jun F Zhou, applicant.

D. Consider approval of a conditional use permit to construct a detached garage with a height up to 29" at 2529 East 3860 South. Gerard Holzapfel, applicant.

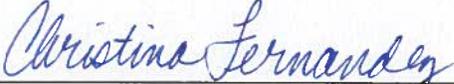
E. Appointments to boards and commissions of the City.

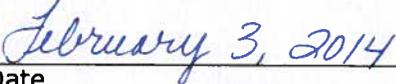
F. Request a closed session.

7. MINUTES

- A. Consider approval of the minutes from the City Council meeting held on January 2, 2014.
- B. Consider approval of the minutes from the City Council meeting held on January 6, 2014.
- C. Consider approval of the minutes from the City Council meeting held on January 9, 2014.

8. ADJOURNMENT

  
\_\_\_\_\_  
Christina Fernandez, City Recorder

  
\_\_\_\_\_  
Date

**REASONABLE ACCOMMODATION:** The City of St. George will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact the City Human Resources Office, 627-4674, at least 24 hours in advance if you have special needs.

**ADDENDUM TO THE CITY COUNCIL MEETING AGENDA  
OF THE CITY OF ST. GEORGE,  
WASHINGTON COUNTY, UTAH**

**Public Notice**

Public notice is hereby given that the City Council of the City of St. George, Washington County, Utah, will hold a regular meeting at the St. George City Office, City Council Chambers, 175 East 200 North, St. George, Utah, on Thursday, February 6, 2014 commencing at 5:00 p.m.

The addendum to the agenda is as follows:

2. **BID OPENINGS**

- G. Consider award of bid to Bud Mahas Construction for the City Hall East Annex Plaza on 200 East.
- H. Consider approval of an agreement with Quality Excavation for improvements on 3000 East in the vicinity of Crimson Ridge Drive and Banded Hills.

4. **ORDINANCES**

- A. Consider an ordinance amending section 10-10-5:K of the City Zoning Regulations to modify the requirements for mixed use projects in the C-4 zone.

5. **RESOLUTIONS**

- A. Consider a resolution increasing the fees at the St. George Animal Shelter.

  
\_\_\_\_\_  
Christina Fernandez, City Recorder

  
\_\_\_\_\_  
Date

**REASONABLE ACCOMMODATION:** The City of St. George will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact the City Human Resources Office, 627-4674, at least 24 hours in advance if you have special needs.

**DRAFT**Agenda Item Number : **2A****Request For Council Action**

**Date Submitted** 2014-01-31 08:18:24

**Applicant** Jay Sandberg

**Quick Title** Contract Award - River Road Bridge and Trail Erosion Protection

**Subject** Consider award of a contract to Progressive Contracting, Inc. (PCI) for the construction of River Road Bridge and Trail Erosion Protection.

**Discussion** This project includes installation of bank stabilization measures near 1450 South and the Virgin River. The project provides additional erosion mitigation for River Road, the River Road Bridge, 1450 South, and utility and drainage improvements in the vicinity. The improvements will also accommodate and partially construct a planned trail along the Virgin River. The project was not bid and is being treated as a change order to the NRCS project underway at the same location. PCI is already mobilized and familiar with the design, materials, and site. The contract unit costs for this bid are the same as PCI's the bid prices for the NRCS project. The contract amount to PCI is \$104,484.18 The City portion is \$67,117. Property owner participation is \$37,367.17.

**Cost** \$104,484.18

**City Manager Recommendation** This portion of the project along 1450 South and the Virgin River will provide additional protection for the River Road bridge and utilities as well as provide a trail along this portion of the River. The Council previously approved City funds for this project and it is recommended that the current contractor for the NRCS be used at the same price. The cost is actually less than anticipated when approval was given. The adjacent property will pay a portion of this cost. Recommend approval.

**Action Taken**

**Requested by** Larry H. Bulloch

**File Attachments** [Virgin River Trail and Erosion Protection Project.pdf](#)

**Approved by Legal Department?**

**Approved in Budget? Amount:**

**Additional Comments**

**Attachments** [Virgin River Trail and Erosion Protection Project.pdf](#)

# 1.3 BID FORM

**PROJECT RIVER ROAD BRIDGE & TRAIL EROSION PROTECTION PROJECT**

**SUBMITTED TO CITY OF ST. GEORGE**  
**ATTENTION: JAY SANDBERG, PE**  
**175 EAST 200 NORTH**  
**ST. GEORGE, UTAH 84770**

Proposal of Progressive Contracting, Inc. (hereinafter called "Bidder") organized and existing under the laws of the State of Utah doing business as (a corporation, Partnership, or an individual as applicable) Corporation to the City of St. George (hereinafter called "City").

Bidder hereby proposes to perform all Work for construction of the above named Project in strict accordance with the Contract Documents, within the time set forth therein, and at the prices stated in the accompanying Bid Schedules and Alternate Bid Schedules.

By submission of this Bid, each Bidder certifies, and in the case of a joint Bid each party thereto certifies as to his own organization, that this Bid has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this Bid with any other Bidder or with any competitor.

Bidder hereby agrees to commence Work under this contract on or before a date to be specified in the Notice to Proceed and to fully complete the Project within the time set forth in the Agreement. Bidder further agrees to pay as liquidated damages, the sum set forth in the Agreement for each consecutive calendar day thereafter as provided in the General Conditions.

Bidder certifies that it has visited the site and become familiar with and satisfied itself as to the general, local, and site conditions that may affect cost, progress, and performance of the work. Bidder is familiar with and has satisfied itself as to all Federal, state, and local laws and regulations and permits that may affect cost, progress, and performance of the work.

Bidder will complete the work in accordance with the Contract Documents for the following unit prices. Quantities indicated are not guaranteed; they are solely for comparing bids and establishing the initial Contract Price. Final payment will be based on actual quantities.

**BID SCHEDULE**

No.	Item	Unit	Estimated Quantity	Unit Price	Total Price
1	Bonds, Insurance and SWPPP	Lump	1	\$5,000.00	\$5,000.00
2	Earthwork and Subgrade Compaction	Cu Yd	8,035	\$2.32	\$18,641.66
2	Rock Riprap – d <sub>50</sub> = 30"	Cu Yd	1,710	\$26.65	\$45,571.50
3	Galvanized Gabion Baskets	Cu Yd	293	\$112.54	\$32,974.22
4	Tensar UX 1100HS Geogrid	Sq Yd	396	\$5.80	\$2,296.80
<b>Bid Schedule A Total</b>					<b>\$104,484.18</b>



**DRAFT**Agenda Item Number : **2B****Request For Council Action**

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**Date Submitted** 2014-01-30 11:02:13**Applicant** Cameron Cutler**Quick Title** Bid Award - Little Valley Road Improvements**Subject** Consider award of bid to Interstate Rock Projects, Inc. in the amount of \$740,307.00 to construct the Little Valley Road Improvements.**Discussion** The project will consist of reconstructing a portion of Little Valley Road; installing a minimum asphalt width of 30 feet; installing curb, gutter, and sidewalk along the roadway in various locations; installing a waste water line for future use; and lowering the existing waterline in a section of the roadway. The bid also consisted of a base bid for the roadway with an additive alternate for additional paving, curb, gutter, and sidewalk.**Cost** \$740,307.00**City Manager Recommendation** Included in the current budget and much needed. Recommend approval.**Action Taken****Requested by** Larry H. Bulloch**File Attachments** [Little Valley Roadway Improvements Bid Tabulation.pdf](#)**Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments****Attachments** [Little Valley Roadway Improvements Bid Tabulation.pdf](#)

**City of St. George  
Little Valley Roadway Improvements  
Bid 2:00 p.m. Tuesday, January 28, 2014**

**Base Bid - Little Valley Road**

Item	Quantity	Unit	Description	Inert Rock Products		Sumoc		JP Excavating		Mel Clark, Inc		Progressive Contracting, Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	1	L.S.	Mobilization	\$17,000.00	\$17,000.00	\$0.00	\$0.00	\$60,000.00	\$60,000.00	\$37,500.00	\$37,500.00	\$79,100.00	\$79,100.00
2	1	L.S.	Earthwork	\$1,310.00	\$1,310.00	\$2,555.00	\$2,555.00	\$7,000.00	\$7,000.00	\$9,200.00	\$9,200.00	\$10,170.00	\$10,170.00
3	1	L.S.	Earthwork	\$70,390.00	\$70,390.00	\$97,600.00	\$97,600.00	\$20,000.00	\$20,000.00	\$80,000.00	\$80,000.00	\$47,008.00	\$47,008.00
4	7	Each	Furnish and install 60" Diameter Manhole	\$3,500.00	\$24,500.00	\$4,076.00	\$28,532.00	\$3,700.00	\$25,900.00	\$3,910.00	\$27,370.00	\$6,143.32	\$43,003.32
5	1,390	L.F.	Furnish and install 8" PVC SDR35 Sewer Pipe	\$37.00	\$51,420.00	\$41.65	\$57,893.50	\$26.00	\$36,140.00	\$26.15	\$36,348.50	\$29.93	\$41,662.70
6	11	Each	Furnish and install New Sewer Lateral with Cleanout	\$1,850.00	\$20,350.00	\$1,350.00	\$14,850.00	\$1,200.00	\$13,200.00	\$1,595.00	\$17,545.00	\$749.57	\$8,294.57
7	2	Each	Furnish and install New Water Service	\$1,170.00	\$2,340.00	\$1,235.00	\$2,470.00	\$1,000.00	\$2,000.00	\$1,296.00	\$2,592.00	\$1,471.21	\$2,942.42
8	2,804	L.F.	Furnish and install 18x30-7 Curb and Gutter	\$12.20	\$34,208.80	\$14.25	\$39,957.00	\$12.50	\$35,062.50	\$15.50	\$43,339.56	\$11.89	\$33,339.56
9	2,318	L.F.	Furnish and install 5' Driveway Approach (6" Thick) with 6" Base	\$14.75	\$34,196.50	\$16.50	\$38,247.00	\$19.00	\$44,022.00	\$22.15	\$51,323.60	\$15.95	\$36,972.10
10	486	L.F.	Furnish and install 5' Driveway Approach (6" Thick) with 6" Base	\$20.00	\$9,720.00	\$21.80	\$10,594.80	\$22.00	\$10,692.00	\$22.15	\$10,764.90	\$21.03	\$10,220.58
11	40	S.F.	Furnish and install Colored Concrete Slabs	\$28.50	\$1,140.00	\$27.50	\$1,100.00	\$20.00	\$800.00	\$22.55	\$902.00	\$23.00	\$922.00
12	597	S.F.	Furnish and install Colored Concrete Slabs	\$4.00	\$2,388.00	\$4.50	\$2,686.50	\$5.00	\$2,975.00	\$1.00	\$597.00	\$5.45	\$3,253.65
13	750	S.F.	Furnish and install Gravel Driveway (3" Gravel/3" Roadbase)	\$0.60	\$450.00	\$1.15	\$862.50	\$1.00	\$750.00	\$2.00	\$1,500.00	\$0.95	\$712.50
14	4	Each	Furnish and install Handicap Ramp	\$1,240.00	\$4,960.00	\$1,096.00	\$4,384.00	\$800.00	\$3,200.00	\$1,000.00	\$4,000.00	\$982.04	\$3,928.04
15	45	L.F.	Furnish and install 8" Waterway	\$82.50	\$3,712.50	\$73.50	\$3,307.50	\$50.00	\$2,250.00	\$61.20	\$2,754.00	\$59.96	\$2,698.20
16	8	Each	Adjust Valve to Match Finish Grade with Concrete Collar	\$200.00	\$1,600.00	\$500.00	\$4,000.00	\$300.00	\$2,400.00	\$468.00	\$3,744.00	\$508.50	\$4,068.00
17	115,002	S.F.	Adjust Meter Box or Grade with Concrete Collar	\$180.00	\$20,700.00	\$500.00	\$58,000.00	\$250.00	\$28,750.00	\$385.00	\$44,175.00	\$423.75	\$48,832.50
18	108,682	S.F.	Furnish and install 10" Type II Unimul Roadbase	\$0.82	\$89,039.64	\$1.85	\$199,167.70	\$1.00	\$115,002.00	\$0.76	\$80,085.52	\$1.41	\$165,431.82
19	80	L.F.	Furnish and install 3.5" Hot Mix Asphalt	\$1.68	\$1,344.00	\$1.57	\$1,256.00	\$1.67	\$1,336.00	\$1.64	\$1,312.00	\$1.67	\$1,336.00
20	40	L.F.	Furnish and install 36" RCP Storm Drain Pipe	\$42.00	\$1,680.00	\$76.75	\$3,070.00	\$90.00	\$3,600.00	\$86.00	\$3,440.00	\$98.39	\$3,935.20
21	40	L.F.	Furnish and install 24" RCP Storm Drain Pipe	\$30.00	\$1,200.00	\$32.25	\$1,290.00	\$45.00	\$1,800.00	\$61.00	\$2,440.00	\$77.14	\$3,085.60
22	2	Each	Manhole and install 24" RCP Storm Drain Pipe	\$3,800.00	\$7,600.00	\$6,144.00	\$12,288.00	\$4,300.00	\$8,600.00	\$4,950.00	\$9,900.00	\$5,226.51	\$10,453.06
23	65	L.F.	Furnish and install 12" PVC C-900 Storm Drain Pipe	\$20.00	\$1,300.00	\$20.75	\$1,348.75	\$20.00	\$1,300.00	\$20.00	\$1,300.00	\$20.00	\$1,300.00
24	2	Each	Manhole and install 12" PVC C-900 Storm Drain Pipe	\$1,600.00	\$3,200.00	\$2,285.00	\$4,570.00	\$2,000.00	\$4,000.00	\$2,000.00	\$4,000.00	\$2,553.02	\$5,106.04
25	1	L.S.	Manhole and install 33x33 Curb Inlet Box	\$500.00	\$500.00	\$6,543.00	\$6,543.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$11,300.00	\$11,300.00
26	1	L.S.	Overexcavate Subgrade 12" and install TX 140 Grouted and 12" of 3" Minus Pit Run Structural Fill	\$19,500.00	\$19,500.00	\$7,870.00	\$7,870.00	\$20,000.00	\$20,000.00	\$30,000.00	\$30,000.00	\$13,447.00	\$13,447.00
27	48,000	S.F.	Pit Run Structural Fill	\$1.20	\$57,600.00	\$0.84	\$40,320.00	\$1.15	\$55,200.00	\$1.57	\$75,360.00	\$3.65	\$175,200.00
				Total Base Bid	\$650,325.20	\$666,782.59	\$667,209.54	\$667,209.54	\$667,209.54	\$714,834.65	\$985,950.72	\$985,950.72	

Cells with shading were adjusted per unit prices.

**Additive Alternative J (Station 23+00 to 34+50)**

Item	Quantity	Unit	Description	Inert Rock Products		Sumoc		JP Excavating		Mel Clark, Inc		Progressive Contracting, Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
A1	1	L.S.	Earthwork	\$2,000.00	\$2,000.00	\$3,160.00	\$3,160.00	\$5,000.00	\$5,000.00	\$9,000.00	\$9,000.00	\$11,300.00	\$11,300.00
A2	979	L.F.	Furnish and install 18x30-7 Curb and Gutter	\$12.20	\$11,943.40	\$14.25	\$13,950.75	\$12.50	\$12,237.50	\$12.50	\$12,237.50	\$11.89	\$11,640.31
A3	768	L.F.	Furnish and install 5' Sidewalk (6" Thick) with 6" Base	\$14.75	\$11,328.00	\$16.50	\$12,672.00	\$19.00	\$14,592.00	\$15.20	\$11,673.60	\$15.95	\$12,249.60
A4	211	L.F.	Furnish and install 5' Driveway Approach (6" Thick) with 6" Base	\$20.00	\$4,220.00	\$21.80	\$4,599.80	\$22.00	\$4,642.00	\$20.50	\$4,325.50	\$21.03	\$4,437.53
A5	24,196	S.F.	Furnish and install 10" Type II Unimul Roadbase	\$0.82	\$19,842.72	\$0.85	\$20,566.60	\$1.00	\$24,196.00	\$1.00	\$24,196.00	\$1.41	\$34,116.36
A6	24,196	S.F.	Furnish and install 3.5" Hot Mix Asphalt	\$1.68	\$40,649.28	\$1.57	\$37,987.72	\$1.67	\$40,407.32	\$1.64	\$39,681.44	\$1.67	\$40,407.32
				Total Additive Alternative J	\$89,981.80	\$93,136.87	\$101,074.82	\$101,074.82	\$101,074.82	\$101,074.82	\$114,159.97	\$114,159.97	

**DRAFT**Agenda Item Number : **2C****Request For Council Action**

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**Date Submitted** 2014-01-30 10:58:31

**Applicant** Cameron Cutler

**Quick Title** Bid Award - Roundabouts

**Subject** Consider award of bid to Progressive Contracting (PCI) to build the 400 East Tonaquint and 400 East Tabernacle Roundabouts in the amount of \$549,117.67.

**Discussion** Three bids were received from: PCI, B Hansen Construction, and Interstate Rock.

**Cost** \$549,117.67

**City Manager Recommendation** These two roundabouts were included in the current budget. Recommend approval.

**Action Taken**

**Requested by** Larry H. Bulloch

**File Attachments** [Bid Tab - Roundabouts.pdf](#)

**Approved by Legal Department?**

**Approved in Budget? Amount:**

**Additional Comments**

**Attachments** [Bid Tab - Roundabouts.pdf](#)

**Tonaquint & Tabernacle Roundabouts Project**

Bid Tabulation  
January 28, 2014, 2:30 pm

**Tonaquint & 600 West Intersection**

Item	Description	Quantity	Unit	PCI		B. Hansen Construction		Interstate Rock	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	\$ 12,430.00	\$ 12,430.00	\$ 20,000.00	\$ 20,000.00	\$ 16,370.00	\$ 16,370.00
2	Traffic Control	1	LS	\$ 8,475.00	\$ 8,475.00	\$ 15,000.00	\$ 15,000.00	\$ 58,660.00	\$ 58,660.00
3	Survey	1	LS	\$ 3,107.50	\$ 3,107.50	\$ 4,500.00	\$ 4,500.00	\$ 3,575.00	\$ 3,575.00
4	Concrete Curb & Gutter Type HB30-7 (30" Wide) w/ Base	1,491	LF	\$ 11.89	\$ 17,727.99	\$ 22.00	\$ 32,802.00	\$ 13.45	\$ 20,053.95
5	Concrete Curb & Gutter Type RU30 (Modified) w/Base	273	LF	\$ 11.89	\$ 3,245.97	\$ 18.00	\$ 4,914.00	\$ 14.80	\$ 4,040.40
6	Concrete Curb Type M2	344	LF	\$ 15.96	\$ 5,490.24	\$ 24.00	\$ 8,256.00	\$ 9.90	\$ 3,405.60
7	Pedestrian Access Ramp	10	EA	\$ 643.04	\$ 6,430.40	\$ 2,850.00	\$ 28,500.00	\$ 714.00	\$ 7,140.00
8	Concrete Sidewalk w/Base	541	SY	\$ 30.23	\$ 16,354.43	\$ 32.00	\$ 17,312.00	\$ 30.65	\$ 16,581.65
9	Concrete Driveway w/Base	1	EA	\$ 822.08	\$ 822.08	\$ 6,000.00	\$ 6,000.00	\$ 1,018.00	\$ 1,018.00
10	Concrete Apron w/Base	439	SY	\$ 37.86	\$ 16,620.54	\$ 30.00	\$ 13,170.00	\$ 40.70	\$ 17,867.30
11	Concrete Flatwork 4 inch Thick w/Base	126	SY	\$ 30.23	\$ 3,808.98	\$ 32.00	\$ 4,032.00	\$ 28.30	\$ 3,565.80
12	Standard Concrete Cross Gutter (6' Wide)	1	EA	\$ 3,185.19	\$ 3,185.19	\$ 5,000.00	\$ 5,000.00	\$ 4,622.00	\$ 4,622.00
13	Roadway Excavation (Estimated Quantity: 1,201 cubic yards)	1	LS	\$ 36,160.00	\$ 36,160.00	\$ 15,000.00	\$ 15,000.00	\$ 35,917.00	\$ 35,917.00
14	High Density Mineral Bond Seal (HA5 or Equivalent)	7,171	SY	\$ 2.09	\$ 14,987.39	\$ 2.20	\$ 15,776.20	\$ 2.15	\$ 15,417.65
15	HMA (Asphalt Pavement) 1/2 inch or 3/4 inch	407	Ton	\$ 85.80	\$ 34,920.60	\$ 150.00	\$ 61,050.00	\$ 114.00	\$ 46,398.00
16	Untreated Base Course (Type II Roadbase)	494	CY	\$ 28.15	\$ 13,906.10	\$ 38.00	\$ 18,772.00	\$ 37.60	\$ 18,574.40
17	Catch Basin	4	EA	\$ 2,871.79	\$ 11,487.16	\$ 2,800.00	\$ 11,200.00	\$ 6,766.00	\$ 27,064.00
18	Reconstruct Catch Basin	2	EA	\$ 1,356.00	\$ 2,712.00	\$ 1,200.00	\$ 2,400.00	\$ 770.00	\$ 1,540.00
19	Reconstruct Manhole	4	EA	\$ 678.00	\$ 2,712.00	\$ 800.00	\$ 3,200.00	\$ 650.00	\$ 2,600.00
20	Reconstruct Valve Box	7	EA	\$ 339.00	\$ 2,373.00	\$ 1,000.00	\$ 7,000.00	\$ 350.00	\$ 2,450.00
21	Remove Concrete Sidewalk	146	SY	\$ 10.17	\$ 1,484.82	\$ 18.00	\$ 2,628.00	\$ 3.75	\$ 547.50
22	Remove Concrete Curb & Gutter	706	LF	\$ 1.13	\$ 797.78	\$ 12.00	\$ 8,472.00	\$ 2.00	\$ 1,412.00
23	Install City Provided 12" Pipe Culvert (ASTM D3034; SDR-26)	371	LF	\$ 32.77	\$ 12,157.67	\$ 36.00	\$ 13,356.00	\$ 20.00	\$ 7,420.00
24	3" Sch 40 PVC Sleeve	530	LF	\$ 5.34	\$ 2,830.20	\$ 3.00	\$ 1,590.00	\$ 4.70	\$ 2,491.00
25	1" Sch 40 PVC Sleeve	169	LF	\$ 136.80	\$ 23,119.20	\$ 2.10	\$ 354.90	\$ 3.30	\$ 557.70
26	City Provided Planting Soil	600	CY	\$ 5.65	\$ 3,390.00	\$ 6.50	\$ 3,900.00	\$ 13.75	\$ 8,250.00
				Total Schedule A	\$ 260,736.24		\$ 324,185.10		\$ 327,538.95

**Tabernacle & 400 East Intersection**

Item	Description	Quantity	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total
27	Mobilization	1	LS	\$ 12,430.00	\$ 12,430.00	\$ 22,000.00	\$ 22,000.00	\$ 17,200.00	\$ 17,200.00
28	Traffic Control	1	LS	\$ 6,780.00	\$ 6,780.00	\$ 20,000.00	\$ 20,000.00	\$ 77,665.00	\$ 77,665.00
29	Survey	1	LS	\$ 2,994.50	\$ 2,994.50	\$ 4,000.00	\$ 4,000.00	\$ 3,500.00	\$ 3,500.00
30	Concrete Curb & Gutter Type HB30-7 (30" Wide) w/ Base	883	FT	\$ 11.89	\$ 10,498.87	\$ 22.00	\$ 19,426.00	\$ 13.45	\$ 11,876.35
31	Concrete Curb & Gutter Type RU30 (Modified) w/Base	273	FT	\$ 11.89	\$ 3,245.97	\$ 18.00	\$ 4,914.00	\$ 14.80	\$ 4,040.40
32	Concrete Curb Type B4	170	FT	\$ 13.70	\$ 2,329.00	\$ 25.00	\$ 4,250.00	\$ 11.00	\$ 1,870.00
33	Concrete Curb Type M2	425	FT	\$ 15.96	\$ 6,783.00	\$ 24.00	\$ 10,200.00	\$ 9.90	\$ 4,207.50
34	Pedestrian Access Ramp	9	EA	\$ 1,024.06	\$ 9,216.54	\$ 2,800.00	\$ 25,200.00	\$ 714.00	\$ 6,426.00
35	Concrete Sidewalk w/Base	153	SY	\$ 30.23	\$ 4,625.19	\$ 32.00	\$ 4,896.00	\$ 30.65	\$ 4,689.45
36	Colored Concrete Apron w/Base	387	SY	\$ 42.94	\$ 16,617.78	\$ 30.00	\$ 11,610.00	\$ 47.85	\$ 18,517.95
37	20" Concrete Waterway w/Base	58	FT	\$ 72.96	\$ 4,231.68	\$ 28.00	\$ 1,624.00	\$ 59.25	\$ 3,436.50
38	Concrete Drainage Channel w/Base	1	LS	\$ 3,955.00	\$ 3,955.00	\$ 6,000.00	\$ 6,000.00	\$ 4,682.00	\$ 4,682.00
39	Roadway Excavation (Estimated Quantity: 1,582 cubic yards)	1	LS	\$ 36,160.00	\$ 36,160.00	\$ 28,800.00	\$ 28,800.00	\$ 46,565.00	\$ 46,565.00
40	High Density Mineral Bond Seal (HA5 or Equivalent)	3,942	SY	\$ 2.09	\$ 8,238.78	\$ 2.20	\$ 8,672.40	\$ 2.15	\$ 8,475.30
41	HMA (Asphalt Pavement) 1/2 inch or 3/4 inch	61	Ton	\$ 126.50	\$ 7,716.50	\$ 150.00	\$ 9,150.00	\$ 117.00	\$ 7,137.00
42	Untreated Base Course (Type II Roadbase)	98	CY	\$ 28.15	\$ 2,758.70	\$ 38.00	\$ 3,724.00	\$ 37.60	\$ 3,684.80
43	Catch Basin	4	EA	\$ 2,374.29	\$ 9,497.16	\$ 2,800.00	\$ 11,200.00	\$ 4,656.00	\$ 18,624.00
44	Reconstruct Catch Basin	2	EA	\$ 1,356.00	\$ 2,712.00	\$ 1,200.00	\$ 2,400.00	\$ 770.00	\$ 1,540.00
45	Reconstruct Manhole	1	EA	\$ 1,130.00	\$ 1,130.00	\$ 800.00	\$ 800.00	\$ 650.00	\$ 650.00
46	Reconstruct Valve Box	2	EA	\$ 339.00	\$ 678.00	\$ 1,000.00	\$ 2,000.00	\$ 360.00	\$ 720.00
47	Reconstruct Ring & Lid	1	EA	\$ 678.00	\$ 678.00	\$ 1,600.00	\$ 1,600.00	\$ 360.00	\$ 360.00
48	Remove Concrete Sidewalk	97	SY	\$ 10.17	\$ 986.49	\$ 18.00	\$ 1,746.00	\$ 3.75	\$ 363.75
49	Remove Concrete Curb & Gutter	788	FT	\$ 1.13	\$ 890.44	\$ 12.00	\$ 9,456.00	\$ 2.00	\$ 1,576.00
50	Remove Tree	4	EA	\$ 678.00	\$ 2,712.00	\$ 2,200.00	\$ 8,800.00	\$ 455.00	\$ 1,820.00
51	Remove Pipe Culvert	65	FT	\$ 11.30	\$ 734.50	\$ 20.00	\$ 1,300.00	\$ 7.40	\$ 481.00
52	Abandon Culvert	64	FT	\$ 11.30	\$ 723.20	\$ 20.00	\$ 1,280.00	\$ 5.00	\$ 320.00
53	Remove Pavement Markings	1,468	FT	\$ 1.07	\$ 1,570.76	\$ 2.00	\$ 2,936.00	\$ 1.10	\$ 1,614.80
54	Remove Pavement Message	4	EA	\$ 129.95	\$ 519.80	\$ 250.00	\$ 1,000.00	\$ 143.00	\$ 572.00
55	10 inch C900 PVC Pipe (drainage)	182	FT	\$ 33.41	\$ 6,080.62	\$ 25.00	\$ 4,550.00	\$ 23.30	\$ 4,240.60
56	3" Sch 40 PVC Sleeve	242	FT	\$ 4.66	\$ 1,127.72	\$ 3.00	\$ 726.00	\$ 4.70	\$ 1,137.40
57	1 1/2" Sch 40 PVC Sleeve	222	FT	\$ 2.77	\$ 614.94	\$ 1.51	\$ 335.22	\$ 3.60	\$ 799.20
58	1" Sch 40 PVC Sleeve	49	FT	\$ 2.56	\$ 125.44	\$ 2.25	\$ 110.25	\$ 3.30	\$ 161.70
59	Imported Planting Soil	1,160	CY	\$ 25.71	\$ 29,823.60	\$ 12.25	\$ 14,210.00	\$ 38.50	\$ 44,660.00
60	Complete Irrigation System & Landscape	1	LS	\$ 89,195.25	\$ 89,195.25	\$ 2,800.00	\$ 2,800.00	\$ 130,807.00	\$ 130,807.00
				Total Schedule B	\$ 288,381.43		\$ 251,715.87		\$ 434,420.70

**Total Schedules A + B** \$ 549,117.67

**\$ 575,900.97**

**\$ 761,959.65**

**DRAFT**Agenda Item Number : **2D****Request For Council Action**

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**Date Submitted** 2014-01-29 09:55:43**Applicant** Jay Sandberg**Quick Title** Contract Award - Riverside HMGP Project**Subject** Consider approval to award a contract to Progressive Contracting, Inc. (PCI) for the construction of the 2013 Riverside HMGP Project.**Discussion** This project includes installation of 5,150 cubic yards of bank stabilization measures including geotextile fabric, waterway diversion, dewatering and revegetation of designated portions of Virgin River channel near the Riverside Trail Head at 1000 E Riverside Drive. Seventy-five percent of the project cost will be funded by Hazard Mitigation Grant Program (HMGP) funds awarded to the City of St. George in 2013 by FEMA. The project provides additional erosion mitigation for the Virgin River trail, Trailside Office Plaza and Dr. Volunteer Clinic, and Riverside Drive, that are located in the vicinity.**Cost** \$208,240.00**City Manager Recommendation** The City received a grant from the State and FEMA under the Hazard Mitigation Grant Program(HMGP) to complete erosion mitigation for the area along the Virgin River adjacent to the Volunteer Clinic and the Trail head next to Riverside Drive. Recommend approval.**Action Taken****Requested by** Larry H. Bulloch**File Attachments****Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments**

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January 28, 2014

Jay Sandberg, P. E.  
Engineering Services Manager  
175 East 200 North  
St. George, Utah 84770

Subject: 2013 Riverside HMGP Project – Recommendation to Award Project

Dear Jay:

We have completed our review of bids received and opened on January 28, 2014 for the 2013 Riverside HMGP Project. Three (3) general contractors submitted bids for the project with bid prices ranging from about \$208,240.00 to \$241,470.00. The general contractors included Interstate Rock Products, Inc., Progressive Contracting, Inc., and J.P. Excavating, Inc. Progressive Contracting, Inc. was the apparent low bidder. Our review consisted of checking the apparent low bid for completeness, accuracy, and reviewing the requested Information Required of Bidders. A copy of the bid tabulation is attached for reference. The bid from Progressive Contracting, Inc. appears to be complete.

Bowen, Collins & Associates (BC&A) has worked with Progressive Contracting, Inc. on numerous other projects and they successfully completed the work in this area previously. Based on this review, we recommend award of the contract to Progressive Contracting, Inc. for the bid amount of \$208,240.00. Please contact me if you have any questions or need additional information.

Sincerely,

Bowen, Collins & Associates, Inc.



Mike Chandler, P.E.  
Project Engineer



Project: 2013 Riverside HMGP Project  
 Owner: City of St. George  
 Bid Date: January 28, 2014

No.	Item	Unit	Estimated Quantity	Engineer's Estimate			Interstate Rock			PCI, Inc.			J.P. Excavating			Average	
				Unit Price	Total Price	Unit Price	Unit Price	Total Price	Unit Price	Unit Price	Total Price	Unit Price	Unit Price	Total Price	Unit Price	Unit Price	
1	Mobilization	LS	1	\$ 19,250.00	\$ 19,250.00	\$ 24,500.00	\$ 24,500.00	\$ 9,000.00	\$ 9,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 17,833.33			
2	Site Access/Traffic Control	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 3,100.00	\$ 3,100.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 5,700.00			
3	Clear and Grub	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 2,000.00	\$ 2,000.00	\$ 4,500.00	\$ 4,500.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 6,166.67			
4	River Diversion and Dewatering	LS	1	\$ 7,500.00	\$ 7,500.00	\$ 3,000.00	\$ 3,000.00	\$ 3,300.00	\$ 3,300.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 5,433.33			
5	Culvert Extensions	LF	120	\$ 40.00	\$ 4,800.00	\$ 50.00	\$ 6,000.00	\$ 42.00	\$ 5,040.00	\$ 50.00	\$ 6,000.00	\$ 50.00	\$ 6,000.00	\$ 47.33			
6	Type IV Riprap	CY	5150	\$ 35.00	\$ 180,250.00	\$ 31.00	\$ 159,650.00	\$ 30.00	\$ 154,500.00	\$ 25.00	\$ 128,750.00	\$ 25.00	\$ 128,750.00	\$ 28.67			
7	Geotextile Fabric	SY	5350	\$ 2.00	\$ 10,700.00	\$ 1.85	\$ 9,897.50	\$ 2.00	\$ 10,700.00	\$ 2.50	\$ 13,375.00	\$ 2.50	\$ 13,375.00	\$ 2.12			
8	Tree Removal	LS	1	\$ 4,500.00	\$ 4,500.00	\$ 2,000.00	\$ 2,000.00	\$ 600.00	\$ 600.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00			
9	Upland Restoration	LS	1	\$ 8,000.00	\$ 8,000.00	\$ 14,135.00	\$ 14,135.00	\$ 1,300.00	\$ 1,300.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 7,145.00			
10	Cottonwood Plantings	EA	65	\$ 15.00	\$ 975.00	\$ 15.00	\$ 975.00	\$ 15.00	\$ 975.00	\$ 15.00	\$ 975.00	\$ 15.00	\$ 975.00	\$ 15.00			
11	Willow Plantings	EA	1750	\$ 8.50	\$ 14,875.00	\$ 8.75	\$ 15,312.50	\$ 8.70	\$ 15,225.00	\$ 8.80	\$ 15,400.00	\$ 8.80	\$ 15,400.00	\$ 8.75			
<b>Total</b>					<b>\$ 267,850.00</b>		<b>\$ 241,470.00</b>		<b>\$ 208,240.00</b>		<b>\$ 223,500.00</b>		<b>\$ 208,240.00</b>				
<b>Contractor's Bid Schedule Discrepancy</b>							<b>\$ 242,470.00</b>		<b>\$ 208,240.00</b>		<b>\$ 223,500.00</b>		<b>\$ 208,240.00</b>				
							<b>\$ (1,000.00)</b>		<b>\$</b>		<b>\$</b>		<b>\$</b>				

Low Bid: \$ 208,240.00

**DRAFT**Agenda Item Number : **2E****Request For Council Action**


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<b>Date Submitted</b>	2014-01-31 09:16:22
<b>Applicant</b>	Jay Sandberg
<b>Quick Title</b>	Cost-Sharing Agreement - Quality Properties
<b>Subject</b>	Consider approval of an agreement with PUB-QP, LLC (Quality Properties) to construct improvements along 3000 East, Phase 2, in the vicinity of 1130 South.
<b>Discussion</b>	This agreement with PUB-QP, LLC, is for improvement of 1325 feet of frontage along 3000 East to be included in the 3000 East, Phase 2, project. PUB-QP agrees to pay the cost of curb & gutter, and dedicate 1.42 acres of property and grant additional drainage and utility easements. The improvements will facilitate a better transition with existing improvements, improve drainage, and be compatible with future improvements in the vicinity. The approximate value of property, easements being dedicated, and curb & gutter is \$120,000. The estimated value of additional improvements being constructed by the city is \$126,000.
<b>Cost</b>	\$126,000
<b>City Manager Recommendation</b>	Phase II of 3000 East improvements. The adjacent property owner has agreed to dedicate the roadway and install curb & gutter while the City will provide other improvements. Recommend approval.
<b>Action Taken</b>	
<b>Requested by</b>	Larry H. Bulloch
<b>File Attachments</b>	<u><a href="#">PUB-QP Draft Agreement with Exhibit.pdf</a></u>
<b>Approved by Legal Department?</b>	
<b>Approved in Budget?</b>	<b>Amount:</b>
<b>Additional Comments</b>	
<b>Attachments</b>	<u><a href="#">PUB-QP Draft Agreement with Exhibit.pdf</a></u>

When Recorded Return To:  
City of St. George  
City Attorney's Office  
175 East 200 North  
St. George, Utah 84770

Tax ID: SG-5-2-34-4100

## **IMPROVEMENT AND COST SHARING AGREEMENT**

This agreement is made effective as of \_\_\_\_\_, 2014, by and between the City of St. George, Utah, a Utah municipality, hereinafter referred to as "CITY", and PUB-QP, LLC, a limited liability company hereinafter referred to as "PUB-QP".

Whereas, PUB-QP owns unimproved property upon which improvements to effectively and safely construct 3000 East Phase 2 are planned, including installation of roadway, drainage, and utilities.

Whereas, CITY and PUB-QP have determined that it is in their collective best interest to construct improvements over land owned and by PUB-QP along 3000 East.

Whereas, engineering design, staking, construction management, and testing shall be at the expense of CITY.

Whereas, PUB-QP will dedicate to the public 1.42 Acres of property, and grant 0.42 Acres of Utility and Drainage easements along 3000 East, upon which improvements will be constructed.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, the parties agree as follows:

1. PUB-QP shall reimburse CITY the bid amount for Curb & Gutter and Pedestrian Access Ramps estimated to be of \$24,375 within seven (7) days of receiving notice from CITY. The exact amount to be based on the bid amount at the time the contract for the installation of improvements is awarded by the CITY.
2. PUB-QP shall immediately dedicate to the public 1.42 Acres of property as shown in Exhibit A. PUB-QP will immediately dedicate to the public 0.42 Acres of utility and drainage easement as shown in Exhibit B.
3. Engineering design, staking, construction management, and testing shall be at the sole expense of CITY.
4. CITY shall contract the installation of concrete curb & gutter, pedestrian access ramps, woven geogrid, sub-base, untreated base course, asphalt, and related appurtenances, along 3000 East on property described in Exhibit A.
5. PUB-QP shall allow the CITY a temporary construction staging area as shown on Exhibit C.
6. Reserved Legislative Powers. Nothing in this Agreement shall limit the future exercise of the police power by CITY in enacting zoning, subdivision, development, transportation, environment, open space, and related land use plans, policies, ordinances, and regulations after the date of this Agreement, but which shall not be retroactively applied to or modify

this Agreement.

7. All exhibits attached hereto are incorporated in this agreement.
8. Compliance with Applicable Laws. OWNER expressly acknowledges and agrees that nothing in this Agreement shall be deemed to relieve OWNER from any obligation to comply with all applicable requirements of CITY including the payment of fees and compliance with all other applicable ordinances, resolutions, regulations, policies and procedures of CITY, except as modified, waived or declared in this Agreement.
9. Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without prior written consent of CITY, which consent shall not be unreasonably withheld.
10. Binding Effect. All of the provisions of this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.
11. No Joint Venture, Partnership or Third Party Rights. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the parties. No term or provision of this Agreement is intended to or shall, be for the benefit of any person, firm, organization or corporation not a party hereto, and no such other person, firm, organization or corporation shall have any right or cause of action hereunder.
12. Integration. This Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understanding of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.
13. Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.
14. Survival. It is expressly agreed that the terms, covenants and conditions of this Agreement shall survive any legal act or conveyance required under this Agreement.
15. Headings. The section and other headings in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.
16. Governing Law and Venue. This Agreement shall be construed according to the laws of the State of Utah. The parties agree that venue for all legal actions, unless they involve a cause of action with mandatory federal jurisdiction, shall be the Fifth District Court for the State of Utah. The parties further agree that the Federal District Court for the District of Utah shall be the venue for any cause of action with mandatory federal jurisdiction.
17. Notices. All notices required herein, and subsequent correspondence in connection with this

agreement shall be mailed to the following:

PUB-QP:  
Ed Burgess  
113 East 200 North Suite 3  
St. George, Utah 84770

CITY:  
Jay Sandberg  
175 East 200 North  
St. George, Utah 84770

Such notices shall be deemed delivered following the mailing of such notices in the United States mail. Adequate notice shall be deemed given at the addresses set forth herein unless written notice is given by either party of a change of address.

18. Legal Fees. Should any party default on any of the covenants or agreements contained herein, the defaulting party shall pay all costs and expenses, including reasonable attorney's fee, which may arise or accrue from enforcing this Agreement or in pursuing any remedy provided hereunder or by applicable law, whether such remedy is pursued by filing a lawsuit or otherwise. This obligation of the defaulting party to pay costs and expenses includes, without limitation, all costs and expenses, including reasonable attorney's fee including appeals and bankruptcy proceedings. If either party commences legal action to interpret any term of this agreement, the prevailing party shall be entitled to recover all reasonable attorneys' fees, court costs, and any other costs incurred in connection with such action.
19. Each of the parties hereto has had the opportunity to review this agreement with counsel of their choosing and the rule of contracts requiring interpretation of a contract against the party drafting the same is hereby waived and shall not apply in interpreting this agreement.
20. Counterparts. This Agreement may be executed in counterparts each of which shall be an original and shall constitute one and the same agreement.
21. Authority of Parties. The parties executing this Agreement hereby warrant and represent that they are duly authorized to do so in the capacity stated.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first above written.

PUB-QP

CITY

By: \_\_\_\_\_  
Ed Burgess, Manager

\_\_\_\_\_  
Jonathan T. Pike, Mayor

ATTEST

By: \_\_\_\_\_  
Richard T. Pratt, Manager

\_\_\_\_\_  
Christina Fernandez, City Recorder

APPROVED AS TO FORM

\_\_\_\_\_  
Paula Houston, Deputy City Attorney

DRAFT

When Recorded return to:  
City of St. George  
175 East 200 North  
St. George, Utah 84770

Tax I.D. No.: SG-5-2-34-4100

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

PUB-QP, LLC, a Utah limited liability company, grantor(s), herein, in consideration of the sum of One Dollar and other good and valuable consideration paid to Grantors by THE CITY OF ST. GEORGE, a Utah municipal corporation, Grantee herein, receipt of which is hereby acknowledged, do hereby grant, release, convey and warrant to Grantee, its successors and assigns forever, free and clear of all encumbrances, all their rights, title and interest in and to the following described properties located in the County of Washington, State of Utah:

*See Exhibit 1 attached hereto and made a part hereof.*

TO HAVE AND TO HOLD such property to Grantee, the City of St. George, forever.

IN WITNESS WHEREOF, the Grantors have executed this Deed of Dedication this \_\_\_\_ day of \_\_\_\_\_, 2014.

PUB-QC, LLC, a Utah limited liability company

\_\_\_\_\_  
Ed Burgess, Manager

\_\_\_\_\_  
Richard T. Pratt, Manager

STATE OF UTAH                    )  
  :ss  
County of Washington        )

:ss

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me Ed Burgess who being by me duly sworn, says that he is a Manager of PUB-QC, LLC, a Utah limited liability company, and that he executed the foregoing document on behalf of said limited liability company being authorized and empowered to do so by the operating agreement of said limited liability company and he did duly acknowledge to me that such limited liability company executed the same for the uses and purposes state therein.

\_\_\_\_\_  
Notary Public

STATE OF UTAH                    )  
  :SS  
County of Washington         )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me Richard T. Pratt who being by me duly sworn, says that he is a Manager of PUB-QC, LLC, a Utah limited liability company, and that he executed the foregoing document on behalf of said limited liability company being authorized and empowered to do so by the operating agreement of said limited liability company and he did duly acknowledge to me that such limited liability company executed the same for the uses and purposes state therein.

\_\_\_\_\_  
Notary Public

**ACCEPTANCE OF DEDICATION**

The City of St. George, a municipal corporation of the State of Utah, hereby accepts the above conveyance and dedication, and in consideration thereof agrees that it will utilize and maintain the same for purposes consistent with the above dedication.  
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF ST. GEORGE

\_\_\_\_\_  
Jonathan T. Pike, Mayor

ATTEST:

\_\_\_\_\_  
Christina Fernandez, City Recorder

Approved as to form:

\_\_\_\_\_  
Paula Houston, Deputy City Attorney

# Exhibit 1

**PARCEL SG-5-2-34-4100**

LEGAL DESCRIPTION  
PUB-QP, LLC TO CITY OF ST. GEORGE

BEGINNING AT A POINT S00°31'50"W 2623.98 FEET ALONG THE CENTER SECTION LINE AND WEST 16.50 FEET FROM THE NORTH 1/4 CORNER OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE N89°16'03"W 67.12 FEET; THENCE N00°43'57"E 13.50 FEET TO THE POINT OF CURVE OF A 20.00 FOOT RADIUS CURVE TO THE LEFT (RADIUS POINT BEARS N00°43'57"E); THENCE NORTHEASTERLY 31.49 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°12'07"; THENCE N00°31'50"E 93.04 FEET TO THE POINT OF CURVE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY 15.71 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°00'01"; THENCE N15°31'50"E 23.54 FEET TO THE POINT OF CURVE OF A 40.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 10.47 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°00'01"; THENCE N00°31'50"E 266.32 FEET; THENCE N00°20'16"E 256.02 FEET TO THE POINT OF CURVE OF A 20.00 FOOT RADIUS CURVE TO THE LEFT; THENCE 31.34 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°47'26"; THENCE N00°32'50"E 27.50 FEET; THENCE N89°27'06"W 9.85 FEET; THENCE N00°32'54"E 27.50 FEET TO THE POINT OF CURVE OF A 20.00 FOOT RADIUS CURVE TO THE LEFT (RADIUS POINT BEARS N00°32'54"E); THENCE NORTHEASTERLY 31.49 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°12'38"; THENCE N00°20'16"E 88.95 FEET TO THE POINT OF CURVE OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY 15.65 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'29"; THENCE N15°16'45"E 23.73 FEET TO THE POINT OF CURVE OF A 40.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 10.43 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'29"; THENCE N00°20'16"E 373.81 FEET; THENCE S89°03'07"E 40.40 FEET; THENCE S00°31'50"W 1303.95 FEET TO THE POINT OF BEGINNING.

Containing: 54,766.4 square feet, 1.26 acres, more or less.

When Recorded Return To:  
City of St. George  
City Attorney's Office  
175 East 200 North  
St. George, Utah 84770

Tax ID: SG-5-2-34-4100

### **PUBLIC UTILITY AND DRAINAGE EASEMENT**

That in consideration of Ten Dollars and other good and valuable consideration paid to PUB-QC, LLC, a Utah limited liability company, herein referred to as Grantor, by the City of St. George, a Utah municipal corporation, herein referred to as Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto Grantee, its successors and assigns, a perpetual easement, to use, install, operate, maintain, repair, remove, relocate and replace public utilities and drainage in and along real property owned by Grantor in Washington County, State of Utah, and the easement being more fully described as follows:

*See EXHIBIT 1 & 2 attached hereto and made a part hereof.*

TO HAVE AND TO HOLD such property to Grantee, the City of St. George, forever for the uses and purposes normally associated with public utilities and drainage.

Grantee agrees to repair any damage which may occur to sidewalk, curb and gutter, pavement and low level vegetation which Grantor may have constructed in the easement as a result of Grantee's exercise of this easement. Grantee does agree to in no way encumber said easement or subject it to the imposition of liens of any type during the term of this easement. Grantor may not install, build, place or cause or allow anything to be installed, built or placed in the easement. If any improvement is installed, built, or placed within the easement, Grantor bears the risk of loss or damage to those improvements resulting from the exercise of the easement rights and the City is not responsible to repair, replace, maintain, indemnify or reimburse Grantor for any damage or loss.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the Grantee its successors and assigns.

PUB-QC, LLC, a Utah limited liability company

\_\_\_\_\_  
Ed Burgess, Manager

\_\_\_\_\_  
Richard T. Pratt, Manager

STATE OF UTAH                    )

County of Washington )  
:ss

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me Ed Burgess who being by me duly sworn, says that he is a Manager of PUB-QC, LLC, a Utah limited liability company, and that he executed the foregoing document on behalf of said limited liability company being authorized and empowered to do so by the operating agreement of said limited liability company and he did duly acknowledge to me that such limited liability company executed the same for the uses and purposes state therein.

\_\_\_\_\_  
Notary Public

STATE OF UTAH )  
County of Washington )  
:ss

On the \_\_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me Richard T. Pratt who being by me duly sworn, says that he is a Manager of PUB-QC, LLC, a Utah limited liability company, and that he executed the foregoing document on behalf of said limited liability company being authorized and empowered to do so by the operating agreement of said limited liability company and he did duly acknowledge to me that such limited liability company executed the same for the uses and purposes state therein.

\_\_\_\_\_  
Notary Public

**ACCEPTANCE OF DEDICATION**

The City of St. George, a municipal corporation of the State of Utah, hereby accepts the above conveyance and dedication, and in consideration thereof agrees that it will utilize and maintain the same for purposes consistent with the above dedication.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF ST. GEORGE

ATTEST

\_\_\_\_\_  
Jonathan T. Pike, Mayor

\_\_\_\_\_  
Christina Fernandez, City Recorder

Approved as to form:

\_\_\_\_\_  
Paula Houston, Deputy City Attorney

# EXHIBIT 1

**PARCEL SG-5-2-34-4100**

**PUBLIC UTILITY EASEMENT #1  
PUB-QP, LLC TO CITY OF ST. GEORGE**

BEGINNING AT A POINT S00°31'50"W 2609.63 FEET ALONG THE CENTER SECTION LINE AND WEST 83.57 FEET FROM THE NORTH 1/4 CORNER OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE N00°43'57"E 15.00 FEET TO THE POINT OF CURVE OF A 5.00 FOOT RADIUS CURVE TO THE LEFT (RADIUS POINT BEARS N00°43'57"E); THENCE NORTHEASTERLY 7.87 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°12'07"; THENCE N00°31'50"E 93.04 FEET TO THE POINT OF CURVE OF A 75.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY 19.64 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°00'01"; THENCE N15°31'50"E 23.54 FEET TO THE POINT OF CURVE OF A 25.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 6.55 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°00'01"; THENCE N00°31'50"E 266.30 FEET; THENCE N00°20'16"E 256.00 FEET TO THE POINT OF CURVE OF A 5.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 7.84 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°47'26"; THENCE N00°32'50"E 15.00 FEET TO THE POINT OF CURVE OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 31.34 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°47'26"; THENCE S00°20'16"W 256.02 FEET; THENCE S00°31'50"W 266.32 FEET TO THE POINT OF CURVE OF A 40.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 10.47 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°00'01"; THENCE S15°31'50"W 23.54 FEET TO THE POINT OF CURVE OF A 60.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY 15.71 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°00'01"; THENCE S00°31'50"W 93.04 FEET TO THE POINT OF CURVE OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 31.49 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°12'07" TO THE POINT OF BEGINNING.

Containing: 10,565.25 square feet, 0.24 acres, more or less.

## EXHIBIT 2

PARCEL SG-5-2-34-4100

PUBLIC UTILITY EASEMENT #2  
PUB-QP, LLC TO CITY OF ST. GEORGE

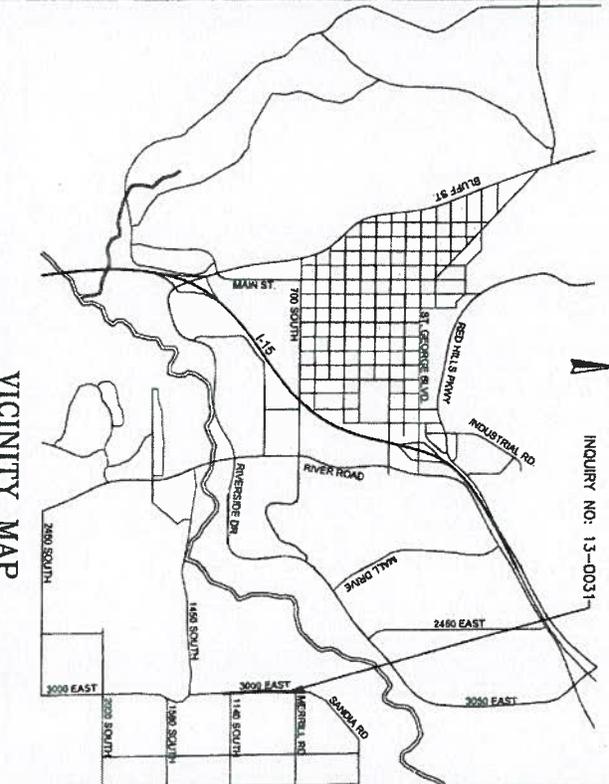
BEGINNING AT A POINT S00°31'50"W 1850.67 FEET ALONG THE CENTER SECTION LINE AND WEST 84.69 FEET FROM THE NORTH 1/4 CORNER OF SECTION 34, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE N00°32'54"E 15.00 FEET TO THE POINT OF CURVE OF A 5.00 FOOT RADIUS CURVE TO THE LEFT (RADIUS POINT BEARS N00°32'54"E); THENCE NORTHEASTERLY 7.87 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°12'38"; THENCE N00°20'16"E 88.95 FEET TO THE POINT OF CURVE OF A 75.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY 19.56 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'29"; THENCE N15°16'45"E 23.73 FEET TO THE POINT OF CURVE OF A 25.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 6.52 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'29"; THENCE N00°20'16"E 373.81 FEET; THENCE S89°39'44"E 15.00 FEET; THENCE S00°20'16"E 373.81 FEET TO THE POINT OF CURVE OF A 40.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 10.43 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'29"; THENCE S15°16'45"W 23.73 FEET TO THE POINT OF CURVE OF A 60.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY 15.65 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'29"; THENCE S00°20'16"W 88.95 FEET TO THE POINT OF CURVE OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 31.49 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°12'38" TO THE POINT OF BEGINNING.

Containing: 7,983.69 square feet, 0.18 acres, more or less.

# CITY OF ST. GEORGE UTAH

## CONSTRUCTION PLANS FOR 3000 EAST PHASE 2

0.65 MILES  
INQUIRY NO. 13-0031  
JANUARY 2014



VICINITY MAP



CITY OF ST. GEORGE

TITLE SHEET

3000 EAST PHASE 2  
WIDENING AND IMPROVEMENTS

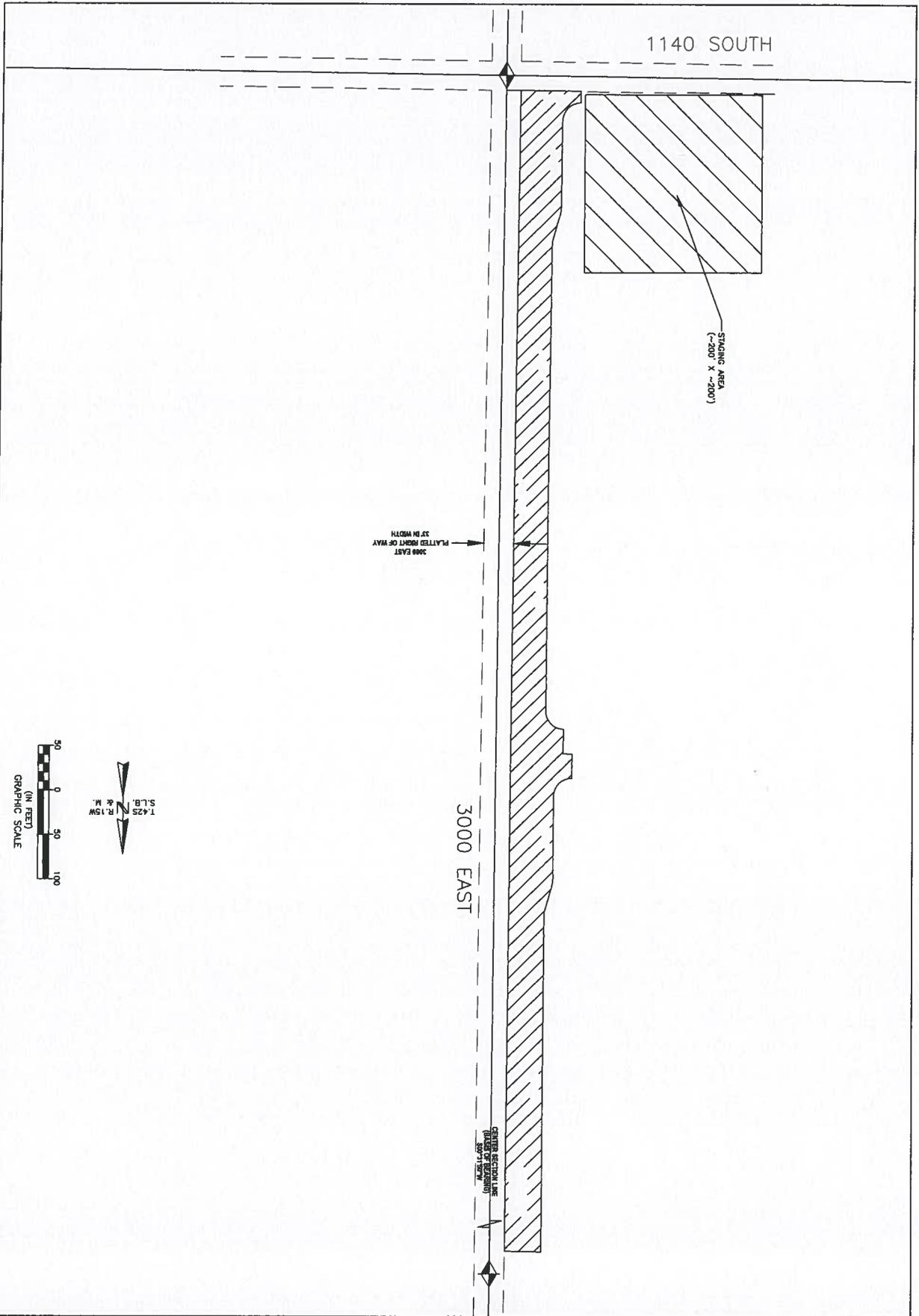
DESIGNED BY PBG

DRAWN BY PBG

CHECKED BY TAR



REV.	DATE	DESCRIPTION
1	01/17/2014	ISSUED FOR CONSTRUCTION



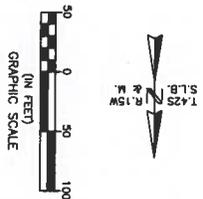
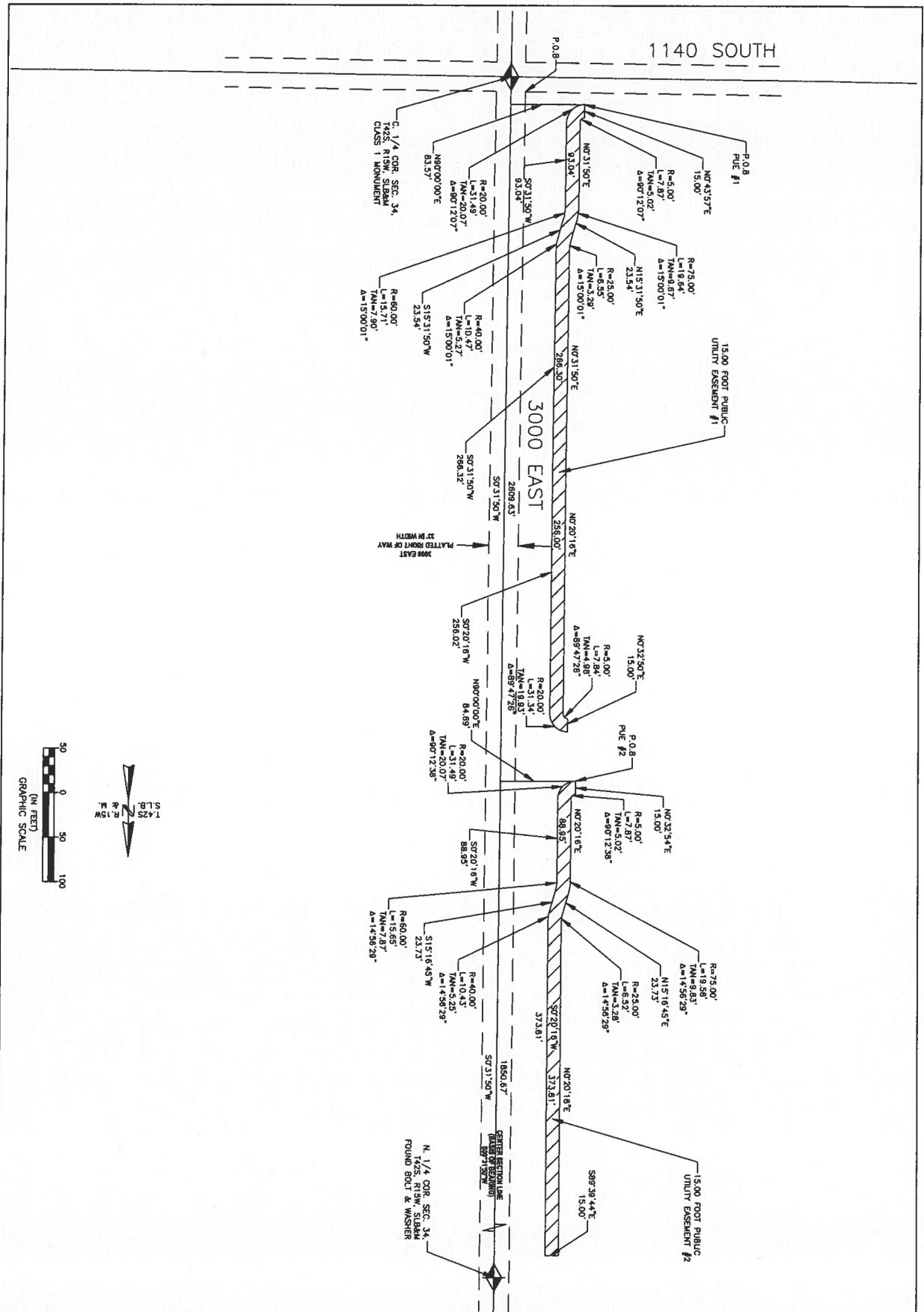
DATE	7/14	
PROJECT NUMBER	13-0031	
ISSUE NUMBER		
DESCRIPTION		
Rev.	Date	Description

**CITY OF ST. GEORGE**  
**RIGHT-OF-WAY**  
**3000 EAST PHASE 2**  
**WIDENING AND IMPROVEMENTS**

DESIGNED BY **PBG**  
 DRAWN BY **PBG**  
 CHECKED BY **TAR**



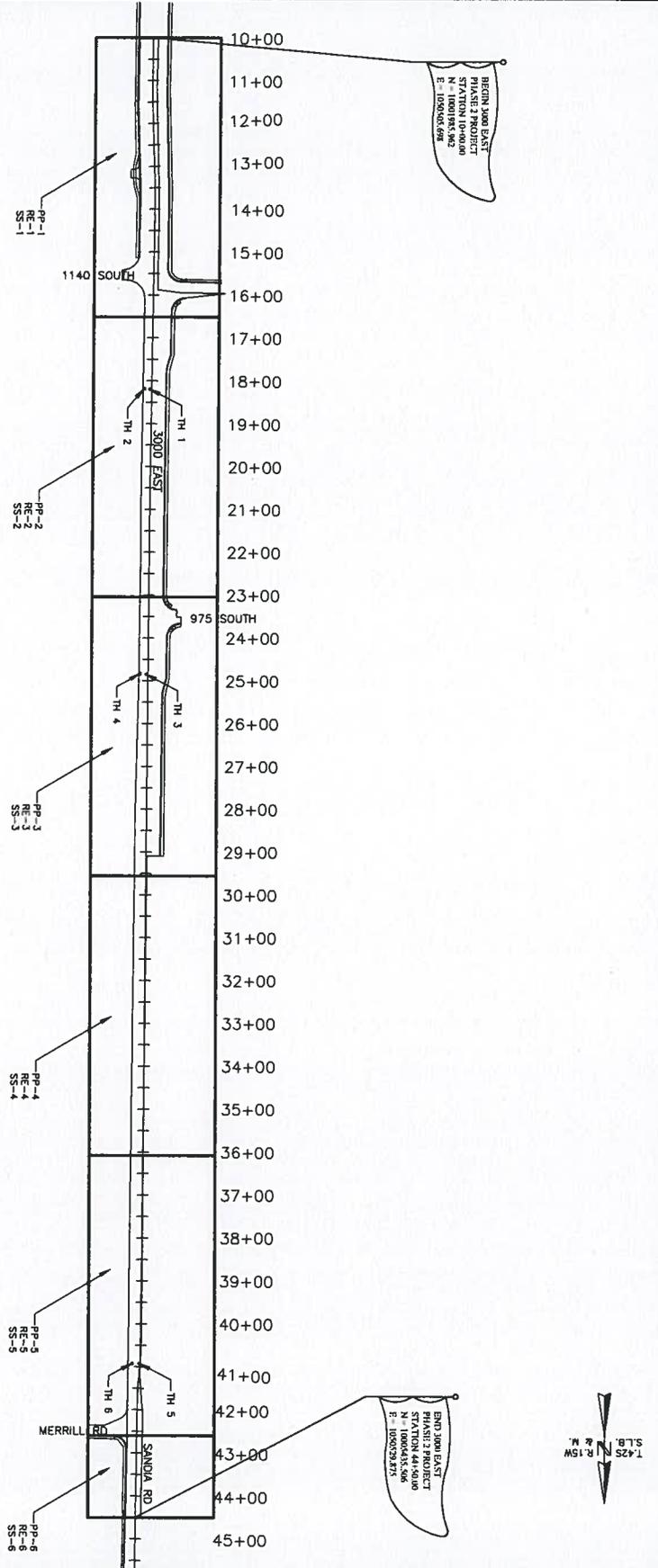
**EXHIBIT 3**



<b>CITY OF ST. GEORGE</b> <b>PUBLIC UTILITY EASEMENT</b> <b>3000 EAST PHASE 2</b> <b>WIDENING AND IMPROVEMENTS</b>			DESIGNED BY <b>PBG</b> DRAWN BY <b>PBG</b> CHECKED BY <b>TAR</b>	
DATE: 12/14/13 PROJECT NUMBER: 13-0051 <b>EXHIBIT 2</b>	CENTER POINT LINE (SEE 13-0051)	N. 1/4 COR. SEC. 34, T42S, R19W, S164M FOUND BOLT & WASHER	15.00' 88°39'44"E 15.00'	

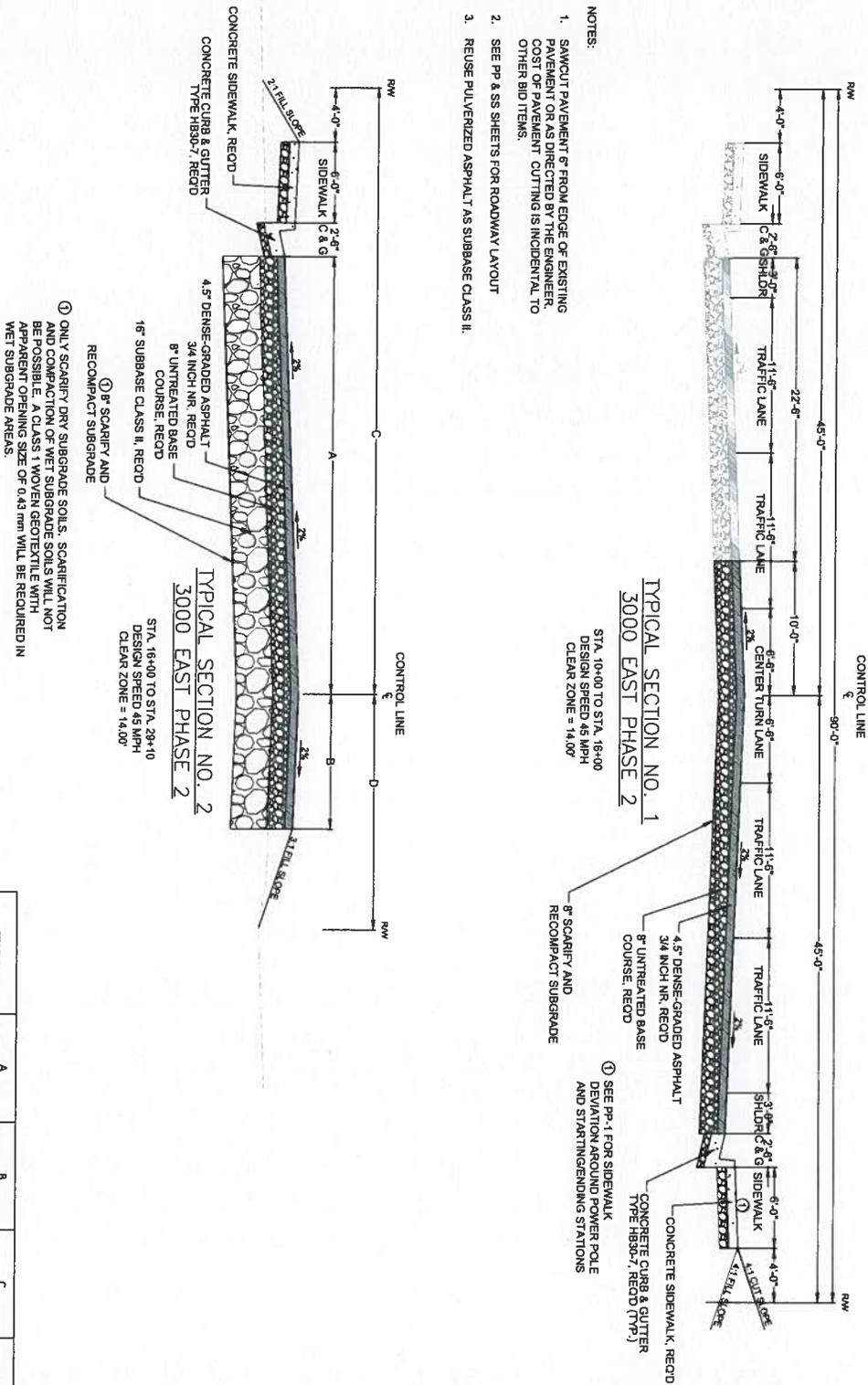
TEST HOLE	DATE	STREET	UTILITY TYPE	STATION	OFFSET	GROUND ELEV. (FT)	DEPTH OF UTILITY (FT)	TOP OF UTILITY ELEV. (FT)	BOTTOM OF UTILITY ELEV. (FT)	UTILITY OWNER	SIZE	MATERIAL	NOTES
1	11/22/2013	3000 EAST	WATERLINE	18+20	4.50 FT	2600.80	4.30	2596.50	2594.83	WASHINGTON CITY	12-INCH	PVC	
2	11/22/2013	3000 EAST	WATERLINE	18+20	18.00 RT	2600.70	4.60	2596.10	2594.43	ST. GEORGE CITY	20-INCH	PVC	
3	11/22/2013	3000 EAST	WATERLINE	24+85	4.00 FT	2598.70	3.70	2595.00	2593.33	WASHINGTON CITY	12-INCH	PVC	
4	11/22/2013	3000 EAST	WATERLINE	24+85	20.00 RT	2598.70	3.60	2595.10	2593.43	ST. GEORGE CITY	20-INCH	PVC	
5	11/22/2013	3000 EAST	WATERLINE	40+93	1.00 RT	2598.70	3.60	2595.10	2593.43	WASHINGTON CITY	12-INCH	PVC	
6	11/22/2013	3000 EAST	WATERLINE	40+93	18.50 RT	2598.80	3.40	2595.20	2593.53	ST. GEORGE CITY	20-INCH	PVC	

TESTHOLE INFORMATION



CITY OF ST. GEORGE DESIGNED BY <u>PBG</u> DRAWN BY <u>PBG</u> CHECKED BY <u>TAR</u>	1.425 N 5.18 E 2.15W		
			01/17/14 134031 1B
			Rev. Date Description

- NOTES:
1. SAWCUT PAVEMENT 6" FROM EDGE OF EXISTING PAVEMENT OR AS DIRECTED BY THE ENGINEER. COST OF PAVEMENT CUTTING IS INCIDENTAL TO OTHER BID ITEMS.
  2. SEE PP & SS SHEETS FOR ROADWAY LAYOUT
  3. REUSE PULVERIZED ASPHALT AS SUBBASE CLASS II.



STATION	A		B		C		D	
	BEGIN	END	BEGIN	END	BEGIN	END	BEGIN	END
16+00 TO 17+32	42'-0"	42'-0"	20'-6"	20'-6"	54'-6"	54'-6"	25'-6"	25'-6"
17+32 TO 17+81	42'-0"	32'-6"	20'-6"	20'-6"	54'-6"	45'-0"	25'-6"	25'-6"
17+81 TO 23+03	32'-6"	32'-6"	20'-6"	20'-6"	45'-0"	45'-0"	25'-6"	25'-6"
23+03 TO 24+87	42'-0"	42'-0"	20'-6"	20'-6"	54'-6"	54'-6"	25'-6"	27'-2"
24+87 TO 25+36	42'-0"	32'-6"	21'-3"	25'-0"	45'-0"	45'-0"	27'-2"	27'-2"
25+36 TO 29+10	32'-6"	32'-6"	21'-3"	25'-0"	45'-0"	45'-0"	27'-2"	28'-3"

DESIGNED BY PBG  DRAWN BY PBG  CHECKED BY TAR	<b>CITY OF ST. GEORGE</b> 3000 EAST PHASE 2 WIDENING AND IMPROVEMENTS	<b>CREAMER &amp; NOBLE, INC.</b> ST. GEORGE, TN 38574
	DATE: 01/11/14 PROJECT NUMBER: 1340051	
	SHEET: TS-1	
	REVISIONS:	

**DRAFT**Agenda Item Number : **2F****Request For Council Action**

---

**Date Submitted** 2014-01-31 08:13:43**Applicant** Jay Sandberg**Quick Title** Change Order - 3000 East Project**Subject** Consider approval of a change order to the 3000 East, Phase 1 project to extend improvements for an additional 525 feet along 3000 East in the vicinity of 2000 South.**Discussion** The Sage Meadows developers decided to phase their development, and only completed a portion of the frontage along 3000 East. Their additional phases along 3000 East will not be completed for approximately two years. The developer of Sage Meadows has agreed to contribute \$30,000, and a specially designed manhole that has already been purchased for \$8,600, and the property valued at approx. \$9,000. The total amount of the change order is \$82,107.50. The cost to the city for this change order is \$52,107.50.**Cost** \$52,107.50**City Manager Recommendation** This change order will allow the 3000 E. Phase 1 to be completed without gaps. The developer will contribute \$30,000 to the project leaving 52,107.50 to the City. This will make the project connect along the west side with sidewalk so pedestrians can stay out of the right-of-way. The developer does not plan to develop his frontage for a couple of years. Recommend approval.**Action Taken****Requested by** Larry H. Bulloch**File Attachments** [CO #1, Interstate Rock, Sage Meadows.pdf](#)**Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments****Attachments** [CO #1, Interstate Rock, Sage Meadows.pdf](#)

Interstate Rock Products				
Description	Units	Approx. Quantity	Unit Price	Total Price
EARTH WORK	LUMP	1	\$ 2,000.00	\$ 2,000.00
CONCRETE CURB & GUTTER	LF	476	\$ 11.50	\$ 5,474.00
CONCRETE SIDEWALK	SQ FT	2,856	\$ 2.50	\$ 7,140.00
CONCRETE CURVE RETURN AND ADA RAMP	EACH	2	\$ 1,100.00	\$ 2,200.00
18" STORM DRAIN PIPE	LF	602	\$ 22.35	\$ 13,454.70
24" STORM DRAIN PIPE AND ASPHALT PATCH	LF	52	\$ 80.55	\$ 4,188.60
SINGLE CURB INLET	EACH	6	\$ 1,470.00	\$ 8,820.00
REMOVE ASPHALT	SQ FT	3,808	\$ 0.15	\$ 571.20
SAWCUT ASPHALT	LUMP	1	\$ 575.00	\$ 575.00
REMOVAL PAVEMENT MARKING	LUMP	1	\$ 500.00	\$ 500.00
18" TYPE II BASE	SQ FT	4,760	\$ 1.40	\$ 6,664.00
4 1/2" ASPHALT	SQ FT	4,760	\$ 2.35	\$ 11,186.00
GEOGRID	SQ FT	4,760	\$ 0.20	\$ 952.00
RELOCATE FIRE HYDRANT	EACH	1	\$ 1,500.00	\$ 1,500.00
RECONSTRUCT MANHOLE RIMS	EACH	3	\$ 300.00	\$ 900.00
RECONSTRUCT WATER VALVE RIMS	EACH	3	\$ 200.00	\$ 600.00
EXTEND THE EXISTING 8" WATER LINE 30'	LF	30	\$ 26.00	\$ 780.00
INSTALL 72" COMPOSITE MANHOLE	EACH	1	\$ 10,000.00	\$ 10,000.00
DEWATERING (ALTERNATIVE 1 AREA ONLY)	LUMP	1	\$ 1,000.00	\$ 1,000.00
8" SEWER PIPE WITH CAP	LF	20	\$ 57.60	\$ 1,152.00
3/4" TRENCH GRAVEL	CU YD	50	\$ 29.00	\$ 1,450.00
CAP EXISTING STORM WATER PIPE	LUMP	1	\$ 500.00	\$ 500.00
COORDINATE RELOCATE COMMUNICATION BOXES	LUMP	1	\$ 500.00	\$ 500.00

**Total cost** \$ 82,107.50

**DRAFT**Agenda Item Number : **2G****Request For Council Action**

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**Date Submitted** 2014-02-03 19:59:45

**Applicant** Jeff Peay - Park Planning Manager

**Quick Title** Bid Award - City Hall East Annex

**Subject** Consider approval of a bid award to Bud Mahas Construction for the City Hall East Annex Plaza on 200 E.

**Discussion** Seeking approval to accept the low bid by Bud Mahas Construction, in the amount of \$152,552.07. A total of three contractors submitted qualifying bids with Bud Mahas Construction being \$5,188.41 lower than the next lowest bid. The bid included the base bid items and additive alternates #1 and #3 as shown on the attached Budget Review documentation. The base bid included grading, drainage, concrete flat work, lighting & electrical upgrades. Additive alternate #1 included conduit & boring for a redundant system. Additive alternate #3 is for full landscape and irrigation works.

**Cost** \$152,552.07

**City Manager Recommendation**

**Action Taken**

**Requested by** Jeff Peay - Park Pla

**File Attachments** [1-30-14 BUDGET REVIEW CONTRACT COSTS.pdf](#)

**Approved by Legal Department?**

**Approved in Budget? Amount:**

**Additional Comments** Survey, geotech testing, building cleaning, furniture, city logo and other items have been included in the project budget. This project is currently within the approved budget with a balance of \$2,587.93 for contingency.

**Attachments** [1-30-14 BUDGET REVIEW CONTRACT COSTS.pdf](#)

CITY HALL EAST ANNEX  
 BUDGET REVIEW AND OTHER ITEMS  
 FEBRUARY 3, 2014

<b>2013-2014 YEAR BUDGET</b>	<b>207,000.00</b>
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<b>Bud Mahas Construction</b>		
		<b>Total Price</b>
		<b>113,289.14</b>

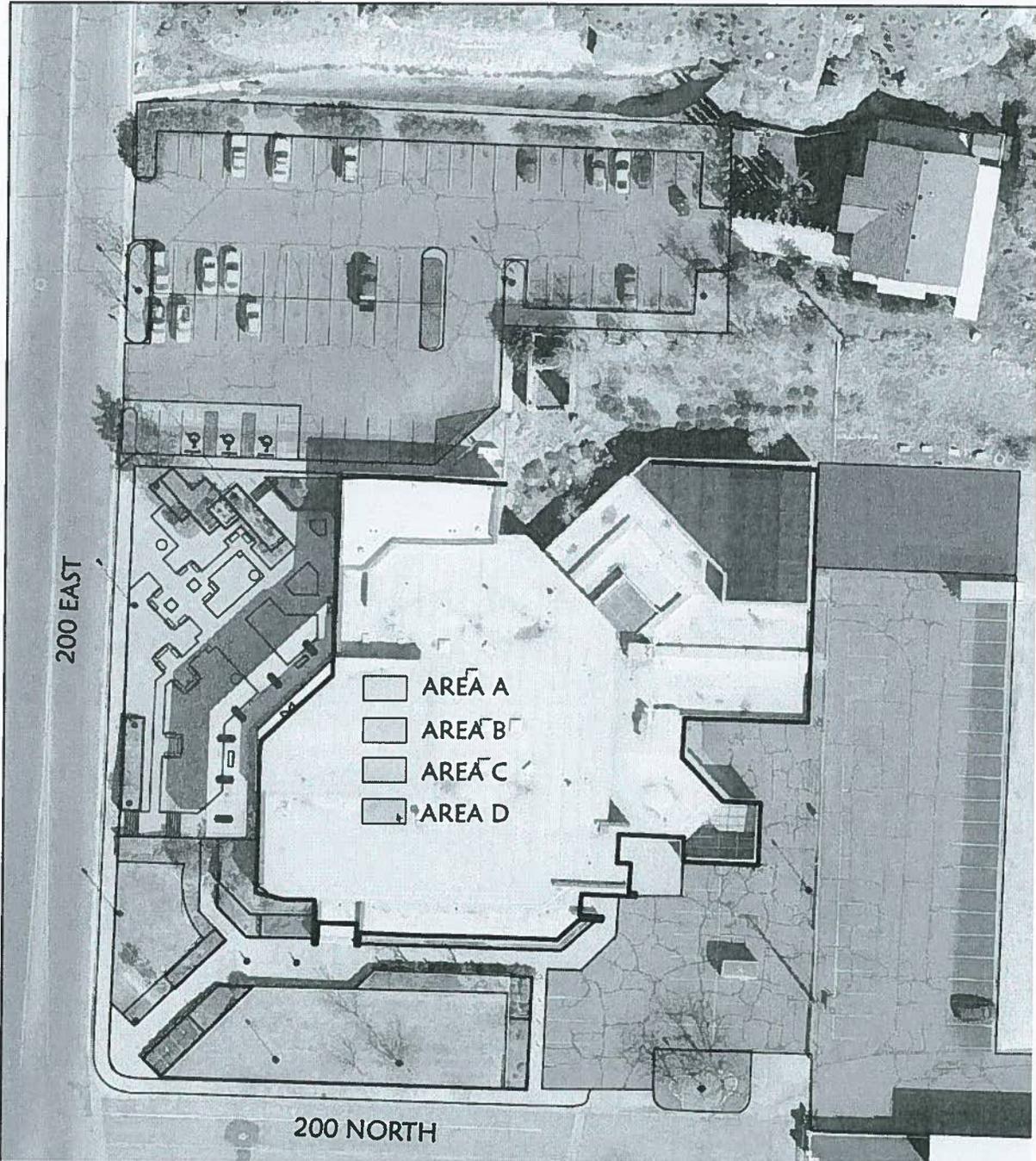
	CONTRACT BASE BID			
	ADDITIVE ALTERNATES			
	#1 CONDUIT & BORING			6,252.90
	#3 COMPLETE LANDSCAPE & IRRIGATION SYSTEM			33,010.03
	CONTRACT BASE BID + ALTERNATES			152,552.07

CITY HALL EAST ANNEX  
 BUDGET REVIEW AND OTHER ITEMS  
 FEBRUARY 3, 2014

**2013-2014 BUDGET OTHER ITEMS**

SURVEY			1,200.00
GEOTECHNICAL TESTING			1,500.00
BUILDING CLEANING			18,454.00
CITY FURNISHED SITE FURNISHINGS (INCL. BENCHES, T-CANS, POTS, WHEELSTOPS, & SIGNS)			18,255.00
CITY FURNISHED HADCO LIGHTS/POLES			7,806.00
CITY FURNISHED CITY LOGO (1)			3,645.00
CITY FURNISHED ELECTRICAL TROUBLESHOOTING BY D. BLAKE			500.00
WASTEWATER PARTS FOR SUMP CLEANING			500.00
TOTAL OTHER ITEMS			51,860.00
BALANCE FOR CONTINGENCY			2,587.93

**NOVEMBER 27, 2013 COST ESTIMATE EXHIBIT**



CITY HALL EAST ANNEX														
Engineer's Estimate			B Hansen Construction				Bud Mahas Construction			JMI Constructors				
No.	Item	Unit	Estimated Quantity	Unit Price	Total Price	Estimated Quantity	Unit Price	Total Price	Estimated Quantity	Unit Price	Total Price	Estimated Quantity	Unit Price	Total Price
1	Mobilization	LS	1	9,950.00	9,950.00	1	3,225.00	3,225.00	1	19,500.00	19,500.00	1	1,344.00	1,344.00
2	Traffic Control	LS	1	5,800.00	5,800.00	1	1,612.50	1,612.50	1	1,344.00	1,344.00	1	1,344.00	1,344.00
<b>DEMOLITION</b>														
3	Remove existing asphalt paving and over-ex	SF	347	7.25	2,515.75	347	4.95	1,717.65	347	1.12	388.64	347	1.12	388.64
4	Remove concrete pavement, stairs & roadbase	SF	6380	3.00	19,140.00	6380	3.40	21,692.00	6380	3.36	21,436.80	6380	3.36	21,436.80
5	Remove concrete curb	LF	19	10.00	190.00	19	9.89	187.91	19	20.16	383.04	19	20.16	383.04
6	Remove metal handrail	LS	1	625.00	625.00	1	123.63	123.63	1	448.00	448.00	1	448.00	448.00
7	Remove existing drainage system	LS	1	525.00	525.00	1	679.94	679.94	1	336.00	336.00	1	336.00	336.00
8	Remove existing bollard or pole light fixture	EA	10	175.00	1,750.00	10	61.81	618.10	10	168.00	1,680.00	10	168.00	1,680.00
9	Remove existing concrete light pole footing	EA	2	325.00	650.00	2	216.34	432.68	2	280.00	560.00	2	280.00	560.00
<b>GRADING</b>														
10	Earthwork (net fill)	CY	62	34.85	2,160.70	62	21.50	1,333.00	62	28.00	1,736.00	62	28.00	1,736.00
11	Planting fill	CY	262	26.00	6,812.00	262	37.63	9,859.06	262	26.88	7,042.56	262	26.88	7,042.56
<b>DRAINAGE</b>														
12	4" PVC pipe	LF	10	33.00	330.00	10	7.53	75.30	10	23.52	235.20	10	23.52	235.20
13	6" PVC pipe	LF	164	29.58	4,851.12	164	10.75	1,763.00	164	25.76	4,224.64	164	25.76	4,224.64
14	4" Perforated PVC pipe	LF	10	32.25	322.50	10	7.53	75.30	10	23.52	235.20	10	23.52	235.20
15	12" NDS Area Drain	EA	2	1,500.00	3,000.00	2	1,075.00	2,150.00	2	280.00	560.00	2	280.00	560.00
16	Cleanout	EA	1	500.00	500.00	1	188.13	188.13	1	168.00	168.00	1	168.00	168.00
17	6" NDS DuraSlope Channel Drain w/grate	LF	20	149.75	2,995.00	20	59.13	1,182.60	20	84.00	1,680.00	20	84.00	1,680.00
18	Micro Channel Drain	LF	35	-	-	35	80.63	2,822.05	35	28.00	980.00	35	28.00	980.00
19	Uteitte expanded shale	CY	22	150.00	3,300.00	22	107.50	2,365.00	22	112.00	2,464.00	22	112.00	2,464.00
<b>SLEEVING</b>														
20	3" PVC Sch 40	LF	195	25.77	5,025.15	195	4.30	838.50	195	16.80	3,276.00	195	16.80	3,276.00
<b>CONSTRUCTION</b>														
21	B5 Curb	LF	92	29.89	2,749.88	92	26.88	2,472.96	92	16.80	1,545.60	92	16.80	1,545.60
22	6" thick concrete paving	SF	1743	6.15	10,719.45	1743	6.45	11,242.35	1743	6.61	11,521.23	1743	6.61	11,521.23
23	6" thick reinforced concrete paving	SF	760	6.40	4,864.00	760	6.72	5,107.20	760	7.28	5,532.80	760	7.28	5,532.80

CITY HALL EAST ANNEX														
Engineer's Estimate			B Hansen Construction				Bud Mahas Construction			JMI Constructors				
No.	Item	Unit	Estimated Quantity	Unit Price	Total Price	Estimated Quantity	Unit Price	Total Price	Estimated Quantity	Unit Price	Total Price	Estimated Quantity	Unit Price	Total Price
24	6" thick concrete paving w/ detector pads	SF	175	17.14	2,999.50	175	10.75	1,881.25	175	10.08	1,764.00	175	10.08	1,764.00
25	Sawcut	LF	606	3.48	2,108.88	606	3.23	1,957.38	606	3.36	2,036.16	606	3.36	2,036.16
26	Concrete stemwall	LF	16	149.06	2,384.96	16	161.25	2,580.00	16	84.00	1,344.00	16	84.00	1,344.00
27	Concrete retaining wall	LF	28	65.90	1,845.20	28	43.00	1,204.00	28	61.60	1,724.80	28	61.60	1,724.80
28	Concrete sculpture pedestals	EA	3	3,015.00	9,045.00	3	1,612.50	4,837.50	3	470.40	1,411.20	3	470.40	1,411.20
29	Install owner provided concrete light pole footing	EA	2	350.00	700.00	2	3,762.50	7,525.00	2	672.00	1,344.00	2	672.00	1,344.00
30	Asphalt Overlay	SF	160	13.11	2,097.60	160	6.72	1,075.20	160	4.48	716.80	160	4.48	716.80
31	Striping	LS	1	550.00	550.00	1	1,075.00	1,075.00	1	252.00	252.00	1	252.00	252.00
32	Tubular steel handrail	LF	77	62.33	4,799.41	77	40.85	3,145.45	77	41.44	3,190.88	77	41.44	3,190.88
<b>LIGHTING &amp; ELECTRICAL</b>														
33	Installation of City supplied Hadoo fixtures & poles	EA	5	425.00	2,125.00	5	430.00	2,150.00	5	448.00	2,240.00	5	448.00	2,240.00
34	Lithonia square cut-off and round pole	EA	2	1,800.00	3,600.00	2	1,806.00	3,612.00	2	1,881.60	3,763.20	2	1,881.60	3,763.20
35	GFI outlets	EA	6	822.00	4,932.00	6	698.75	4,192.50	6	728.00	4,368.00	6	728.00	4,368.00
36	Upgrade exterior building and site lighting	LS	1	7,051.00	7,051.00	1	6,290.00	6,290.00	1	7,044.80	7,044.80	1	7,044.80	7,044.80
				<b>Base Bid Total</b>				<b>133,014.10</b>			<b>113,289.14</b>			<b>118,477.55</b>
Alt 1	1 1/4" conduit	LF	300	9.20	2,760.00	300	9.62	2,886.00	300	10.08	3,024.00	300	10.08	3,024.00
	Boring	LF	145	21.95	3,182.75	145	23.22	3,366.90	145	24.19	3,507.55	145	24.19	3,507.55
				<b>Additive Alternate 1 Total</b>				<b>6,942.75</b>			<b>6,252.90</b>			<b>6,531.55</b>
Alt 2	Remove existing bollard or pole light fixture	EA	10	180.00	1,800.00	10	61.81	618.10	10	224.00	2,240.00	10	224.00	2,240.00
	Remove existing light pole footing	EA	7	500.00	3,500.00	7	216.34	1,514.38	7	280.00	1,960.00	7	280.00	1,960.00
				<b>Additive Alternate 2 Total</b>				<b>5,300.00</b>			<b>2,132.48</b>			<b>4,200.00</b>
Alt 3	Complete Landscape & Irrigation System	LS	1	33,800.00	33,800.00	1	33010.03	33,010.03	1	32,000.00	32,000.00	1	32,000.00	32,000.00
				<b>Base Bid + Additive Alternate 1 + Additive Alternate 2 + Additive Alternate 3 Total</b>				<b>178,056.85</b>			<b>154,684.55</b>			<b>161,209.10</b>

**DRAFT**Agenda Item Number : **2H****Request For Council Action**

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**Date Submitted** 2014-02-05 17:08:56**Applicant****Quick Title** Agreement - Quality Excavating**Subject** Consider approval of an agreement with Quality Excavation for improvements on 3000 East in the vicinity of Crimson Ridge Drive and Banded Hills.**Discussion** Mayor and City Council authorized the extension of 30' roadway on 3000 East from the Seegmiller Property to Crimson Ridge Drive. This item would be an agreement with adjacent property owner to put jointly put improvements in now together to avoid having 2 contractors in the roadway at the same time. Also an extension of additional roadway improvements from Crimson Ridge Drive to Banded Hills. Since the property owner is ready to make his improvements, this would save the City a significant cost.**Cost** \$0.00**City Manager  
Recommendation****Action Taken****Requested by****File Attachments****Approved by Legal  
Department?****Approved in Budget?      Amount:****Additional Comments**

**DRAFT**Agenda Item Number : **4A****Request For Council Action**

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**Date Submitted** 2014-01-13 11:08:12

**Applicant** City of St George

**Quick Title** Ord for code amendment for mixed use in C-4

**Subject** Consider a proposed amendment to the City Zoning Regulations, section 10-10-5:K to modify the requirements for mixed use projects in the C-4 Zone.

**Discussion** The public hearing was held and closed on Jan 30th. The Wilkinson property between 200 & 300 West along Tabernacle street is in the conceptual planning stage and they are proposing a mixed use development. Staff and applicant are trying to reach a consensus on standards for mixed use projects, and the dialogue continues on landscape requirements and a few other standards for a mixed use project.

**Cost** \$0.00

**City Manager Recommendation** Discussed at the last work meeting after being tabled at the regular meeting held on January 9, 2014. Working with the applicant for the project on Tabernacle to set realistic standards for the mix of residential and commercial in the C-4 zone.

**Action Taken**

**Requested by** Bob N

**File Attachments**

**Approved by Legal Department?**

**Approved in Budget? Amount:**

**Additional Comments**

street, phasing, building construction, and maintenance as it deems necessary to protect the health, safety and welfare of the residents of the city. All development projects shall comply with the site plan as approved and adopted by the land use authority.

b. The entire ground floor of any building in the project shall only have commercial uses, except as provided in this Section.

c. Residential use shall be located above the ground floor commercial use. Allowed residential density shall be determined by the detailed site plan and subject to all approvals in paragraph 1.a, above.

d. The requirement that the ground floor be limited to only commercial use may be altered to allow residential use only if all of the following conditions are met:

i. The view of the ground floor is obstructed from the public street by the building's location in the interior of the project, or its obstruction from street view by other buildings in the project; and

ii. A minimum of 50% of the ground floor area within the project shall be for commercial uses. Commercial floor area above the ground floor may be used to satisfy this 50% requirement; and

iii. For buildings that are perpendicular to the street so that the majority of the building is not adjacent to the street, the end of the building adjacent to the street must have commercial uses on the ground floor but may have residential use on the remainder of the ground floor that is not oriented toward the public street, if the project complies with the other conditions provided in this section.

e. If the project is built in phases, each phase shall be all commercial or may include a mix of commercial and residential use. No phase shall be solely residential.

2. All projects must meet the design standards set forth below:

a. Minimum height of ground level commercial use shall be twelve feet (12') floor to ceiling.

b. The front building façade and main entrance to all buildings shall be oriented toward and parallel to the public street. The setbacks for buildings adjacent to a public street shall be a minimum of zero feet (0') to a maximum of twenty feet (20') from the property line except:

i. The setbacks may be increased as necessary to allow room for outdoor seating areas, landscaping, or other similar pedestrian and customer amenities.

ii. Interior buildings may be allowed without frontage on a public street if it is not possible to fit a building parallel to the street, all other requirements have been met, and the depth and size of the property and best use of the property would prevent all buildings from having frontage on a public street.

iii. All buildings adjacent to a public street shall have primary frontage oriented toward the public street and shall have a design typical of a commercial building front with integrated style features compatible with other street facing buildings in the project including a significant entryway.

c. Building facades shall have architectural variations such as:

i. Contrasting building materials and textures.

ii. Variations in rooflines, colors, reveals and belt courses.

iii. Recessed windows and doors, strongly expressed window mullions, and awnings.

iv. Varying building setbacks from property lines and alcoves, outdoor sitting areas, and small public plazas.

v. Corner towers, cupolas, corner clock towers, corner spires, balconies and colonnades.

d. Buildings located on corners shall have the front facade wrap around the corner to the full depth of the building.

e. Awnings will be allowed provided that the building is designed to allow awnings and/or are part of the initial design. Awnings shall have a minimum eight foot (8') head clearance and shall not project away from the building more than half the distance from the building to the street, or no more than six feet (6'), whichever distance is less. Awnings shall be constructed of metal and/or high quality fire resistant architectural fabrics. Vinyl awnings shall not be permitted.

f. Mixed use building heights above thirty five feet (35') will be subject to a conditional use permit as defined in this code.

g. Parking lots shall be located in the interior of a project and not adjacent to a public street, except that access driveways with parking spaces on one or both sides, with a maximum width of 70 feet, are permitted. For buildings fronting a public street, all parking shall be located to the rear or side of buildings, or may be located below grade (underneath building). Buildings located in the interior of the project may have the parking area on any side of the building, as per the approved site plan. Underground parking will be permitted provided that such parking is accessible from the side or rear of the development and not from the

primary street. All projects must comply with the parking requirements for commercial and residential uses specified in Section 10, Chapter 19.

h. Parking structures will be permitted provided that the parking structures do not front the public street, and are not taller than the proposed buildings.

i. Mixed use developments shall provide a minimum of 20% of the total site area in landscaping, which may include recreation facilities such as playgrounds, outdoor pools, tennis courts, and basketball courts. No more than half of the total required landscape area may consist of recreation facilities. Other than the minimum landscape area requirements, which are set above, the landscape standards in Chapter 25 shall apply. Within the Historic District Overlay Zone, mixed use projects shall only be required to comply with Chapter 25, Landscape Standards.

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in the manner required by law.

APPROVED AND ADOPTED by the City Council of the City of St. George, this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Jonathan T. Pike, Mayor

ATTEST:

\_\_\_\_\_  
Christina Fernandez, City Recorder

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 10-10-5:K MIXED USE STANDARDS IN THE C-4 ZONE**

**WHEREAS**, the City Council desires to maintain a vibrant city center, and encourage stronger neighborhood character, with increased accessibility of residents to workplaces, retail businesses, and other amenities; and

**WHEREAS**, City Council desires to encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and

**WHEREAS**, the City Council desires to expand the variety of development allowed to encourage mixed use buildings with residential and commercial uses in a pedestrian friendly environment, thus promoting physical activity of residents, increased access to transit, and a reduction in traffic congestion and its negative impact; and

**WHEREAS**, the City Council has determined that changes to the ordinance are in the best interest of the health, safety, and welfare of the citizens of the City of St. George and are justified at this time.

**NOW, THEREFORE, BE IT ORDAINED**, by the St. George City Council, as follows:

**Section 1. Repealer.** Any provision of the St. George City Code found to be in conflict with this ordinance is hereby repealed.

**Section 2. Enactment.** Title 10, chapter 10, section 5:K is enacted to read as follows:

**K. Mixed Use Standards in The C-4 Zone:**

1. Mixed commercial and residential use is permitted in the C-4 Zone only as set forth herein. The purposes of mixed use development is to combine residential and commercial uses in order to provide housing opportunities in close proximity to retail, office, civic and related uses. Mixed use development promotes a pedestrian friendly environment, and more compact development. Mixed use development projects shall follow the following process, and meet the following requirements:
  - a. All development projects seeking approval for mixed use in the C-4 Zone must be new construction, and must submit a detailed site plan pursuant to Section 10-1-7 showing the entire development project, and showing the added specificity requirements of this section. All projects are subject to design standards review, recommendation by the Planning Commission, and approval by the land use authority. In granting such approval, the land use authority may impose and enforce such specific conditions as to the site plan, orientation of the buildings to the public

**DRAFT**

Agenda Item Number : **5A**

## Request For Council Action

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**Date Submitted** 2014-02-05 16:34:09

**Applicant** Sergeant Fuller, Police Dept.

**Quick Title** Resolution re: Animal Shelter Fees

**Subject** Resolution establishing fees for animal shelter services

**Discussion** The Animal Shelter costs for taking care of and boarding small domestic animals are increasing. The Animal Shelter needs to set fees for adoptions, impounds and the relinquishment of animals.

**Cost** \$0.00

**City Manager Recommendation**

**Action Taken**

**Requested by** Animal Shelter

**File Attachments** [Resol for Animal Shelter Fees.docx](#)

**Approved by Legal Department?**

**Approved in Budget? Amount:**

**Additional Comments**

**Attachments** [Resol for Animal Shelter Fees.docx](#)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF ST. GEORGE, UTAH ESTABLISHING  
FEES FOR ANIMAL SHELTER SERVICES**

WHEREAS the St. George City Code Title 5, Chapter 2, Section 3 provides for an Animal Shelter for the "care and custody of seized, stray, homeless, quarantined, abandoned or unwanted" small domestic animals of citizens of the City of St. George; and

WHEREAS the City of St. George, pursuant to its obligations, is responsible for providing services at the Animal Shelter, and its fees for the services are increasing to the following amounts:

ADOPTIONS:	\$ 50.00 PER ANIMAL
IMPOUNDS:	\$ 50.00 FIRST IMPOUND
	\$ 75.00 SECOND IMPOUND
	\$100.00 THIRD IMPOUND
RELINQUISHMENTS:	\$ 50.00 PER ANIMAL

WHEREAS the City Council of the City of St. George determines that it is in the best interest of the citizens, and it will promote their health, safety, and welfare, to maintain reasonable fees for said services pursuant to Title 5, Chapter 2, Section 3 of the St. George City Code.

NOW, THEREFORE, BE IT RESOLVED that the St. George City Council hereby authorizes and institutes the increase in fees for Animal Shelter services as set forth above.

BE IT FURTHER RESOLVED that said increase in fees shall take effect immediately.

APPROVED AND ADOPTED THIS \_\_\_ DAY OF FEBRUARY, 2014.

\_\_\_\_\_  
Jonathan T. Pike, Mayor

\_\_\_\_\_  
Christina Fernandez, City Recorder

**DRAFT**Agenda Item Number : **6A****Request For Council Action**

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**Date Submitted** 2014-02-03 10:35:56**Applicant** Mr. Samoa Tumanuvao**Quick Title** Sale of Excess City Property**Subject** Consider the sale of excess City property located next to 2881 South Evergreen Dr. owned by Mr. Tumanuvao in the amount of 1,608 square feet for \$1.00 per square foot or for the total price of \$1,608.00.**Discussion** To deem 1,608 sq. ft. of City property as excess and allow this property to be sold to Mr. Tumanuvao who owns the property next to it for a purchase price of \$1,608.00.**Cost** \$0.00**City Manager Recommendation** In order to sale this property to the adjacent property owner the Council has to determine it surplus. The proposed purchase price is \$1.00 per square foot.**Action Taken****Requested by** Matt Loo/Todd Jacobs**File Attachments****Approved by Legal Department?****Approved in Budget?** **Amount:****Additional Comments** 1) Copies of area survey provide for review. 2) Property was reviewed and approved to be considered for sale by JUC.



**ALPHA**  
ENGINEERING

43 South 100 East, Suite 100 T 435.628.6500  
St George, Utah 84770 F 435.628.6553

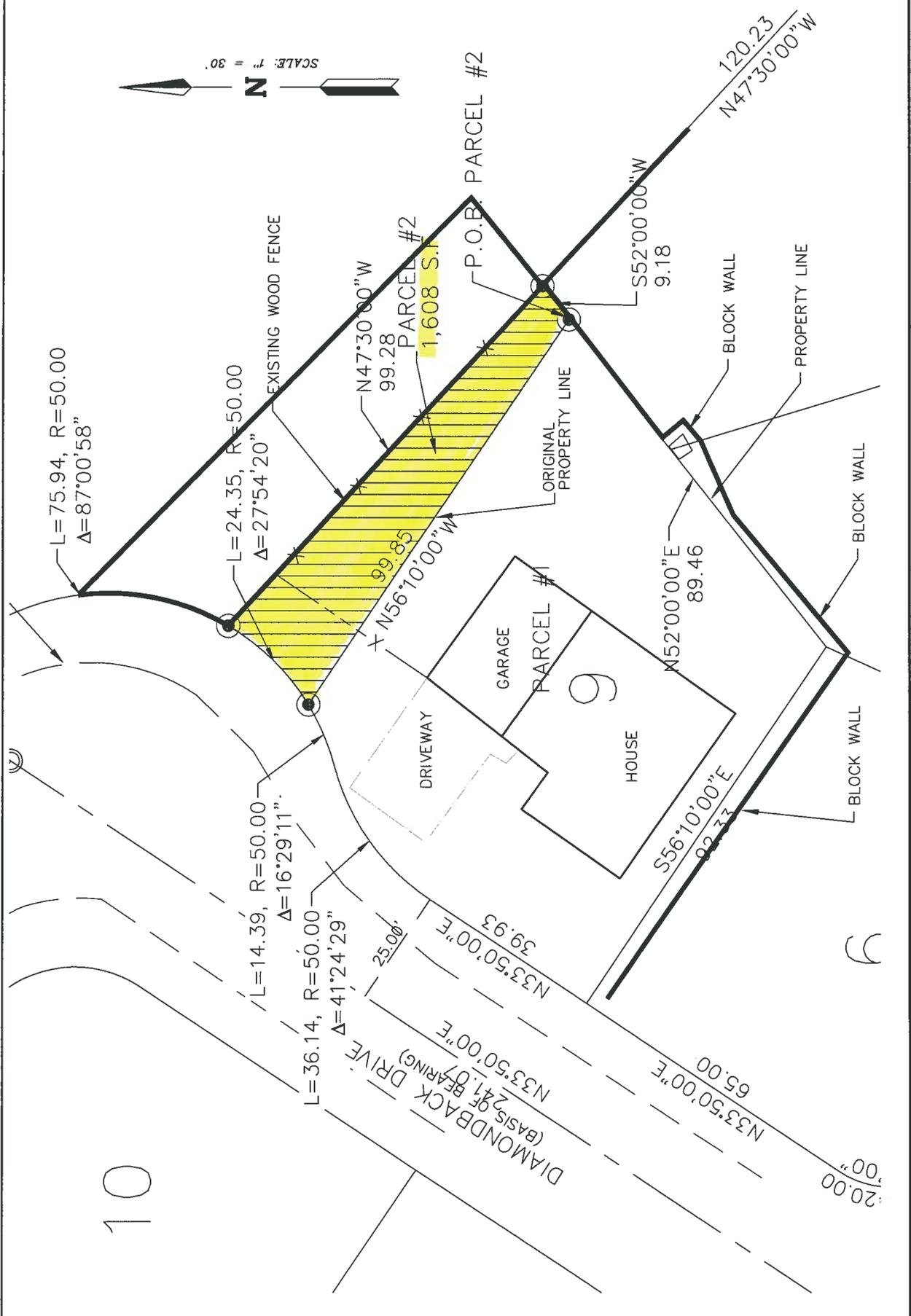
alphaengineering.com

## EXHIBIT "A"

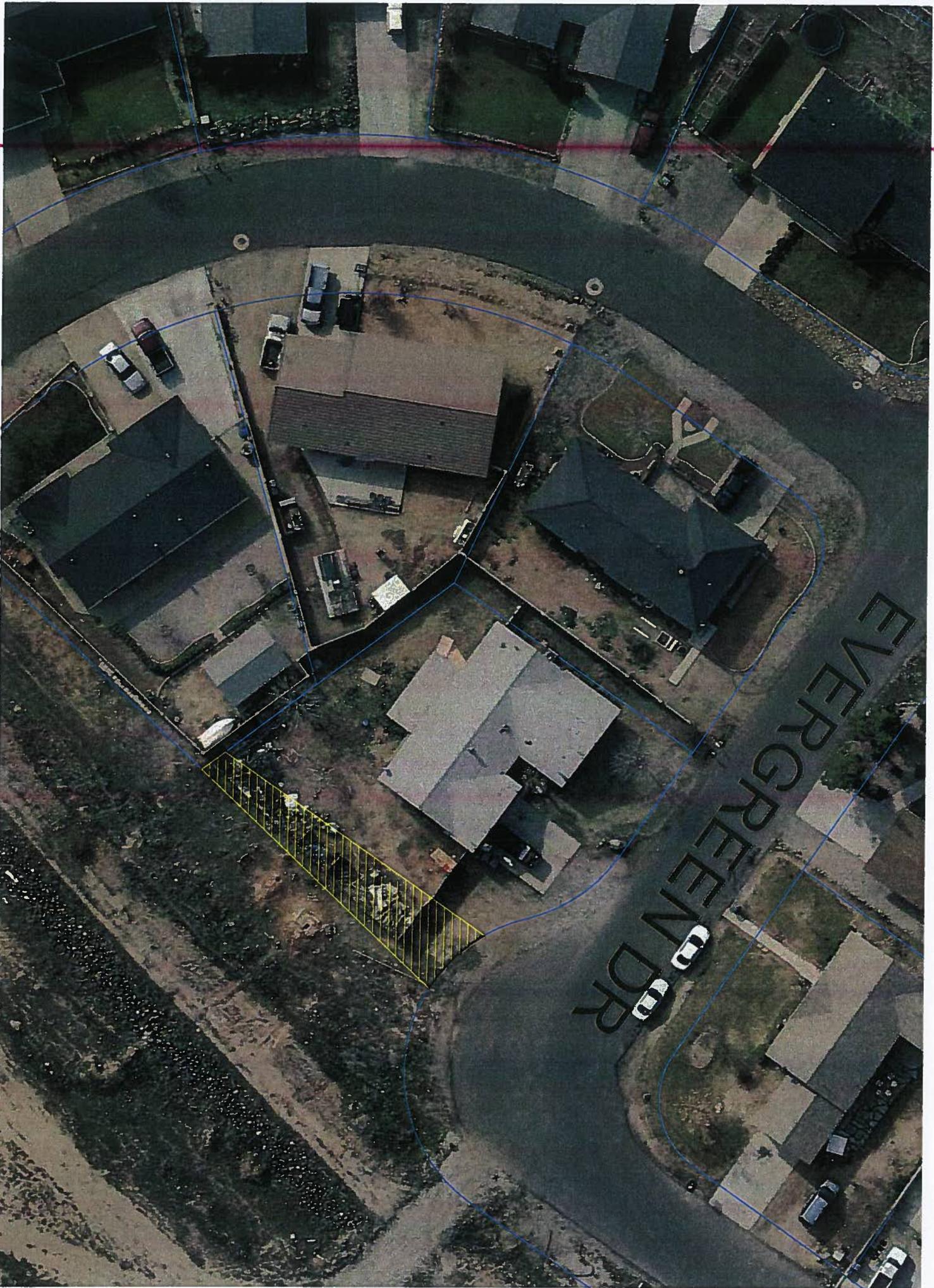
### PARCEL TO BE ADDED TO LOT 9, BLOOMINGTON HILLS NO.7A SUBDIVISION (December 5, 2013)

Beginning at the Southeasterly Corner of Lot 9, Bloomington Hills No. 7A Subdivision, according to the Official Plat thereof filed under Instrument #150385, Official Washington County Records; Thence North  $56^{\circ}10'00''$  West, along the Northeasterly line of said Lot 9, a distance of 99.87 feet to the Northeasterly corner of said Lot 9, said point being a point on a non tangent curve to the left, of which the radius point lies North  $31^{\circ}15'06''$  West, a radial distance of 50.00 feet, thence northeasterly along the arc of said curve, through a central angle of  $27^{\circ}54'20''$ , a distance of 24.35 feet; Thence South  $47^{\circ}30'00''$  East, a distance of 99.28 feet, to the Northeasterly corner of Lot 8 of said subdivision; Thence South  $52^{\circ}00'00''$  West, along the northerly line of said Lot 8, a distance of 9.18 feet to the Point of Beginning.

Containing: 1,608 square feet or 0.04 acres, more or less.



PARCEL TO BE ADDED TO LOT 9, BLOOMINGTON HILLS NO. 7A  
**EXHIBIT "B"**



EVERGREEN DR

**DRAFT**

Agenda Item Number : **6B**

## Request For Council Action

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**Date Submitted** 2014-01-30 11:51:31

**Applicant** Tamara Simon

**Quick Title** St George Pet Super Adoption

**Subject** Consideration of a request to waive the use fee for the Snow Park facility.

**Discussion** The Best Friends Animal Society is seeking to hold the Pet Super Adoption event at Snow Park on April 25-26 from 11 am -6 pm each day, with the goal being to adopt over 150 pets. This event will include 5 animal rescues and 9+ municipal shelters.

**Cost** \$0.00

**City Manager Recommendation** Sounds like an event we should support. Recommend approval.

**Action Taken**

**Requested by** Bill Swensen

**File Attachments** [St George Pet Super Adoption.pdf](#)

**Approved by Legal Department?**

**Approved in Budget? Amount:**

**Additional Comments**

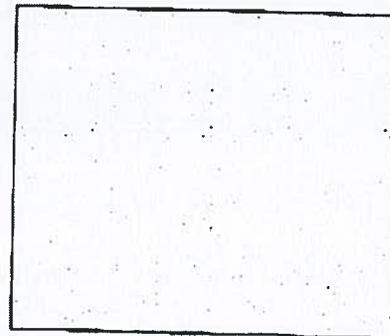
**Attachments** [St George Pet Super Adoption.pdf](#)

FOR OFFICE USE ONLY

Insurance Received:	Date Received:
Application Fee Paid:	Date Paid:



**SPECIAL EVENT  
PERMIT APPLICATION  
CITY OF ST. GEORGE**



City of St. George Special Events  
175 E. 200 North  
St. George, UT 84770

Phone: (435) 627-4128  
Fax: (435) 627-4430  
events@sgcity.org

EVENT NAME: St. George Pet Super Adoption

Applicant's Name: Tamara Simon

Organization: Best Friends Animal Society

Mailing Address: 5001 Angel Canyon Rd.

City, State, Zip: Kanab, UT 84741

Day Phone: 435-644-2001 ext. 4782

Cell/other: 702-812-1662

E-mail: tamis@bestfriends.org

Event Web Address (if applicable): bestfriends.org/What-We-Do/Events/Pet-Super-Adoptions/

Alternate contact name: Rachel Hyde

Day Phone: 435-644-2001 ext. 4658

Cell/other: 636-222-2735

E-mail: rachelh@bestfriends.org

**EVENT DETAILS**

LOCATION JC Snow Park

Location Details/Address: Dog park within JC Snow, 900 S. 400 E.

Event	Date(s): April 25-26, 2014	Start time: 11:00 a.m.	End time: 6:00 p.m.
Set-up	Date(s): April 24	Start time: 8:00 a.m.	End time: 6:00 p.m.
Clean-up	Date(s): April 26	Start time: 6:00 p.m.	End time: 8:30 p.m.

Is this a recurring event? No

If yes; daily, weekly or other?

Is this a Annual Event? Yes

If yes; Same date and Place? Similar dates, new location for 2014

TYPE OF ACTIVITY check all that apply:

- |  |                                  |                                   |                                       |   |                                    |
|--|----------------------------------|-----------------------------------|---------------------------------------|---|------------------------------------|
| <input type="checkbox"/> Film Production | <input type="checkbox"/> Parade  | <input type="checkbox"/> Cycling  | <input type="checkbox"/> 5K           | <input type="checkbox"/> Training Event                       | <input type="checkbox"/> Festival  |
| <input type="checkbox"/> Outdoors Sales  | <input type="checkbox"/> Fun run | <input type="checkbox"/> Sporting | <input type="checkbox"/> 10K          | <input type="checkbox"/> Block Party                          | <input type="checkbox"/> Religious |
|  |                                  | <input type="checkbox"/> Dance    | <input type="checkbox"/> 1/2 Marathon | <input checked="" type="checkbox"/> Other: Pet Super Adoption |                                    |

**PARTICIPANTS**

Number of participants expected: 3,000 (over 2 days) Number of volunteers/event staff: 30-40 at any given time

Open to the Public

Private Group/Party

If event is open to the public, is it:  Entrance Fee/Ticketed Event?

Fee for Participants/Racers/Runners Only

# SPECIAL EVENT PERMIT APPLICATION

EVENT \_\_\_\_\_

### VENDORS/FOOD/ALCOHOL *check all that apply*

- Vendors/merchants Quantity: 1 selling food, 0-3 giving away products/services
  - Vendors giving away products/services
  - Food  Vendors selling products/food
  - given away  catered by restaurants/vendors  prepared on site
  - Alcoholic Beverages  beer stands  fenced in beer garden  liquor sales
- SW Utah Health Dept., (435) 986-2580  
Utah DABC, (801) 977-6800  
Bus. Licensing, (435) 627-4740

### TENTS/STAGES/STRUCTURES *(include details on site map)*

- Tents/Pop-up Canopies Amount: 33-39 Dimensions: 30-36 10x10', 1-10x20', 1-20x20', 1-60x20'
  - Temporary Stage Dimensions: 8x8' flat stage on 24" legs with stairs & a handrail (on park's cement pad)
- Description of Tents/Canopies/Stage, etc.: Thorough details given in event description

### SITE SETUP/SOUND *check all that apply (please include details on site map)*

- Fencing/Scaffolding 3- 12x12' fenced areas within dog park fencing
  - Barricades
  - Portable Sanitary Units *(must obtain privately)*
  - Music *if yes, check all that apply*  Acoustic  Amplified *(must obtain privately)*
  - PA/Audio system Type/Description: One wireless microphone (for MC) and 2-3 speakers
  - Fireworks / Fire Performances / Open Flame
  - Propane/Gas on site
  - Trash/Recycle bin coordination on site
- SG Fire Dept. (435) 627-4150  
SG Fire Dept. (435) 627-4150  
WCSW, (435) 673-2813

### ROAD & SIDEWALK USE (ENCROACHMENT PERMITS) *You may begin to coordinate in advance with these contacts*

- Road Use Location: \_\_\_\_\_ SG City Public Works Dept., (435) 627-4050
- Sidewalk Use Location: \_\_\_\_\_  Will stay on sidewalks and follow pedestrian laws
- Parade # of Floats: \_\_\_\_\_

### SECURITY/OTHER

- Private Security/Officers Company name: Labor Ready # of Personnel: One (overnight April 24-25)
  - Animals Quantity: 175-200 each day What kind: Mostly dogs & cats, <5 rabbits
  - Motion Pictures/Videos  Other: \_\_\_\_\_
- You may begin to coordinate in advance with these contacts:*

My signature verifies that I have completed this application to the best of my knowledge and I am aware that I am responsible for paying for City services beyond "basic City services" (if applicable to my event).

Tamara Simon  
Print Applicant's Name

*Tamara Simon*  
Applicant's Signature

1/20/14  
Date

Please do NOT include my event on the City Event Calendar Website

# Event Description

## Event Overview

This Pet Super Adoption is facilitated and sponsored by Best Friends Animal Society, based out of Kanab, Utah. There will be at least 5 animal rescues and 9+ municipal shelters (including Best Friends and St. George Animal Shelter) coming together with a total of 175-200 of their animals each day, with the goal being to adopt a total of 150 dogs and cats, and less than 5 rabbits, to the public. The event will be on April 25-26, from 11 a.m.-6 p.m. each day. Events like this are the key to making Utah a no-kill state, with a focus on our Southern Utah region.

In December 2012 at PetSmart (15 S. River Rd.), this event brought together 12 local rescues and shelters and facilitated 117 dog and cat adoptions; April 2013 had 13 organizations and 150 adoptions, and an estimated 2,800 attendees over the course of the two-day event. In 2013, the event also engaged 103 volunteers (mostly local, though some came from as far as Las Vegas!) who worked a total of 615 hours- we anticipate similar numbers this year. All volunteers are identifiable by the free Best Friends Volunteer shirts that we distribute to them upon arriving for their shifts. Tami Simon (supervisor) and Rachel Hyde are the lead Best Friends staff responsible for this event, and their contact information can be found on page one- they will both be present at the event from the beginning of set-up until the end of clean-up. This event is completely open to the public, with free entry and parking, and will be completely handicap accessible.

## Participants and Vendors

Best Friends will be selling merchandise on-site, with all proceeds going directly back to our 501(c)(3) organization. We are working to secure a food vendor for the event, who would be selling vegetarian items. If secured, any necessary information regarding this vendor can/will be submitted to the City of St. George via Bill Swensen as necessary, and we will ensure that their health permit is prominently displayed in their booth.

Jimmy Johns has kindly offered to donate up to 120 vegetarian sandwiches each day for the staff/volunteers working the event. These subs would be prepared in their restaurants and delivered to JC Snow. Since they are a commercial operation in compliance with the Health Department, and are only donating the food for staff/volunteers (not selling), they would not need to present a permit.

There is an adoption fee per animal (specials with no more than \$50 for dogs, \$25 for cats), but those fees go directly to the participating groups, which are either 501(c)(3) organizations or municipal animal shelters. All animals will be up-to-date on vaccinations, and if not spayed/neutered at time of adoption, will be under contract to be altered as soon as they are ready. It is common for the no-kill rescues to 'pull' those animals from municipal shelters who are not adopted during the event, and we have seen numerous shelter staff and volunteers leave the event with zero animals- it is an incredible experience that humbles us all each and every time.

We do hope to have a local groomer and/or animal trainer/behaviorist on-site to speak with

adopters and the public about the importance of grooming and training, offer tips and advice, and potentially give away coupons or literature about their services to all attendees. This encourages local business, and gets adopters in touch with what sorts of local services are available for their new family member.

### Logistics and Supplies

Set up will begin on the morning of April 24 and be completed around 6 p.m. The event will take place on April 25-26, and the tent canopies, sidewall, tables, chairs (outsourced from All Out Tent & Event Rental from Salt Lake City), and all other supplies (except fencing) will be packed up on the evening of April 26. All tents (except two) will be either 10x10 or 10x20, and enclosed on no more than three sides. There will be one 20x20 tent that will not be enclosed on any sides. The 20x60' tent that will be fully enclosed will be where we house the cats- exactly like last year according to instruction from Chief Taylor, we will have easy-open double doors as an entrance/exit, lighting will be placed on the ceiling to ensure it is properly lit, the tables will be placed in a manner that makes the space flow well and allow for a quick exit if necessary, and there will be a fire extinguisher and smoke detector placed inside.

Kirkland Fence, based out of St. George, will be setting up three 12x12' fenced areas within the event site (see site layout) for us to have a secure location for dogs to use the restroom, and to safely be introduced to potential adopters and any owned dogs they bring with them. Kirkland Fence would like to leave this fencing up until Monday, April 28, when they can have staff break down and haul away the fencing.

For trash management, contractor-sized garbage cans will be available around the event site and pet waste "baggies" will be in a variety of places to ensure quick cleaning. We have reserved a small, 6-yard dumpster to be dropped off on-site on April 24 by Republic Services, based in St. George. We will place this item in the parking lot, near where the restrooms are located, and anticipate that it will take up two parking spaces (we will ensure these spaces are *not* spaces designated for handicap accessibility). The dumpster will be picked up on Monday, April 28 by Republic Services. Blue Sky Services will be providing plastic and aluminum recycling bins (two of each) and all necessary liners for the event site. They will drop off the bins on Thursday, April 24, and pick up on Saturday, April 26.

We will not be bringing in any additional restrooms for this event, as we plan to only utilize the newly remodeled restrooms that are on-site. There will be hand sanitizer available around the event site (at least 40 bottles). We will have an MC roaming the event with a wireless mic and also speaking from the 8x8' elevated stage, and while they are not speaking, we will be playing appropriate music over the two speakers from a simple iPod playlist, at a low noise level that will not disturb the bordering neighborhood.

Our generator for the event will be utilized to supply power to: stage area where microphone will be based, speakers, food vendor station, and cat tent. See event layout for location of generator. The extension cord that runs to the stage and any speakers will be along the fence line, and the only path it could cross where attendees are walking would be the larger gate that connects the

two sections of the dog park, which we hope to keep open for the duration of the event to assist with the 'flow' of traffic, and to help attendees get to one side or the other if an emergency requires a quick exit. If the cord does cross this path, we will place 'truck tracks' over the cord, as well as two signs on each side of the gate warning people in Spanish and English to "Watch Your Step." We hope to also have a volunteer stationed at this gate to assist any wheelchairs that need to cross over the truck tracks, and also to close the gate in case any dogs become loose on one side or the other, until the animal is caught.

Because the parking lot is so expansive, we will ask volunteers and rescues/shelters during their pre-event training to park near the back of the lot, but will not restrict parking otherwise. We are grateful for such a spacious parking lot to utilize!

There was an "Alternate Site Layout" submitted with this application, which would place our event in the grassy area next to the dog park, as opposed to being within the dog park itself. Although this layout would be feasible, it would be much less desirable, due to: added cost of erecting temporary fencing to enclose the event site (which would have to remain in place until Monday), only one fenced "Meet & Greet" and dog potty area within the site layout instead of the three we can fit into the dog park, no picnic tables or trees throughout the fenced area which could be utilized for rest or shade (respectively), and less space overall.

### Marketing

Marketing efforts will include 8.5x11" flyers posted in locations around town as businesses allow (employee break rooms, community boards, etc.- each business' preferences differ, and we will follow their rules). We hope to permit at least one banner (likely around 8x4') at an intersection in town, and will submit for this approval at a later date once the dates and location receive final approval from the city of St. George. We will also promote the event on Facebook, announcements on our website, newsletters and messages to our local members, possible print ads, community boards and websites, and via radio commercials. In 2013, there was one local radio station doing a "live remote" from the event site on Friday afternoon, and two radio stations doing live remotes on Saturday, utilizing their own 10x10' canopies. These remotes have not yet been secured for 2014, but if they are, they do not add any additional noise to the event and will not take up any space on sidewalks or roadways.

The marketing samples included with this application are from our successful "No-Kill Los Angeles" or "NKLA" campaign and its corresponding events. Best Friends is soon to be launching the exciting and progressive "No-Kill Utah" campaign, dedicated to ending the killing of healthy and treatable animals in the state of Utah. The campaign will launch with our event in April, and an event similar to ours in Salt Lake City the following weekend, which means that our St. George event may be the first official presence of the "NKUT" campaign! Unfortunately, this means that marketing materials for this event are yet to be finalized, but the attached materials are very similar to what is being planned, as the NKUT campaign is modeled after the NKLA campaign's adoption event being advertised in these materials.

Additionally, if requested, we are happy to post signs at the dog park in advance (perhaps

laminated signs that could be attached to the fencing?) informing the public of the upcoming event, and that the dog park will be occupied at that time. We will also invite them to still bring their dog to the event that day, and can also put a reminder if needed of the Firehouse Dog Park location.

### **Security Plan**

In regards to a security plan, we have conducted the event the past two years without identifiable security during the day. It is a family-oriented event with little cash flow occurring, and no competitions of any sort taking place. We feel that security is unnecessary during the day, as the two main event coordinators and at least 5-10 other Best Friends staff members will be on-site at the event during set-up, and from opening until close each event day, along with volunteers who will be stationed throughout the event site. However, we would like to hire one security guard from Labor Ready to work overnight on April 24 and 25, from 6 p.m.-8 a.m. the following day. Items left on-site that would need to be watched include: tents, organizational literature, PA system, wire crates, paperwork, and a generator. We would like to put a key-operated padlock on the gate leading into the event site overnight as an extra measure of security. The security guard would have a key to the padlock, as well as one of the main event coordinators. This gate would not be padlocked at any point during the event while the public is present. We have had zero security issues or concerns the past two years, and anticipate another smooth event with no issues.

We do plan to have a local veterinarian either on-call (what we have done the past two years) or present at the event in an "Ask-The-Vet" tent to deal with any animal emergencies that arise, in addition to a vet tech from the Best Friends Clinic. Also similar to the past two years, we do intend to have an EMT on-site to handle any minor human medical emergencies that arise.

### **Special Requests**

1) If permissible, we would also like to leave approximately 5-10 dogs and 10-15 cats on-site overnight on April 25. We left animals supervised on-site overnight at our 2013 event location in St. George, and we had no issues with this. All animals will be contained in their wire crates with fresh water available. The cats would remain in the enclosed 20x60' tent. The dogs would be walked between 6-7 p.m. before the staff leave the event site, and immediately upon our arrival around 7-7:30 a.m. each morning. By being able to leave a limited number of animals on-site, it means that some of these groups from out-of-town will be able to bring more animals, which means there will be a larger number/variety available for adoption, which equals more lives saved! 11-12 hours in a crate is not ideal for an animal, but in a shelter environment, animals may go up to 15-16 hours in their kennels between employees' shifts from one day to the next, so we feel comfortable with this length of time. There may end up being zero animals that need to stay overnight, but since we do have some groups traveling a long way to attend, and several government employees representing the municipal shelters who have to be very strict about their hours worked (thus, they have less time to transport the animals to and from their shelter), we want to plan ahead to seek approval for this option if it needs to be implemented.

- 2) The company who we rent tents and other large supplies from (All Out Tent & Event Rental out of Salt Lake City) would like for the grounds crew from the Parks Department to meet them on the morning of Thursday, April 24, at JC Snow, to help them stake out the property and avoid staking in inappropriate places. We intend to use stakes at the event for all tents, not water barrels.
- 3) From above "Logistics and Supplies" section, we would like to leave the three 12x12' fenced areas within the dog park and the dumpster in the parking lot until Kirkland Fencing and Republic Services, respectfully, can remove these items on Monday, April 28.
- 4) From above "Security Approval Plan" section: We would like to hire one security guard through Labor Ready to work overnight on April 24 and 25, from 6 p.m.-8 a.m. the following day. Items left on-site that would need to be watched include: tents, organizational literature, PA system, wire crates, paperwork, and a generator. We would like to put a key-operated padlock on the gate leading into the event site overnight as an extra measure of security. This gate would not be padlocked at any point during the event while the public is present.

**DRAFT**

Agenda Item Number : **6C**

## Request For Council Action

---

**Date Submitted** 2014-01-27 10:03:31

**Applicant** Jun F Zhou

**Quick Title** Full service Restaurant Liquor License

**Subject** Applicant requests approval for a Full Service Restaurant Liquor License for the Ninja Japanese Steakhouse & Sushi Restaurant, located at 245 N Red Cliffs Drive #10 (where Samuari 21 was) Applicant has met all requirements.

**Discussion** New business requesting a restaurant liquor license in the same location as the former Samuari 21. They meet all the requirements.

**Cost** \$0.00

**City Manager Recommendation** Recommend approval.

**Action Taken**

**Requested by** Shiloh Kirkland

**File Attachments**

**Approved by Legal Department?**

**Approved in Budget? Amount:**

**Additional Comments**

# FULL-SERVICE RESTAURANT LIQUOR LICENSE

## Local Consent

**PURPOSE:** Local business licensing authority provides written consent to the Alcoholic Beverage Control Commission (1) to issue an on-premise alcohol license for a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the premises of the applicant; and (2) to authorize a variance reducing the proximity requirements

**AUTHORITY:** Utah Code 32B-1-202; 32B-5-201 through 203; 32B-5-205 and -206

CITY OF ST. GEORGE,  City  Town  County  
Local business license authority

hereby grants its consent to the issuance of a full-service restaurant liquor license to:

Business Name (DBA): Ninja Japanese Steakhouse

Applicant Entity/Business Owner: Jun Fang Zhou

Location Address: 245 N Red Cliff Dr #10

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date

### LOCAL CONSENT FOR PROXIMITY VARIANCE

In accordance with Utah Code 32B-1-202, the local authority also grants consent to a variance regarding the proximity of this establishment relative to a public or private school, church, public library, public playground, or park.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date

This is a suggested format. A locally produced city, town, or county form is acceptable. Local consent may be faxed to the DABC at 801-977-6889 or mailed to: Department of Alcoholic Beverage Control, PO Box 30408, Salt Lake City, UT 84130-0408  
DABC Local Consent 1/2012

702-600-0713

33472

**BEER LICENSE APPLICATION**

CITY OF ST GEORGE  
BUSINESS LICENSE OFFICE  
175 EAST 200 NORTH, ST GEORGE, UT 84770  
435-627-4740

*(This application must be accompanied by an Applicant's Questionnaire and satisfactory fingerprint cards)*

Applicant must be the owner/operator. If the owner is a corporation, the applicant shall be the corporation's agent; if the owner is a partnership; the applicant shall be a general partner of the partnership.

**Please print or type**

1. Applicant's Name Jun F Zhou  
First Middle Last

Corporation or partnership name, if applicant is an agent. \_\_\_\_\_

Ninja Japanese Steak House + Sushi restaurant INC

2. Name under which business will be operated (If different from name of applicant, corporation or partnership) \_\_\_\_\_  
First Middle Last

3. Location of Business 245 Red Cliffs Dr. Ste 11 St. George

4. Mailing address (If different from location of business)

\_\_\_\_\_  
Address City State Zip

5. If party who will manage the business is different from the applicant; please provide the name and address of the managing party.

\_\_\_\_\_  
First Middle Last

\_\_\_\_\_  
Address City State Zip



**APPLICANT'S QUESTIONNAIRE FOR BEER LICENSE**

CITY OF ST GEORGE  
BUSINESS LICENSE OFFICE  
175 EAST 200 NORTH, ST GEORGE, UT 84770  
435-627-4740

**NOTE:** All questions must be answered completely or the application will not be considered.  
Two classifiable fingerprint cards are required of all applicants, to be taken by a bona fide law enforcement agency.

Please print or type

1. Full Name of Applicant JUN F ZHOU  
First Middle Last

2. Applicant Social Security No. \_\_\_\_\_

3. Business Name NINJA JAPANESE STEAKHOUSE & SUSHI RESTAURANT INC

4. Location of Business 245 RED CLIFFS DR, STE 10, ST GEORGE, UT 84790



5. Business Phone Number 435-656-8628

6. Home Phone Number 626-632-5433 Cell Number \_\_\_\_\_

7. Are you a citizen of the United States or registered alien? YES  
Please provide proof

8. Full Name of Spouse:  
GUO W LUO  
First Middle Last Maiden

9. Have you at any time been convicted of a felony in any court in the U.S.? NO  
If so, please give particulars -state, city, dates, etc. \_\_\_\_\_

10. Have you been convicted or pled guilty at any time to a law violation involving beer or alcoholic beverages? NO If so, please provide particulars - state, city, dates, etc. \_\_\_\_\_

11. Give particulars of your employment or business you engaged in during the past five years. Please provide starting dates, position or business; employer's name and address of business. If unemployed part of the time, so state, giving place of residence. (Please submit additional sheet if necessary)

**OPERATING THE RESTAURANT BUSINESS LOCATED**

**AT 1180 SAGE DR, CEDAR CITY, UT (DBA NINJA JAPANESE STEAKHOUSE & SUSHI BAR INC) SINCE 01/01/2010.**

12. Who owns the real estate where this business is located?  
INLAND WESTERN ST GEORGE LLC

13. If premises are leased, state whether leased from owner or subleased from prior lessee. LEASED FROM THE ABOVE OWNER

14. Do you own the fixtures at this location? YES If not, please provide the name and address of the owner \_\_\_\_\_



15. If you own the fixtures at this location, state the investment which you have in fixtures and equipment \$ 250,000



16. How close is the nearest Church to the proposed business location? 1.0 Miles  
In Feet  
Nearest School? 1.7 miles In Feet Nearest Park? 1.7 miles In Feet  
Nearest Public Library 2.0 Miles In Feet

Nearest Residential Treatment Facility 0.9 miles In Feet

17. Will you serve food? YES If so, please provide a sample menu.

18. Has a license covering any place in which you had a financial interest ever been revoked or suspended? NO If so, please provide particulars, dates, name of individual to whom the license was issued. \_\_\_\_\_

19. If you will be employed or otherwise occupied other than this business, state how much time you will spend at the other occupation or employment. APPROX 1000 HOURS

20. How much time do you spend in the business represented in this application? PER YEAR  
1600 HOURS PER YEAR



21. Please provide the name(s) of the person(s) to be in charge of this business during any time that you may be away from the premises.

First GEO Middle W Last LUO

Home address 1180 Sage Dr City Carlsbad State UT Zip 84120

22. Are you familiar with the City of St George ordinance regulating the sale of beer and alcoholic beverages? YES

23. Have you ever held a beer or liquor license in Utah? YES If so, please provide dates and the address of the establishment. 01/01/2010 - NINJA JAPANESE STEAKHOUSE & SUSHI BAR INC.

24. Have you ever held a beer or liquor license in other states? NO If so, please provide the state, date and address of the establishment.



25. Have you ever been employed in an establishment in Utah which sells beer? Please provide the date and address of establishment NO

General remarks: Please provide information which you believe will help the City Council to make a decision upon your application.

[Signature]  
Authorized Applicant Signature

\_\_\_\_\_  
Date

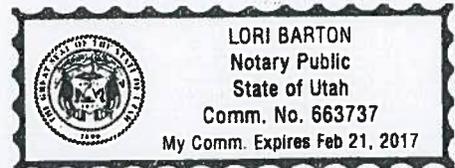
STATE OF UTAH )  
                          ) ss.  
County of Washington)

I, JUN FANGZHOU being first duly sworn, depose and say the foregoing questionnaire is in all respects true and correct, to the best of my knowledge and belief and that I am the above named applicant. I understand that any false information constitutes perjury.

SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> day of January 2014.

[Signature]  
Notary Public

My Commission Expires Feb 21, 2017





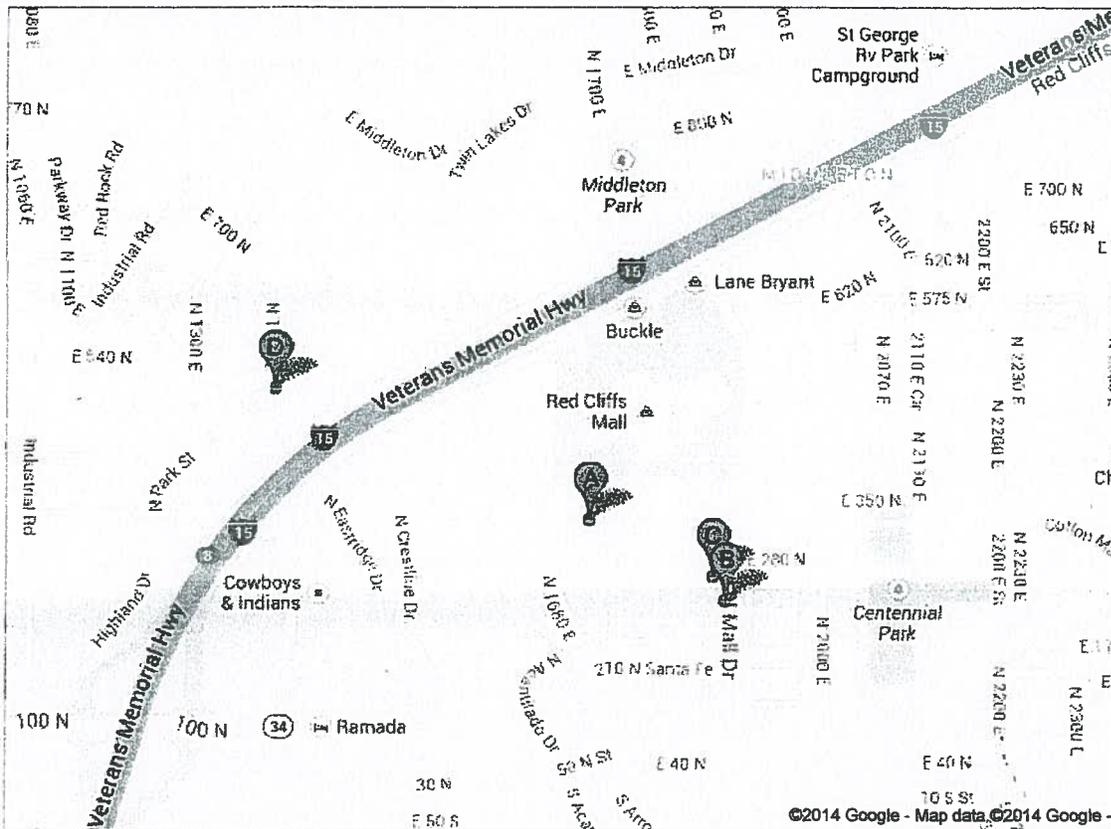
church of jesus christ of latter-day saints  
near 245 Red Cliffs Drive, St. George, UT

**A. ~~The Church of Jesus Christ of Latter-day Saints~~**  
1745 E 280 N, Red Cliffs 2nd Branch (Care Center), St George, UT  
(435) 656-3979

**B. Church of Jesus Christ-LDS**  
259 N Mall Dr, St George, UT  
(435) 628-3615  
1 review

**C. The Church of Jesus Christ of Latter-day Saints**  
259 Mall Dr, St George, UT  
(435) 627-1948

**D. Church of Jesus Christ of LDS**  
516 N 1400 E, St George, UT





**Directions to The Church of Jesus Christ of Latter-day Saints**  
1745 E 280 N, Red Cliffs 2nd Branch (Care Center), St George, UT 84790  
1.0 mi – about 2 mins

 245 Red Cliffs Dr, St George, UT 84790

- 
- 1.  **Head north on Red Cliffs Dr toward N Eastridge Dr** go 0.6 mi  
About 1 min total 0.6 mi
  - 2.  **Take the 2nd right onto N 1680 E** go 0.3 mi  
About 46 secs total 0.9 mi
  - 3.  **Take the 2nd left onto E 280 N** go 341 ft  
total 0.9 mi
  - 4.  **Turn left** go 72 ft  
Destination will be on the left total 1.0 mi

 **The Church of Jesus Christ of Latter-day Saints**  
1745 E 280 N, Red Cliffs 2nd Branch (Care Center), St George, UT 84790

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Map data ©2014 Google

Directions weren't right? Please find your route on [maps.google.com](https://maps.google.com) and click "Report a problem" at the bottom left.

# Google schools

A. **Pine View High School**  
2850 E 750 N, St George, UT  
(435) 628-5255  
3.6 ★★★★★ 8 reviews

B. **Dixie High School**  
350 E 700 S, St George, UT  
(435) 673-4682  
2 reviews

C. **Washington County Online School**  
121 Tabernacle St, St George, UT  
(435) 673-3553

~~D. **Pine View Middle School**~~  
St George, UT  
(435) 628-7915

E. **Fossil Ridge Intermediate School**  
383 S Mall Dr, St George, UT  
(435) 652-4706  
2 reviews

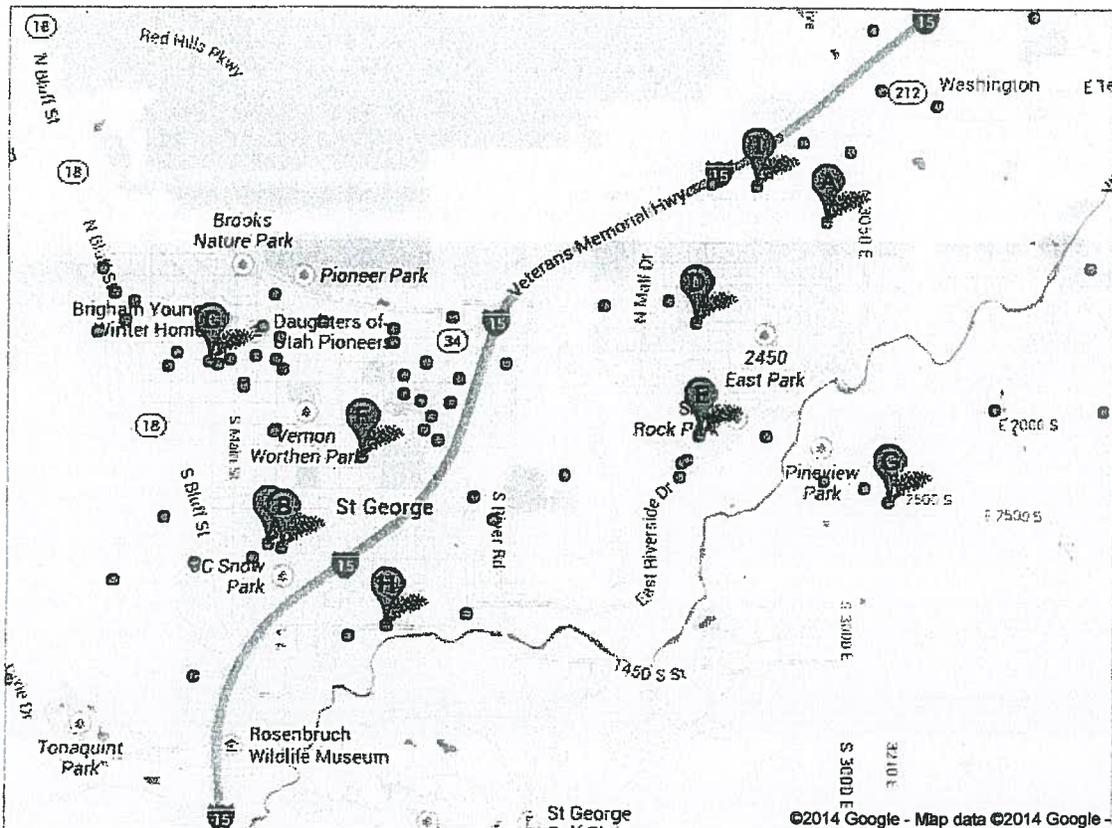
F. **East Elementary School**  
453 S 600 E, St George, UT  
(435) 673-6191  
2 reviews

G. **Riverside Elementary School**  
2500 Harvest Ln, Washington, UT  
(435) 652-4760  
2 reviews

H. **Heritage Elementary**  
526-764 E Riverside Dr, St George, UT  
(435) 628-4427

I. **Sandstone School**  
850 N 2450 E, St George, UT  
(435) 674-6460

J. **Dixie Middle School**  
St George, UT  
(435) 628-0441





**Directions to Pine View Middle School**  
St George, UT  
1.7 mi – about 4 mins

 245 Red Cliffs Dr, St George, UT 84790

- 
- |  |              |
|--|--------------|
| 1. Head north on <b>Red Cliffs Dr</b> toward <b>N Eastridge Dr</b>   | go 0.8 mi    |
| About 1 min  | total 0.8 mi |
|  2. Turn right onto <b>N Mall Dr</b>      | go 0.2 mi    |
|  | total 1.0 mi |
|  3. Take the 1st left onto <b>E 450 N</b> | go 0.3 mi    |
| About 1 min  | total 1.4 mi |
|  4. Turn right onto <b>N 2200 E</b>       | go 0.3 mi    |
| About 1 min  | total 1.7 mi |

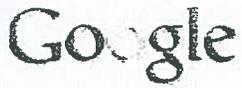
 **Pine View Middle School**  
St George, UT

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**Directions to Centennial Park**  
301 N 2200 E, St George, UT 84790  
1.7 mi – about 4 mins



245 Red Cliffs Dr, St George, UT 84790

- 
- |   |              |
|---|--------------|
| 1. Head north on Red Cliffs Dr toward N Eastridge Dr  | go 0.8 mi    |
| About 1 min   | total 0.8 mi |
|  2. Turn right onto N Mall Dr      | go 0.2 mi    |
|   | total 1.0 mi |
|  3. Take the 1st left onto E 450 N | go 0.3 mi    |
| About 1 min   | total 1.4 mi |
|  4. Turn right onto N 2200 E       | go 0.3 mi    |
| About 1 min   | total 1.7 mi |

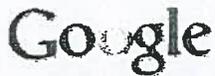


**Centennial Park**  
301 N 2200 E, St George, UT 84790

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Map data ©2014 Google

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public library

**A. ~~St George Library~~**

88 W 100 S, St George, UT  
(435) 634-5737  
2.5 ★★★★★ 7 reviews

**B. Santa Clara Library**

1099 Lava Flow Dr, St George, UT  
(435) 986-0432  
1 review

**C. Washington Branch Library**

220 N 300 E, Washington, UT  
(435) 627-2706

**D. Mesquite Library**

121 W 1st N St, Mesquite, NV  
(702) 346-5224  
1 review

**E. Hurricane Valley Library**

36 S 300 W, Hurricane, UT  
(435) 635-4621  
1 review

**F. Enterprise Library**

393 S 200 E, Enterprise, UT  
(435) 878-2574  
1 review

**G. Las Vegas-Clark County Library District**

121 W 1st N St, Mesquite, NV  
(702) 507-4080

**H. Bunkerville Library**

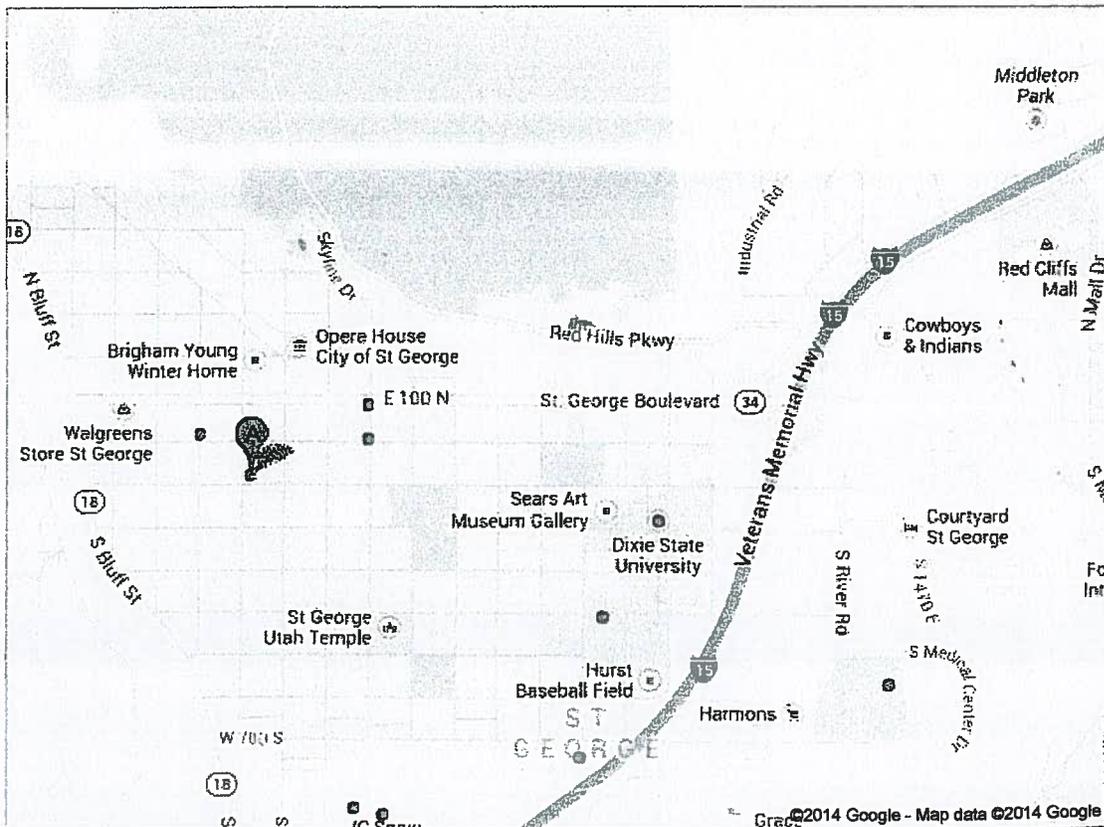
150 Virgin St, Bunkerville, NV  
(702) 346-5238

**I. Springdale Library and Canyon Community Center**

126 Lion Blvd, Springdale, UT  
(435) 772-3676  
1 review

**J. Bunkerville Appliance Repair**

150 Virgin St, Bunkerville, NV  
(702) 346-5238





**Directions to St George Library**  
88 W 100 S, St George, UT 84770  
2.0 mi – about 5 mins

 245 Red Cliffs Dr, St George, UT 84790

- 
- 1. Head **south** on **Red Cliffs Dr** toward **St George Blvd** go 0.1 mi  
total 0.1 mi
  - 2. Continue onto **S River Rd** go 0.2 mi  
total 0.4 mi
  -  3. Turn right onto **E 100 S** go 1.6 mi  
total 2.0 mi  
Destination will be on the right  
About 4 mins

 **St George Library**  
88 W 100 S, St George, UT 84770

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Map data ©2014 Google

Directions weren't right? Please find your route on [maps.google.com](https://maps.google.com) and click "Report a problem" at the bottom left.



residential treatment facility near St George, Washington County, Utah

**A. Red Rock Canyon School**

747 E St George Blvd, St George, UT  
(435) 673-6111  
3 reviews

**C. Falcon Ridge Ranch**

Utah 9, Virgin, UT  
(866) 452-8775

**E. Sunrise Residential Treatment Program**

65 N 1150 W, Hurricane, UT  
(888) 317-3961

**H. Cinnamon Hills**

770 E St George Blvd, St George, UT  
(435) 674-0984  
4 reviews

**J. Redcliff Ascent**

709 E Main St, Enterprise, UT  
(435) 878-2868  
1 review

**B. Sunrise Academy**

65 N 1150 W, Hurricane, UT  
(888) 317-3961  
1 review

**D. Talbot Recovery Solutions, LLC**

561 E Tabernacle St, St George, UT  
(866) 471-9476

**F. Kolob Canyon Residential Treatment Center**

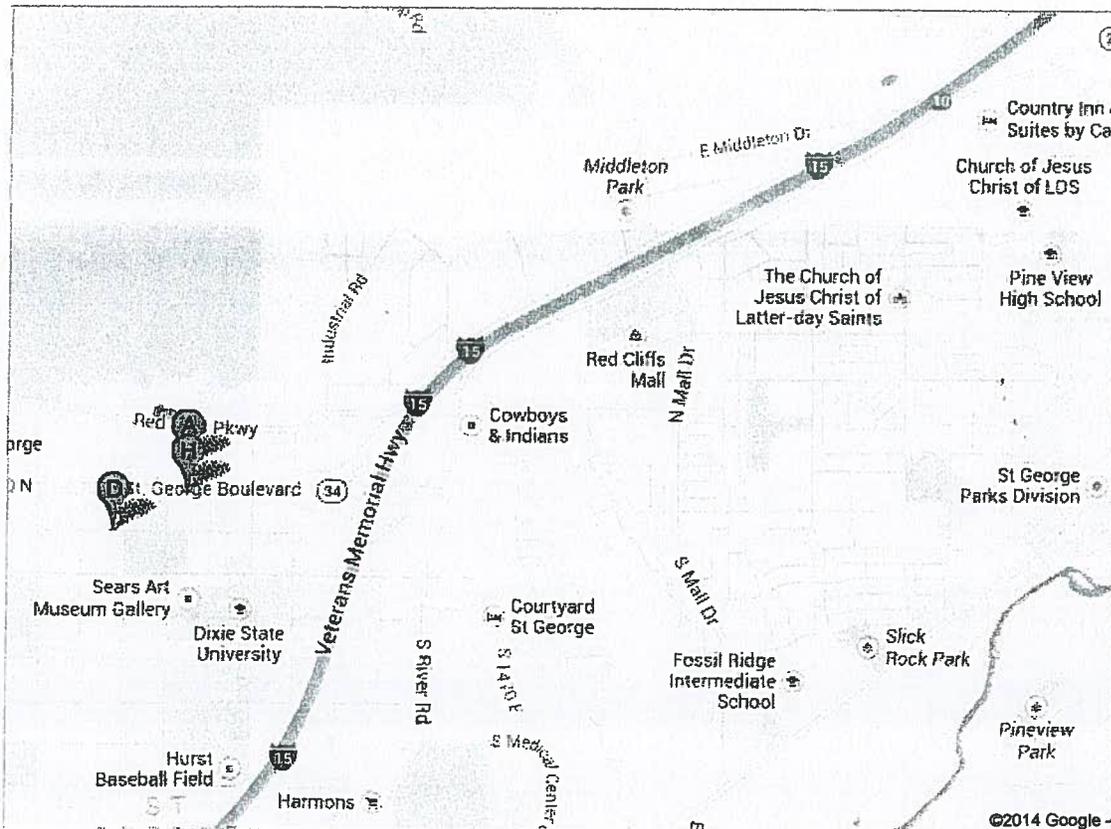
1338 E 600 S, New Harmony, UT

**G. Ashcreek Ranch Academy**

652 N Shady Ln, Toquerville, UT  
(435) 215-0500

**I. Essential Elder Care Senior Home Care Residential**

1812 W Sunset Blvd #1, St George, UT  
(435) 313-1169





**Directions to Red Rock Canyon School**  
747 E St George Blvd, St George, UT 84770  
0.9 mi – about 4 mins

 245 Red Cliffs Dr, St George, UT 84790

- 
- 1. Head **south** on **Red Cliffs Dr** toward **St George Blvd** go 0.1 mi  
total 0.1 mi
  -  2. Take the 1st right onto **St George Blvd W** go 0.7 mi  
total 0.9 mi  
Destination will be on the right  
About 3 mins

 **Red Rock Canyon School**  
747 E St George Blvd, St George, UT 84770

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Map data ©2014 Google

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**Directions to ~~Cinnamon Hills~~**  
770 E St George Blvd, St George, UT 84770  
0.9 mi – about 4 mins



245 Red Cliffs Dr, St George, UT 84790

---

1. Head **south** on **Red Cliffs Dr** toward **St George Blvd**

go 0.1 mi  
total 0.1 mi



2. Take the **1st right** onto **St George Blvd W**  
Destination will be on the left  
About 3 mins

go 0.7 mi  
total 0.9 mi



**Cinnamon Hills**  
770 E St George Blvd, St George, UT 84770

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These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2014 Google

Directions weren't right? Please find your route on [maps.google.com](https://maps.google.com) and click "Report a problem" at the bottom left.

**NINJA JAPANESE STEAKHOUSE & SUSHI**

**Ninja Japanese Steakhouse and sushi give access for all authorized entry of any Law enforcement officer or any city unrestricted rights to enter the premises.**

**Ninja Japanese Steakhouse GM**

A handwritten signature in black ink, appearing to read "Russell Vargyas", written in a cursive style with a large loop at the end.

# SKYWEST, INC.

January 15, 2014

To Whom It May Concern:

I have known Junfang for several years. I was initially introduced to her through her restaurant in Cedar City. Our relationship has since developed into much more than an owner/customer relationship. She has become a close family friend.

Without hesitation, I would consider her restaurant to be the best in area. They have always delivered the highest quality of food, and excellent customer service. I recommend her restaurant often to others, and I have always received positive feedback in every aspect of her restaurant.

Jufang is an individual that demonstrates complete integrity. She has proven her ability to manage a successful business. I have a great amount of respect for her and confidence in her abilities. Jufang is an outstanding individual and I give her my highest recommendation.

Please contact me at (435) 559-0285 if you have any questions or for further recommendation.

Sincerely,



Nechelle Middleton  
Manager of Treasury



HEIDI SKINNER  
& ASSOCIATES



January 13, 2014

To Whom It May Concern:

I have known Junfang for some time now, and have been to her restaurant many times. Each time I've gone, it has been a very pleasant experience. The food, the customer service and the whole atmosphere was great. I have been impressed each time I have visited and would recommend, and have recommended, her restaurant to many people.

I believe Junfang is a good, upstanding person and has a great business sense. She has treated me with kindness and respect every time I have visited the restaurant.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Heidi Skinner'.

Heidi Skinner

Realtor

435.229.4442

January 10, 2014

Re: Letter of Recommendation for Junfang Zhou

To Whom It May Concern:

I have known Junfang Zhou and her family for several years. I first met Junfang in Cedar City as a customer in her restaurant there. I was very impressed with the food, but even more impressed with the customer service. I have literally eaten there dozens of times and have always been very happy with my experiences there.

Junfang is an outstanding individual. She is a kind, courteous and responsible person, who is very capable of owning and managing successful businesses.

I would be happy to further discuss any questions you may have. I may be contacted directly at (435) 729-9444.

Sincerely,



Lyndi Fales  
Owner/Manager

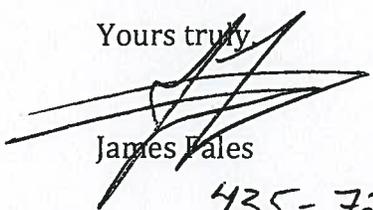
To Whom It May Concern,

January 14, 2014

I personally know Jun Fang Zhou and her family and have been eating at her restaurant in Cedar City for many years. She is a very responsible person who runs things in an organized and clean way.

It has been a pleasure to spend time with her two little boys and to have her visit us in St. George from time to time. I would be happy to answer any questions you might have about her and give her my highest recommendation as to character and detail.

Yours truly



James Vales

435-729-9449

Local Daily Deals in Southern Utah  
**SOUTHERNUTAHDEALS.COM**  
Daily Deals on the best of the best throughout Utah & more



January 7, 2014

To Whom It May Concern:

I met Junfang through a mutual friend a couple of years ago. I was introduced to her restaurant and it was a very pleasant experience. The customer service and food was impressive. I have always enjoyed dining there, I have also recommended others to go to her restaurant many times and continue to do so.

I believe Junfang to be a very sincere and upstanding person. She has great customer service skills and has always been very kind and respectful. She runs a great business!

Thank You!

Sincerely,

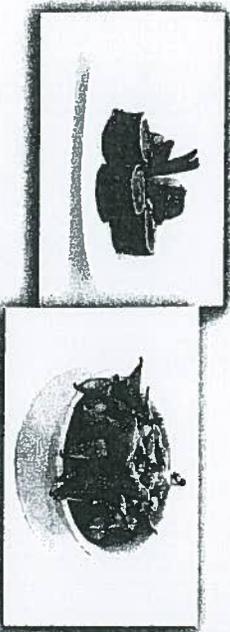
Kyle Hafen

Owner

A handwritten signature in black ink that reads 'Kyle Hafen'. The signature is written in a cursive style with a large, prominent 'K' at the beginning.

## Appetizers

Edamame lightly salted soybeans.....	4.25
Spicy Edamame with chili & garlic.....	5.25
Eggrolls.....	3.95
Japanese Potstickers pan-fried pork dumplings.....	6.25
Chicken Yakitori 3 skewers of chicken & teriyaki sauce.....	3.95
Beef Yakitori.....	4.95
Beef Teriyaki.....	5.75
Beef Negimaki.....	7.25
Vegetable Tempura.....	4.25
Shrimp & Vegetable Tempura.....	7.25
Calamari Tempura.....	7.25
Agedashi Tofu tempura fried tofu with sauce.....	4.75
Soft Shell Crab.....	6.50
Sauteed Shrimp & Mushrooms.....	6.75
Shumai Steamed Shrimp Dumpling.....	6.25



## Lunch Menu

Lunch Box: Includes Miso Soup, Salad, Steamed Rice, Gyoza & Cali Rolls

Vegetable Tempura.....	5.99
Chicken Teriyaki.....	6.99
Beef Teriyaki.....	7.99
Salmon Teriyaki.....	7.99
Shrimp Tempura.....	7.99
Beef Negimaki.....	7.99
Sushi Box (Salmon, Yellowtail, Tuna, & Shrimp).....	9.99
Sashimi Box (Salmon, Tuna, Yellowtail & White fish).....	11.99

## Sibachi Entrees

Entrees include onion soup, house salad, steamed rice & vegetables

Vegetable Dinner.....	8.75
Chicken Teriyaki.....	14.50
Beef Teriyaki.....	16.50
Salmon Teriyaki.....	18.50
New York Steak.....	17.50
Filet Mignon.....	20.95
Shrimp & Scallop Teriyaki.....	15.50
Shrimp & Scallop Teriyaki.....	17.50
Shrimp & Scallop Teriyaki.....	19.50
Shrimp & Scallop Teriyaki.....	19.50
Shrimp & Scallop Teriyaki.....	36.75

## Sibachi Combinations

Chicken & Shrimp.....	17.50	Salmon & Shrimp.....	17.50
Salmon & Shrimp.....	18.50	Filet Mignon & Shrimp.....	17.50
Scallops & Shrimp.....	19.50	Chicken & Shrimp.....	19.50
Salmon & Scallops.....	19.50	Salmon & Scallops.....	20.50
Scallops & Lobster Tail.....	19.50	Salmon & Lobster Tail.....	20.50
		Scallops & Lobster Tail.....	30.95

## Special Dinners

Gaisha Special.....  
 Filet Mignon, Shrimp, Chicken and Fried Rice  
 Ninja Special.....  
 Filet Mignon, Shrimp, Salmon and Fried Rice  
 Seafood Special.....  
 Salmon, Shrimp, Scallops and Fried Rice  
 Seafood Deluxe.....  
 Lobster Tail, Scallops, Shrimp and Fried Rice  
 Ninja Deluxe.....  
 Filet Mignon, Lobster Tail, Scallops and Fried Rice

## Wario

## Zit

Served with

Shrimp Tempura.....
6 pieces of shrimp & veget Seafood Tempura.....
Scallops, crab, fish & shrimp Fish Katsu.....
Lightly breaded white fish, 1 Chicken Katsu.....
Lightly breaded, deep fried Pork Katsu.....
Lightly breaded, sliced pork Unga-Avocado.....
A piece of sliced eel and fried Beef Negimaki.....
Scallops & cream cheese i Chicken Negimaki.....
Scallops & cream cheese Spicy Chicken Dinner.....
Juicy chicken stir-fried in soy Chicken Teriyaki.....
Beef Teriyaki.....
Salmon Teriyaki.....
Scallops Teriyaki.....
Seafood Teriyaki.....
Shrimp, scallops & lobster



## Wario



**Scott** Spicy crab, crunchies, & black pepper salmon topped with spicy mayo & eel sauce (9.50)

**Rock & Roll** Shrimp tempura, cream cheese, & crab in soy paper, deep fried with spicy mayo & eel sauce on top. (8.50)

**Summer Night** Shrimp tempura, cream cheese, cucumber & spicy tuna with eel sauce on top (9.50)

**Tempura** Shrimp tempura, cucumber, & cream cheese topped with fish eggs & eel sauce (7.50)

**NY NY** Unagi, smoked salmon & cream cheese deep fried with eel sauce & mayo on top (10.50)

**Hamada** Spicy tuna, shrimp tempura, avocado & masago in soy paper with mayo & ponzu sauce (9.9

**007** Spicy crab and cream cheese deep fried with unagi sauce (7.50)



# SUSHI HOUR

## 5.99

Sushi hour is Sunday -Thursday from 4:00-6:30

**BONSAI Roll** Salmon, crab meat, & avocado-Dee fried with bonsai sauce (7.50)

**Evil Roll** Sake maki roll, tempura fried with crab meat, unagi sauce & tobiko on top (6.50)

**Red Dragon** Spicy tuna inside, salmon & lemon on top (8.50)

**King Cobra** Cucumber, cream cheese & shrimp tempura inside, spicy crab, avocado & unagi sauce on top (9.50)

**Crispy Unagi** Unagi & avocado inside, crispy seaweed outside, topped with masago and eel sauce (8.50)

**XO Roll** Eel & avocado inside soy paper, deep fried with eel sauce and crunchies on top (7.95)

**Phoenix** Shrimp tempura, cream cheese & cucumber inside, mango and bonsai sauce on top (9.50)

**911 Roll** Spicy crab & avocado inside, crunchies & unagi outside (6.50)

**Burrito** Spicy salmon & cream cheese wrapped in a tortilla, deep fried with miso sauce (9.50)

**Money** Tempura white fish, avocado, & crunchies topped with spicy crab and hashi sauce (8.50)

**DRAFT**Agenda Item Number : **6D****Request For Council Action**

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**Date Submitted** 2014-01-13 11:26:32**Applicant** Mr. Gerard Holzapfel**Quick Title** CUP for detached garage**Subject** Consider a request for a conditional use permit to construct a detached garage with a height up to 29' at 2529 E. 3860 S.**Discussion** The property is located in an RE-37.5 zone (minimum of 3/4 acre lot size) and the property owner proposes to build a detached RV garage behind his dwelling, to a total height of 29' to roof peak. The purpose of the oversized garage is to store an RV and boat. The PC recommends approval.**Cost** \$0.00**City Manager Recommendation** Planning Commission recommends approval.**Action Taken****Requested by** Bob N**File Attachments****Approved by Legal Department?****Approved in Budget? Amount:****Additional Comments**

## PCR ITEM 2A CUP / Garage Height

PLANNING COMMISSION AGENDA REPORT: 01/21/2014  
CITY COUNCIL MEETING: 01/30/2014

### CONDITIONAL USE PERMIT

Case No. 2014-CUP-001

**Request:** To construct a detached residential garage. The height will exceed the allowable building height of fifteen feet (15'), unless a conditional use permit is granted for a greater height.

**Property:** The subject residence is at 2529 East 3860 South.

**Applicant:** Mr. Gerard Holzapfel  
2529 E. 3860 S.  
St. George, Utah 84790

**Zoning:** RE-37.5 (Residential Estates – 37,500 s.f. minimum lot size)

**Ordinance:** The Title 10, Chapter 7B "Modifying Regulations," Section 10-7B-6(B)(7) reads: "*Detached Garages and accessory building shall be limited to an overall height of fifteen feet (15') for pitched roofs...unless a Conditional Use Permit is granted for a greater height*". This structure will be ± twenty-nine feet (29') in height, thus necessitating the purpose of this conditional use permit request.

**Adj. Land:** Single-family residences

**Comments:**

1. The proposed structure will be located in the rear yard approximately ninety feet (90') from the main dwelling and ten feet (10') from the side and rear property line.
2. The detached garage is to be used for the storage of a RV, boat and ATVs.
3. The proposed height is due to matching the main dwelling's roof pitch of 10/12 and a tall wall height to accommodate the RV.
4. The proposed structure will not encroach onto any City easements.
5. The detached garage will have the same finishes as the existing home and similar colors. There will be a small attic storage area (non-living space) in the roof of the proposed garage.
6. **Planning Commission recommends approval (6-0) with findings "G" and "J" applicable.**

**Findings:** The following standards must be met to mitigate the reasonably anticipated detrimental effects if imposed as a condition of approval:

Yes	N/A	Category	Description
	N/A	A. Noise	1. Excessive noise (unwanted or undesired sound) can cause serious impacts to health, property values, and

			<p>economic productivity. Conditional uses shall not impose excessive noise on surrounding uses. "Excessive noise" generally means noise that is prolonged, unusual, or a level of noise that in its time, place and use annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.</p>
	N/A	B. Dust	<p>1. Comply with all air quality standards, state, federal and local.          2. Use shall not create unusual or obnoxious dust beyond the property line.</p>
	N/A	C. Odors	<p>1. Comply with all air quality standards, state, federal and local.          2. Use shall not create unusual or obnoxious odors beyond the property line.</p>
The garage will have the same finish materials as the existing home.		D. Aesthetics	<p>1. Blend harmoniously with the neighborhood so the use does not change the characteristics of the zone and the impact of the use on surrounding properties is reduced.</p>
	N/A	E. Safety	<p>1. Take the necessary measures to avoid or mitigate any safety problems created by the use, including problems due to traffic, rock fall, erosion, flooding, fire, hazardous materials, or related problems.</p> <p>2. Uses shall not locate within the 100-year floodplain as identified by FEMA unless expressly recommended by the city engineer in conformance with city engineering standards and all state, local and federal laws.</p>
	N/A	F. Traffic	<p>1. Traffic increases due to the conditional use shall not cause streets or nearby intersections to fall more than one grade from the existing level of service grade or fall below a level of service "D".</p> <p>2. Uses shall follow city access management standards and not create hazards to other drivers or pedestrians.</p>
The detached garage will be approximately 29' feet in height.		G. Height	<p>1. Buildings shall fit into the overall context of the surrounding area.</p> <p>2. Photo simulations are required showing all sides of the building(s) and showing how the building fits into the surrounding area to include not less than five hundred feet (500') in all directions from the building and including its relationship to nearby ridges, hills, and buildings.</p>
	N/A	H. Hours of Operation	<p>1. Nonresidential uses operating in proximity to or within a residential zone shall limit hours of operation</p>

			so as not to disturb the peace and quiet of the adjacent residential area.
	N/A	I. Saturation / Spacing	1. To the extent feasible, nonresidential uses allowed in residential zones as conditional uses shall be dispersed throughout the community rather than concentrated in certain residential areas.
A detached garage is within the existing character of the zone.		J. Maintain Character and purpose of zone	1. Uses shall be consistent with the character and purpose of the zone within which they are located.
	N/A	K. Public Health	1. Use shall comply with all sanitation and solid waste disposal codes. 2. Use shall not create public health concerns. (Ord. 2007-01-001, 1-4-2007)



Vicinity & Zoning Map

RANCHO VERDE  
ESTATES  
DOC. # 528450



LOT 2

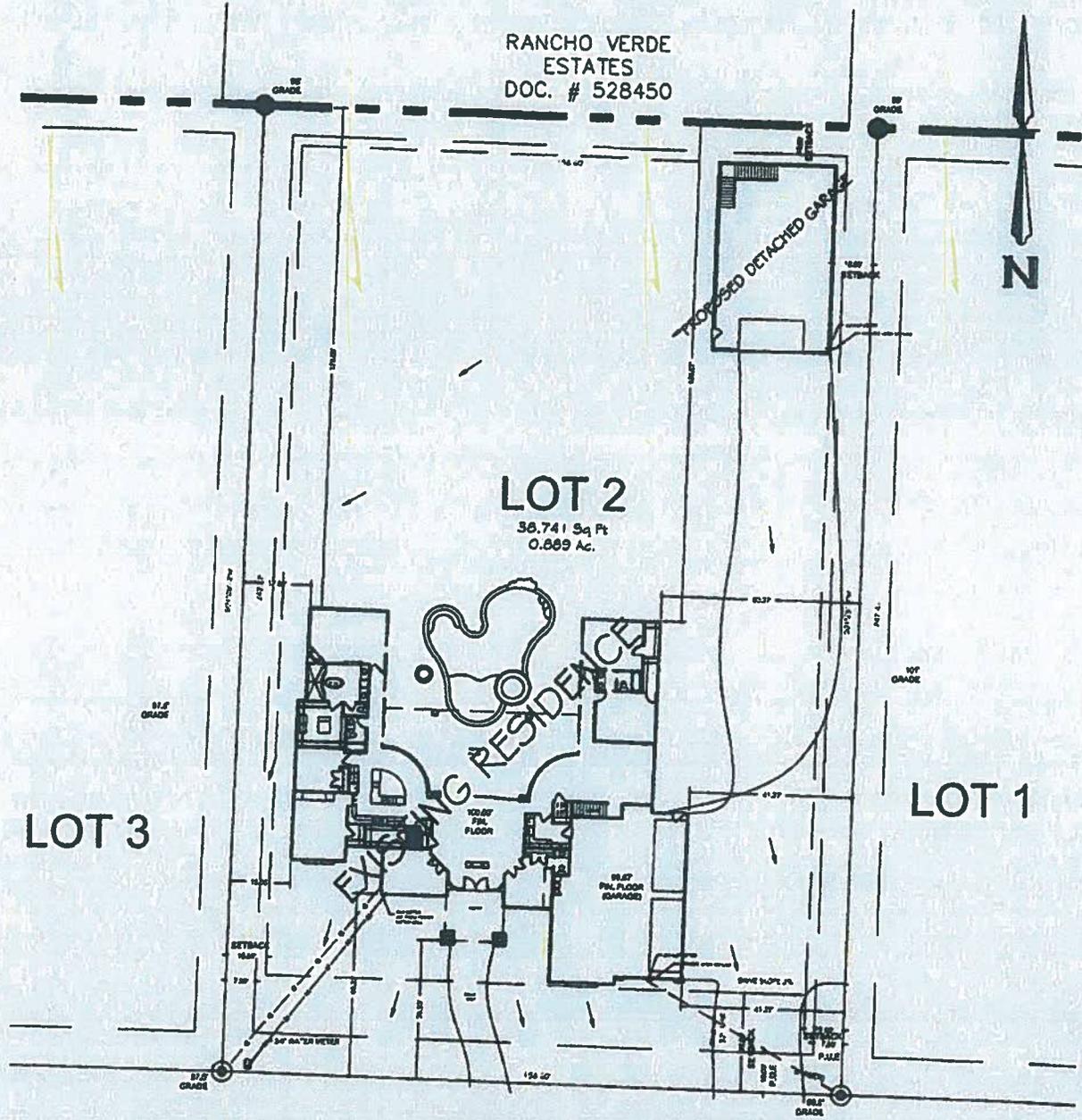
36,741 Sq Ft  
0.869 Ac.

LOT 3

LOT 1

EXISTING RESIDENCE

PROPOSED DETACHED GARAGE

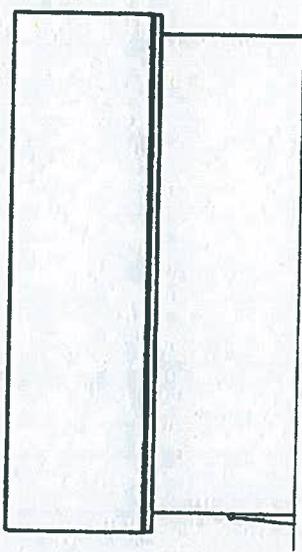


3860 SOUTH (58'  
PUBLIC STREET)

AST

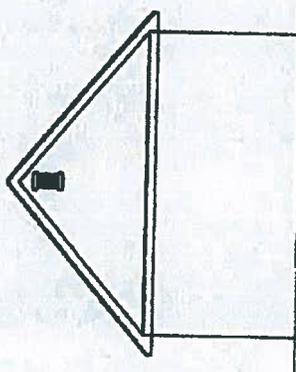
Site Plan





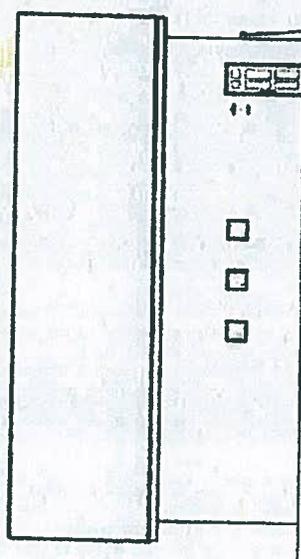
RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



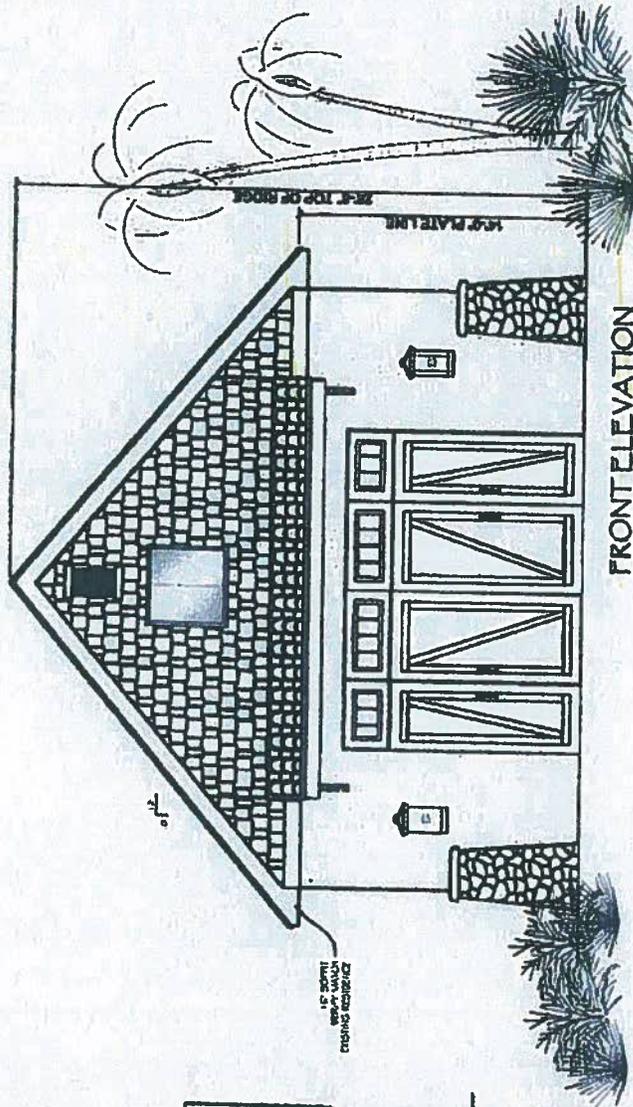
REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT ELEVATION

SCALE: 1/8" = 1'-0"

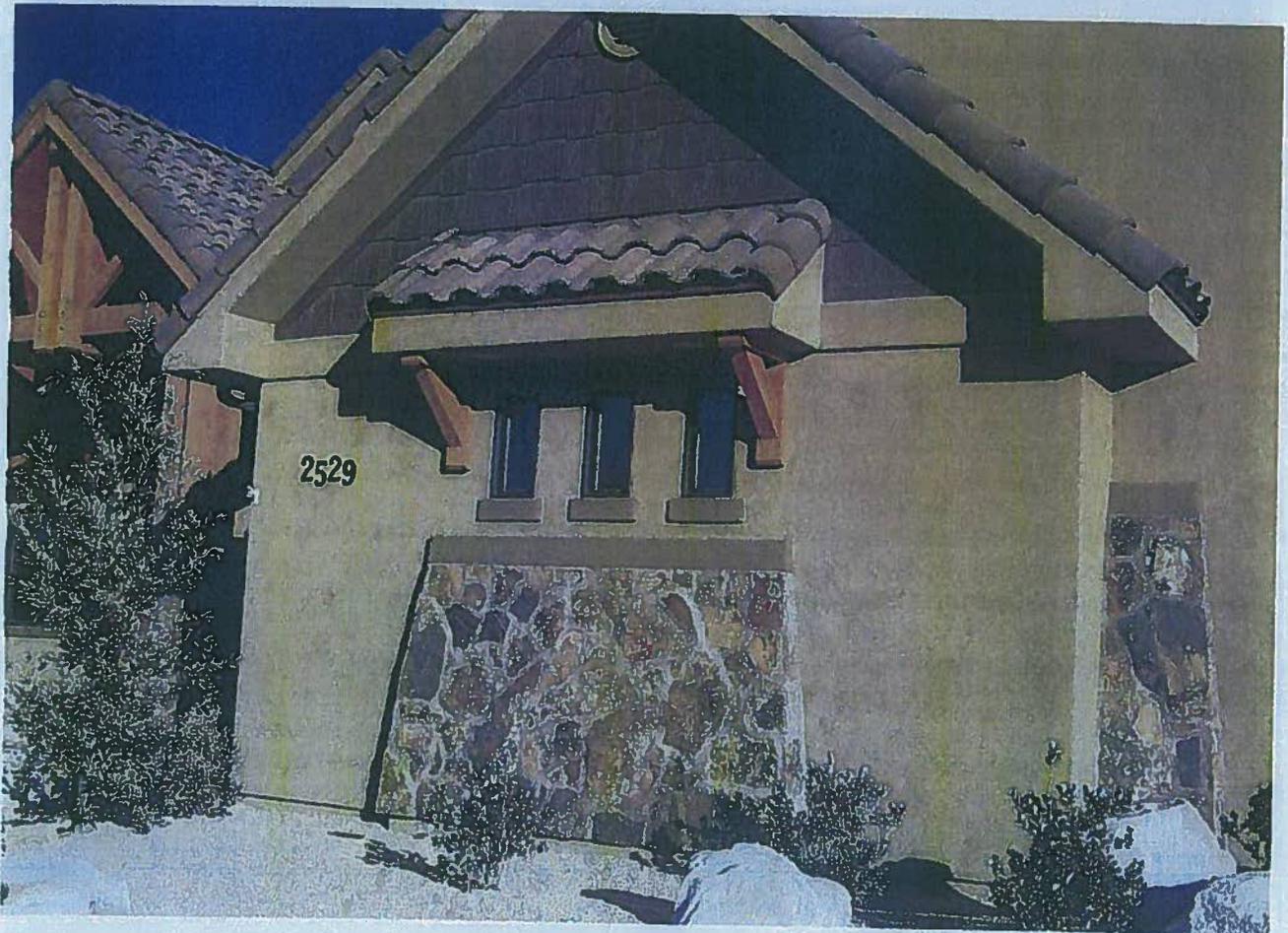


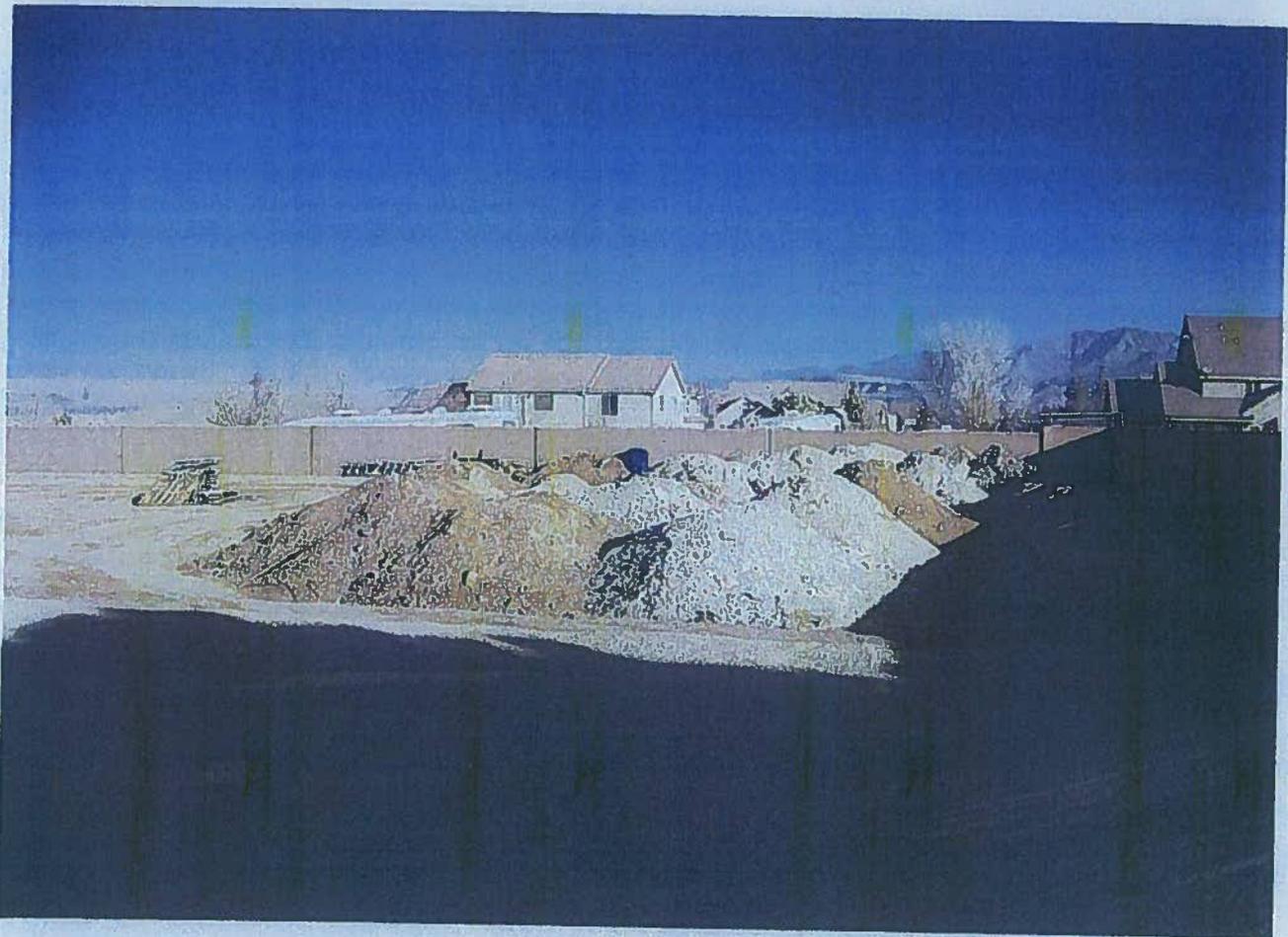
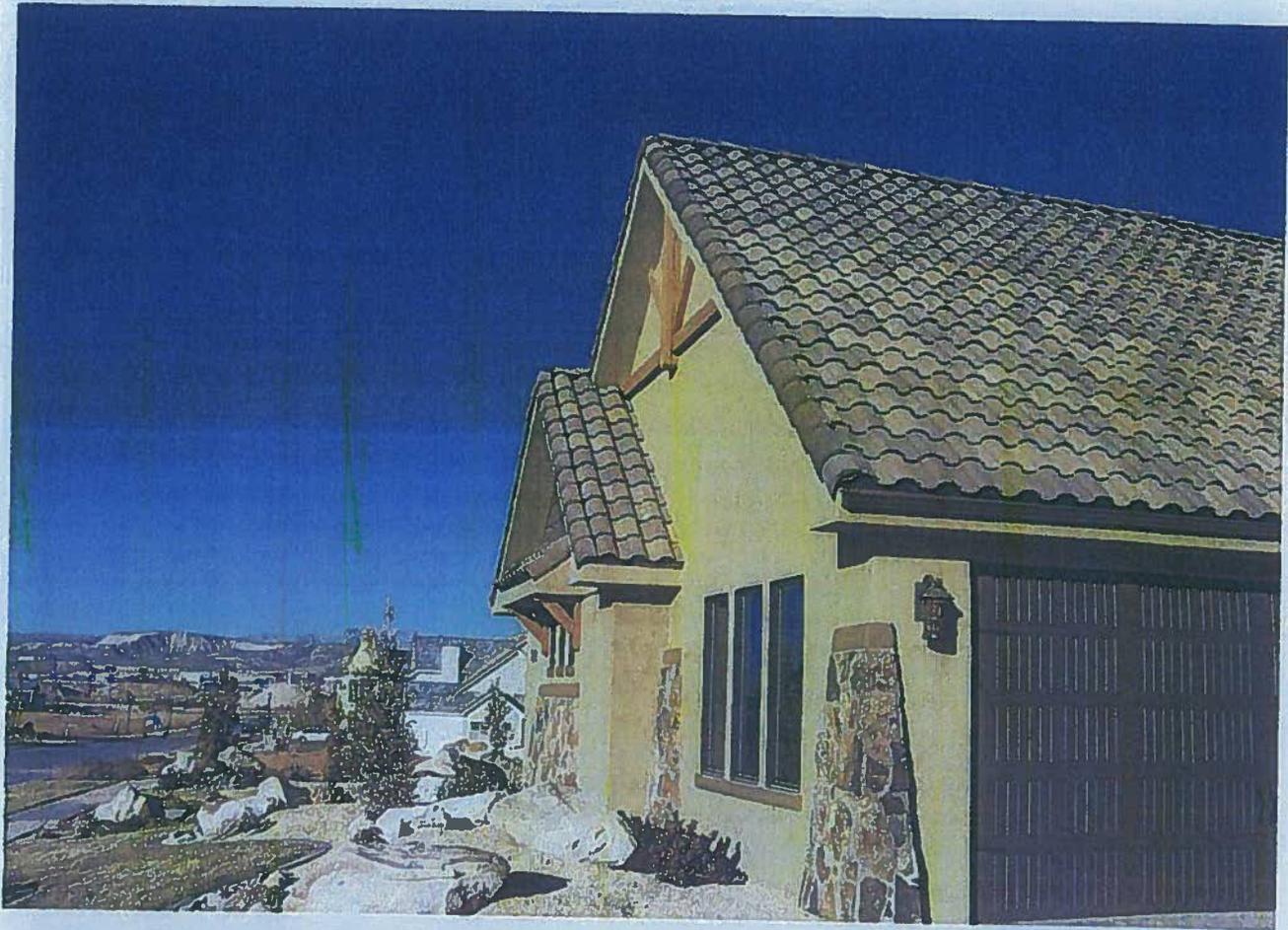
FRONT ELEVATION

SCALE: 1/8" = 1'-0"

**Elevations**







## Steve and Carol Sperry

2132 Berkeley St.  
Salt Lake City, Utah 84109  
(H)801-467-8435  
(Steve Mobile)801-979-0016  
(Carols Mobile) 801-898-9900  
[stevesperry16@gmail.com](mailto:stevesperry16@gmail.com)

January 30, 2014

RE: Case No. 2014-CUP-001, Conditional Use Permit 2529 East 3860 South Meadow Valley Farms

TO: Craig Harvey, Planning Commission, City Council,

We are Jerry and Katherine Holzapfels neighbors immediately to their east. We are building our retirement dream home and we had our architect plan a second story balcony to take advantage of the view to the north west. The increase in height as proposed will block our view of the bluff with the D on the side hill. It is our best view in as much as to the north we are looking at a rusty water tower.

This approval would be a huge disappointment for us because it would block the view we had planned for in the building of our home.

However, I have talked with Mr. Holzapfel and his placement of the structure is not set. If this is approved, he would be free to place the structure anyplace he would like. He indicated to me that he was planning a structure that would be in the range of 30' by 40' and it would be approximately 29' in height to match the design of his home. That will be the size of another home. He is planning on this structure for his RV's, which we feel would be wonderful for him and don't want to take that away. Placement of this structure is of prime concern for us.

**May I suggest we decide on the placement and size of the structure before we give final approval?  
Let's take some time and see if we can find a spot on his property that will satisfy both his wants and desires and be in a location and height that it will not block our view that we have planned for and tried to take advantage of.**

Jerry builds homes for a living and I know he can appreciate the value of a view. Let's work together on this and find a good solution. Please, we don't want to loose our view and we want to be good neighbors.

Sincerely,



Steven M. Sperry/Carol S. Sperry  
Concerned homebuilders and neighbors

PS We have been in St. George this past month and have not had access to our mail. It wasn't until this past Sunday as we returned back to SLC that we received this notice. That is why this letter is coming as an email and we hope it will be presented in your meeting. We will return to St. George next week. Thanks for your consideration.

**ST. GEORGE CITY COUNCIL MINUTES  
REGULAR MEETING  
JANUARY 2, 2014, 4:00 P.M.  
CITY COUNCIL CHAMBERS**

**PRESENT:**

**Mayor Daniel McArthur  
Councilmember Jon Pike  
Councilmember Gail Bunker  
Councilmember Gil Almquist  
Councilmember Jimmie Hughes  
Councilmember Ben Nickle  
City Manager Gary Esplin  
City Attorney Shawn Guzman  
City Recorder Christina Fernandez**

**OPENING:**

Mayor McArthur called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by a Mayor McArthur and the Invocation was offered by Reverend Jimi Kestin.

Mayor McArthur mentioned Prayer Over the City which took place on January 1, 2014.

Lane Ronnow presented Mayor McArthur and Councilmembers with a DVD he made of the December 19, 2013 meeting.

Mayor McArthur thanked outgoing Councilmembers Gail Bunker and Ben Nickle for their service and dedication. He presented them with gifts.

Councilmember Pike stated that The Children's Museum and Art Around the Corner would not have happened if it weren't for Councilmember Bunker.

Councilmember Almquist stated that Councilmember Bunker is like a female jedi. He thanked Councilmember Bunker and Councilmember Nickle.

Councilmember Hughes stated it was a pleasure working with both Councilmember Nickle and Councilmember Bunker.

Councilmember Bunker stated that she is sad to leave. She thanked everyone for their support.

Councilmember Nickle remembered when he was in second grade, Mayor McArthur took his class on a tour of City Hall. He thanked everyone for their support.

City Manager Gary Esplin invited everyone to Town Square for photos and the Mayor's reception which will be held at the Dixie Center.

Councilmember Almquist stated he would like to congratulate Mayor McArthur.

The meeting then adjourned to Town Square and the Dixie Center for the Farewell Reception for Mayor Dan McArthur.

---

Christina Fernandez, City Recorder

**ST. GEORGE CITY COUNCIL MINUTES  
REGULAR MEETING  
JANUARY 6, 2014, 12:00 P.M.  
CITY COUNCIL CHAMBERS**

**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:**

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

**SWEARING IN:**

Judge Eric Ludlow performed the swearing in of Mayor Jon Pike, Councilmember Randall and Councilmember Bowcutt.

**SET DEADLINE FOR ACCEPTING APPLICATIONS TO FILL VACANT CITY COUNCIL SEAT:**

Mayor Pike advised a deadline needs to be set for accepting applications to fill the vacant City Council seat. He stated this will be a 2 year term which will expire January 2016. The proposed deadline is 5:00 p.m., Wednesday, January 15, 2014.

**MOTION:** A motion was made by Councilmember Almquist to appoint the appointments made by Mayor Pike.

**SECOND:** The motion was seconded by Councilmember Hughes.

**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.

**APPROVE APPLICATION FORM:**

Mayor Pike stated the application was reviewed. When signed, the applicant is certifying that they are a citizen of the United States, a registered voter in the City of St. George, has lived in the City of St. George for the past 12 months and that they were not convicted of a felony. Each candidate who applies is requested to submit a resume and a brief one page written statement explaining why they are interested in serving on the City Council and any involvement in City organizations or activities.

**MOTION:** A motion was made by Councilmember Hughes to approve the application form for the vacant City Council seat.

**SECOND:** The motion was seconded by Councilmember Randall.

**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.

**SET DATE AND TIME TO INTERVIEW APPLICANTS FOR VACANT CITY COUNCIL SEAT:**

Mayor Pike advised the proposed date and time to interview applicants is Thursday, January 23, 2014 at 4:00 p.m. in the City Council chambers. The interview format will be announced once it is determined how many applicants have applied.

**MOTION:** A motion was made by Councilmember Almquist to set the date and time to interview applicants for Thursday, January 23, 2014 at 4:00 p.m. in the City Council chambers; the format will be announced at a later time.

**SECOND:** The motion was seconded by Councilmember Randall.

**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.

Mayor Pike thanked everyone for well run campaigns and said that he will miss Councilmember Bunker, Councilmember Nickle and Mayor Daniel D. McArthur. It is an honor for him to sit in the seat Mayor McArthur sat in for 20 years. He mentioned that the historic parade grounds at the St. George Town Square were named after Mayor Daniel D. McArthur because he fought for not only Town Square but for the parade grounds.

Councilmember Randall expressed her gratitude for everyone who supported her. She is honored to be serving and is grateful for City Manager Gary Esplin and the Department Heads.

Councilmember Bowcutt thanked everyone who supported him especially his wife. He is thrilled to have the opportunity to serve.

Councilmember Hughes stated he looks forward to working with the new City Council. He welcomed Councilmember Randall and Councilmember Bowcutt.

Councilmember Almquist thanked City Manager Gary Esplin and staff for all they do. He believes this is going to be a great year.

Mayor Pike thanked his family and families of the Councilmembers. He encouraged the citizens to let the Councilmembers know of any issues.

**ADJOURN:**

**MOTION:**

**SECOND:**

**VOTE:**

A motion was made by Councilmember Bowcutt to adjourn. The motion was seconded by Councilmember Randall. 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.

---

Christina Fernandez, City Recorder

**ST GEORGE CITY COUNCIL MINUTES  
REGULAR MEETING  
JANUARY 9, 2014  
CITY COUNCIL CHAMBERS**

**PRESENT:**

Mayor Jonathan T. Pike  
Councilmember Gil Almquist  
Councilmember Jimmie Hughes  
Councilmember Michele Randall  
Councilmember Joe Bowcutt  
City Manager Gary Esplin  
City Attorney Shawn Guzman  
Deputy City Recorder Annette Hansen

**OPENING: Mayor Pike welcomed all those who were in attendance and called the meeting to order. The pledge of allegiance was offered by Councilmember Jimmie Hughes, the invocation was offered by Rev. Alex Wilkie.**

City Manager Gary Esplin suggested that item 6F be moved to first on the agenda to accommodate those who were in attendance for that issue. It was also requested that item 2C and 6G be tabled for another meeting.

**SPECIAL EVENT FEE WAIVER:**

**Consider approval of a request to waive the special event permit fee for the Arts to Zion Studio Tour. Bobbi Wan-Kier, applicant.**

Washington County Arts Council representative Bobbi Wan-Kier introduced board member Dave Hansen who presented a power point demonstrating the organizations website and Facebook sites as well as the planned event tour map and explained what the planned tour consisted of. Ms Wan-Kier then introduced some of the local artists to the Council and they each in turn expressed their support for this event. Mayor Pike thanked all those who attended for this purpose and presented the issue to the Council for discussion and approval.

**MOTION:** A motion to approve the request to waive the special event permit fee for the Arts in Zion Studio Tour was made by Councilmember Jimmie Hughes.

**SECOND:** Motion was seconded by Councilmember Michele Randall.

**VOTE:** Mayor Pike called for a vote as follows:  
Councilmember Jimmie Hughes, aye  
Councilmember Gil Almquist, aye

Councilmember Michele Randall, aye  
Councilmember Joe Bowcutt, aye  
The Vote was unanimous and the motion carried.

**APPOINTMENTS TO THE BOARDS AND COMMISSION OF THE CITY**

Mayor Pike proposed that the City create and appoint a Veterans Advisory Committee to better help serve the needs of the veterans within our City and community. He explained that this would be an ad hoc committee and proposed that Michele Randall be the Council representative to sit on this committee. He also suggested that the following individuals be appointed to the committee: Stephen Duke, Aaron Henry, JR Lemquil, Bruce Solomon, Sky Ingram, Terry Dunn and Courtney Pendleton.

**MOTION:** Motion to accept the establishment of an ad hoc Veteran’s Advisory Committee was made by Councilmember Michele Randall.

**SECOND:** Motion was seconded by Councilmember Joe Bowcutt.

**VOTE:** Mayor Pike called for a vote as follows:  
Councilmember Jimmie Hughes, aye  
Councilmember Gil Almquist, aye  
Councilmember Michele Randall, aye  
Councilmember Joe Bowcutt, aye

The vote was unanimous and the motion carried.

Mayor Pike read the Veterans Advisory Committee mission statement.

Councilmember Almquist expressed his support for this organization and looked forward to working with representatives of the veterans here in our community.

**AWARD OF BID:**

**Consider approval of a bid award to JP Excavation to complete roadway and other improvements on the Mesa Palms Phase 5 Development.**

City Manager Gary Esplin presented the contract amount for \$450,000.00 and is included in the current budget. Councilmembers discussed the bid with Transportation Supervisor Cameron Cutler who explained the inclusions and specifics of the bid.

**MOTION:** A motion was made by Councilmember Jimmie Hughes to approve the contract with JP Excavation to complete roadway and other improvements on the Mesa Palms Phase 5 development for the amount of \$450,000.00.

**SECOND:** The motion was seconded by Councilmember Gil Almquist

**VOTE:** Mayor Pike called for a vote, as follows:  
Councilmember Jimmie Hughes, aye  
Councilmember Gil Almquist, aye  
Councilmember Michele Randall, aye

Councilmember Joe Bowcutt, aye

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider approval to award a contract to Feller Enterprises, Inc. for the construction of the Erosion Repair Project, Phase 9, Sunbrook HMGP.**

City Manager Gary Esplin presented the contract amount for \$489,404.85 and explained that the City applied to the State and FEMA for assistance in funding this project were successful in acquiring \$216,000.00 from FEMA and are anticipating additional funding from the state flood authority. He explained that the City’s matching funding amount of \$216,000.00 would come from the flood control fees that are collected monthly on the city utility bills.

**MOTION:** A motion was made by Councilmember Jimmie Hughes to approve the contract with Feller Enterprises for the amount of 489,404.85 .

**SECOND:** The motion was seconded by Councilmember Gil Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:  
Councilmember Hughes - aye  
Councilmember Almquist - aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**SPECIAL EVENT TIME CHANGE REQUEST:**

**Consider approval of a request to extend the closing time of the Dixie State University Spring Break Concert. Luke Kerouac, applicant.**

Jordan Sharp, Director of Student Involvement at Dixie State University addressed the Council and explained the activities and timeline of events planned for the spring break concert to be held at the Ridge top complex. Traffic issues, insurance liability, site maintenance/clean up and security concerns were a few of the issues Council discussed at length. Mr. Sharp asked that the Council approve the extension of the closing time to 11:00 PM to allow for a dance to take place after the concert to help alleviate some traffic congestion and help stagger the exiting of students from the event. Council was concerned about traffic and security and stressed the importance of working closely with law enforcement to maintain the desired amount of officers in attendance for safety and traffic issues. Mr. Sharp was eager to meet any stipulations and requirements of the Council and local law enforcement agencies for the security of the students attending the event and assured complete cooperation.

**MOTION:** A motion was made by Councilmember Gil Almquist to approve the request to extend the closing time of the Dixie State University spring break concert to 11:00 pm and approved the use of Donlee Drive as an

alternate exit to help with traffic issues and thatwith the stipulation that all security issues be resolved through local law enforcement.

**SECOND:** The motion was seconded by Councilmember Jimmie Hughes.

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

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

The vote was unanimous and the motion carried.

**SPECIAL EVENT FEE WAIVER:**

**Consider approval of a request to waive the special event permit fee for the President’s Day Fly In 2014. Darrel Jensen, applicant.**

Darrel Jensen thanked the Council for their support in the past and proceeded to present a brief report on 3 of the events held last year. He mentioned the three planned events for 2014 and requested that Council approve the waiving of fees for these future events so he would not have to come before the Council to ask for a fee waiver for each event. Council discussed the issue with Mr. Jensen.

**MOTION:** A motion was made by Councilmember Jimmie Hughes to waive the special event permit fees for the three planned events held in February, May and November of 2014 being sponsored by the Remote Possibilities RC club.

**SECOND:** The motion was seconded by Councilmember Gil Almquist.

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

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

The vote was unanimous and the motion carried.

**SPECIAL EVENT FEE WAIVER:**

**Consider approval of a request to waive the special event permit fee and the fee for the use of Town Square for the KUED Super Reader Party. Joel Tucker, applicant.**

St. George Library Director Joel Tucker addressed the Council and requested waiving of the special event permit fee so that they may hold an end of the school year Super Reader party sponsored in part by a grant offered by KUED to reward school children for reading throughout the year. He mentioned different activities that would be going on at this event such as entertainment and food.

**MOTION:** A motion was made by Councilmember Michele Randall to approve waiving the special event permit fees and the fee for the use of Town Square for the KUED Super Reader Party.

**SECOND:** The motion was seconded by Councilmember Joe Bowcutt.

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

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

The vote was unanimous and the motion carried.

**SPECIAL EVENT FEE WAIVER:**

**Consider approval of a request to waive the special event permit fee and the fee for the use of the Tonaquint Park for the Utah Lions Foundation Walk with the Blind Challenge. Milt Taylor, applicant.**

Lions Club President Dave Cook addressed the Council and explained briefly about the charity event planned in February for Lions Club members to raise money for the blind.

**MOTION:** A motion was made by Councilmember Jimmie Hughes to waive the special event permit fee and the fee for the use of the Tonaquint Park for the Utah Lions Foundation Walk with the Blind Challenge.

**SECOND:** The motion was seconded by Councilmember Gil Almquist.

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

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

The vote was unanimous and the motion carried.

**SPECIAL EVENT FEE WAIVER:**

**Consider approval of a request to waive the special event permit fee and the fee for the use of the Ridge Top Complex for the Starry Night Annual Awards and Installation Banquet. Gregg McArthur, applicant.**

Gregg McArthur addressed the Council and explained briefly the purpose of the Starry Night event to honor local businesses and individuals that are outstanding contributors to the community.

**MOTION:** A motion was made by Councilmember Michele Randall to waive the

special event permit fee and the fee for the use of the Ridge Top Complex  
for the Starry Night Annual Awards and Installation Banquet.  
**SECOND:** The motion was seconded by Councilmember Jimmie Hughes.  
**VOTE:** Mayor Pike called for a vote, as follows:  
Councilmember Hughes - aye  
Councilmember Almquist - aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING:**

**Public hearing to consider approval of an amendment to the Planned Development Residential Zone for Mesa Palms Phase 5 on 5.92 acres located at the intersection of Mesa Palms Drive and Tonaquint Drive to allow the development of 52 residential units on the property. Kent Heideman, applicant.**

Staff presented a PowerPoint displaying the area of discussion as well as the types of buildings that are planned on being constructed there. It was mentioned that the Planning Commission had approved this amendment in their recent meeting. Planned development coordinator Tyler Hoskins addressed the Council and answered questions regarding the development.

Mayor Pike then opened the topic to the public for comments.

Kenneth Gee, area resident and neighbor of the planned development addressed the Council with his concerns about the increase of traffic this development would cause in the area. He was also concerned about this being the only multiple housing unit in the immediate area and the type of neighborhood that would create. Council discussed these issues at length with Mr. Gee and informed him of a planned round-a-bout planned for the area. After further discussion Mayor Pike thanked Mr. Gee for his input. Having no further public comment, Mayor Pike closed the public hearing.

**MOTION:** A motion was made by Councilmember Jimmie Hughes to approve the amendment to the Planned Development Residential Zone for Mesa Palms Phase 5 on 5.92 acres located at the intersection of Mesa Palms Drive and Tonaquint Drive to allow the development of 52 residential units on the property.

**SECOND:** The motion was seconded by Councilmember Gil Almquist.

**ROLL CALL VOTE:** Mayor Pike called for a roll call vote, as follows:  
Councilmember Hughes - aye  
Councilmember Almquist - aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/ZONE CHANGE:**

**Public hearing to consider approval of a zone change from RE-20 to RE-12.5 on 10.02 acres located at approximately 2990 South Little Valley Road. Pine Park Estates, LLC., applicant.**

Planning and zoning staff explained to the Council the Planning Commission’s recommendation to change the zoning located at approximately 2990 South Little Valley Road from RE-20 to RE-12.5 on 10.02 acres. Council reviewed the request and briefly discussed. Mayor Pike then opened the topic to the public for comments. Hearing none, Mayor Pike then closed the public hearing portion of the meeting.

**MOTION:** A motion was made by Councilmember Gil Almquist to approve the zone change from RE-20 to RE-12.5 on 10.02 acres located at approximately 2990 South Little Valley Road

**SECOND:** The motion was seconded by Councilmember Jimmie Hughes.

**ROLL CALL VOTE:** Mayor Pike called for a roll call vote, as follows:  
Councilmember Hughes - aye  
Councilmember Almquist - aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING:**

**Public hearing to consider approval of an amendment to the Planned Development Zone for Sunbrook Ranch on 11.37 acres located at 415 South Dixie Drive to add RV storage to the list of permitted uses, and to revise the conceptual site development plan. Marv Blosch, applicant.**

Planning and zoning staff addressed the Council and reviewed the previously approved site plan for senior housing units. It was noted that the Planning Commission recommended approval of the proposed amendment as long as the development properly addresses parking issues and makes sure to allow for proper access to the rear of the property. Mayor Pike then opened the topic to the public for comments. Hearing none, Mayor Pike then closed the public hearing portion of the meeting.

**MOTION:** A motion was made by Councilmember Jimmie Hughes to approve the amendment to the Planned Development Zone for Sunbrook Ranch on 11.37 acres located at 415 South Dixie Drive to add RV storage to the list of permitted uses, and to revise the conceptual site development plan to allow for rear access and parking issues.

**SECOND:** The motion was seconded by Councilmember Joe Bowcutt.

**ROLL CALL VOTE:** Mayor Pike called for a roll call vote, as follows:  
Councilmember Hughes - aye  
Councilmember Almquist - aye

Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Mayor Pike dismissed Council for a 10 minute recess.

**PUBLIC HEARING/ZONE AMENDMENT:**

**Public hearing to consider approval of an amendment to the City Zoning Regulations, Title 10, Sections 10-10-5.K and 10-8-7.G to allow the City Council to waive the ground floor commercial requirement in mixed-use projects subject to certain conditions.**

City Manager Gary Esplin explained that this amendment was mainly to address the issue of residential dwellings existing over commercial buildings and the ability for Council to amend the mandatory ground floor commercial requirement on a case by case basis. He stated that the purpose of the mixed-use project C4 zone was initially done to encourage business in the downtown area but to also encourage residential opportunities in these areas with both working harmoniously for the good of the community. The concerns with amending the commercial requirements would be the phasing of developments where residential would be constructed first and the commercial phase is overlooked for a lengthy period of time. Mayor Pike opened public hearing portion of the meeting to hear comments on the issue.

Wes Davis, commercial real estate broker and developer, addressed the Mayor and Council with his concerns regarding this issue. He presented a project design that illustrated the mixed-use concept and explained the infeasibility of the current requirements to build such a development, given current demands of residential vs. business development as well as current mandatory landscaping and parking issues. Council discussed the issue at length and concluded that this issue needed more thorough study and examination.

**MOTION:** A motion was made by Councilmember Gil Almquist to continue the Public Hearing on this issue until January 30.

**SECOND:** The motion was seconded by Councilmember Jimmie Hughes.

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

Councilmember Hughes - aye

Councilmember Almquist - aye

Councilmember Randall - aye

Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/ZONE AMENDMENT:**

**Public hearing to consider approval of amendment to the City Zoning Regulations, Title 10, Sections 10-18-3.C to modify the corner lot fence requirement to allow a six foot fence or wall to be built on the property line along the street side yard subject to certain standards.**

City Planning and zoning manager Bob Nicholson addressed the Council and explained the City code on fencing of corner lots and the required 10 ft. setback off the sidewalk. He explained that this issue was one of code enforcements biggest problems. Mayor Pike opened public hearing portion of the meeting to hear comments on the issue.

Tracy Ence with Ence Homes addressed the Council and stated that this issue has needed to be addressed for some time. He stated that he does not see the need for such drastic setback requirements because it restricts property owners' access to that portion of their property. He also indicated that the Council needed to address the issue of the property owners' right to erect a block wall which is much more economical and provides much better privacy and protection. Council discussed this issue and determined that there needed to be further analysis and consideration on the subject.

**MOTION:** A motion was made by Councilmember Jimmie Hughes to continue the Public Hearing on this issue until January 30.

**SECOND:** The motion was seconded by Councilmember Joe Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:  
Councilmember Hughes - aye  
Councilmember Almquist - aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

#### **Consider appointment of City Officers.**

Mayor Pike stated that per city code, all City Officers were to be appointed by the Council and recommended that all current City Officers and department heads be re-appointed with no changes to the current staff.

**MOTION:** A motion was made by Councilmember Joe Bowcutt reappoint all City Officers and department heads as currently assigned.

**SECOND:** The motion was seconded by Councilmember Gil Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:  
Councilmember Hughes - aye  
Councilmember Almquist - aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Mayor Pike explained that he has met with all the City Officers and department heads and has been impressed by their attentiveness and diligence in which they perform their respective responsibilities and duties. Mayor Pike also recommended that Public Works Director Larry Bulloch be reappointed until February 28 at which time he will retire after 35 years of service with the City. Upon his retirement from the City, Mayor Pike recommended that Cameron Cutler be appointed to fill the position as Public Works Director.

**MOTION:** A motion was made by Councilmember Gil Almquist reappoint Public Works Director Larry Bulloch until February 28 and then appoint Cameron Cutler as Public Works Director.

**SECOND:** The motion was seconded by Councilmember Jimmie Hughes.

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

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

The vote was unanimous and the motion carried.

Mayor Pike then invited Larry Bulloch to address the Council. Mr. Bulloch stated that he was humbled and thanked many for the opportunity to serve the City and look back on his 35 years of service as a marvelous adventure. He stated that he could never have imagined that he would participate in over 300 projects within the City throughout his career and attributed the success of these projects to those staff that he works with who are highly capable employees who are dedicated to the citizens and services they provide. He expressed his appreciation to the Mayor, Councilmembers and all the City staff who have supported him throughout his many years and commended them for their professionalism and integrity as well as their willingness to work together. Upon completion of his address, the audience offered Mr. Bulloch a standing ovation. Mayor Pike expressed his appreciation for Mr. Bulloch for his 35 years of dedicated service and Councilmembers wished him well on his retirement.

Councilmembers commended all city staff for their various years of service and it was noted that nearly all of the department heads have over 10 years' service with the City helping to make this city run smoothly and efficiently.

**Consider approval of The Lakes Development Agreement.**

Council was presented with the final approval for the development of The Lakes which had previously been approved in 2006 but then was put on hold because of the downturn in the economy. It was explained that the planned development of mostly R110 properties would encompass 700 acres on the west side of town where the development would strive to keep the integrity of the natural canyons around them through preservation efforts. Traffic concerns were discussed and it was recommended that updated traffic studies be completed with each phase of the development as the data they were working with now is outdated. The developer agreed to this stipulation and stated that it was already part of their design moving forward. City Manager Gary Esplin asked that developer meet with city public works to review their current data and make sure it's still valid and the developer agreed.

**MOTION:** A motion was made by Councilmember Jimmie Hughes to approve The Lakes development agreement, striking the wording about an incremental traffic study on page 8 of the agreement with the understanding that the

developer would be required to update their traffic study with each phase of the development.

**SECOND:** The motion was seconded by Councilmember Gil Almquist.

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

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

The vote was unanimous and the motion carried.

**Set date and time for public comment on the disposal of approximately four acres of City owned real property located on 270 East Street near the Dixie Center.**

**MOTION:** A motion was made by Councilmember Gil Almquist to set the date of February 20, 2014 for the public hearing for discussion on the disposal of approximately four acres of City owned real property located on 270 East Street near the Dixie Center.

**SECOND:** The motion was seconded by Councilmember Michele Randall.

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

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

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the City Council meeting held on November 7, 2013**

**MOTION:** A motion was made by Councilmember Gil Almquist to approve the minutes from the City Council meeting held on November 7, 2013

**SECOND:** The motion was seconded by Councilmember Jimmie Hughes.

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

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

The vote was unanimous and the motion carried.

**Consider approval of the minutes from the City Council meeting held on November 14, 2013**

**MOTION:** A motion was made by Councilmember Michele Randall to approve the minutes from the City Council meeting held on November 14, 2013 1  
2  
**SECOND:** The motion was seconded by Councilmember Joe Bowcutt. 3  
**VOTE:** Mayor Pike called for a vote, as follows: 4  
Councilmember Hughes - aye 5  
Councilmember Almquist - aye 6  
Councilmember Randall - aye 7  
Councilmember Bowcutt – aye 8

The vote was unanimous and the motion carried. 9  
10

**Consider approval of the minutes from the City Council meeting held on November 21, 2013** 11  
12  
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**MOTION:** A motion was made by Councilmember Gil Almquist to approve the minutes from the City Council meeting held on November 21, 2013 14  
**SECOND:** The motion was seconded by Councilmember Jimmie Hughes. 15  
**VOTE:** Mayor Pike called for a vote, as follows: 16  
Councilmember Hughes - aye 17  
Councilmember Almquist - aye 18  
Councilmember Randall - aye 19  
Councilmember Bowcutt – aye 20  
21

The vote was unanimous and the motion carried. 22  
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**CLOSED SESSION:** 25

**MOTION:** A motion was made by Councilmember Gil Almquist to proceed into the closed session portion of the meeting to discuss pending litigation. 26  
**SECOND:** The motion was seconded by Councilmember Jimmie Hughes. 27  
**VOTE:** Mayor Pike called for a vote, as follows: 28  
Councilmember Hughes - aye 29  
Councilmember Almquist - aye 30  
Councilmember Randall - aye 31  
Councilmember Bowcutt – aye 32  
33  
34

The vote was unanimous and the motion carried. 35  
36

**RECONVENE AND ADJOURN:** 37

**MOTION:** A motion was made by Councilmember Gil Almquist to reconvene and adjourn. 38  
**SECOND:** The motion was seconded by Councilmember Jimmie Hughes. 39  
**VOTE:** Mayor Pike called for a vote, as follows: 40  
Councilmember Hughes - aye 41  
Councilmember Almquist - aye 42  
43

