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 at the St. George City Offices located at 175 East 200 North, St. George, Utah, on Tuesday, April 11, 2023, commencing at 2:00 p.m.

The agenda for the meeting is as follows:

1. **Appeal hearing regarding the denial of the application for a special event permit for the Taste of Southern Utah Food Festival. The Seed Inc Brand, applicant.**

2. **Appeal hearing regarding the denial of the application for a special event permit for the Our Allies & Community Drag Show. Southern Utah Drag Stars, applicant.**

Christina Fernandez, City Recorder

April 10, 2023
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.

Tani Pack Downing #6122
Jami Brackin #8753
Alicia Galvany Carlton #17996
Ryan N. Dooley #17006
St. George City
175 East 200 North
St. George, Utah 84770
Phone: (435) 627-4600
Fax: (435) 627-4260
Ryan.dooley@sgcity.org
Attorneys for Respondent

RECEIVED
APR 10 2023
ST. GEORGE CITY
CITY RECORDER'S OFFICE

BEFORE THE ST. GEORGE CITY COUNCIL
ST. GEORGE CITY, UTAH

Indigo Klabanoff, Appellant, vs. St. George City, Respondent.	RESPONDENT'S BRIEF

NOW COMES undersigned for and in behalf of Respondent, and submits the following brief for the Council's use and consideration in preparation for the appeal hearing set for Tuesday, April 11, 2023.

INTRODUCTION

This is an appeal from the City's March 31, 2023, denial of Indigo Klabanoff's (Appellant) January 26, 2023 special event application for violating City Code 3-10-4(C) prohibition of advertising prior to obtaining city approval or prior to a city permit being issued.

OVERVIEW OF THE EVIDENCE

The evidence in this appeal consists of the following documents:

1. Appellant's Special Event Application dated January 26, 2023
2. Special Event Permit Application Denial Letter Dated March 31, 2023
3. Appellant's Notice of Appeal Received April 03, 2023
4. City Recorder's Letter Dated April 7, 2023
5. Affidavit of City Manager John Willis
6. Affidavit of Assistant City Attorney Ryan N. Dooley with Exhibit A
7. Affidavit of Special Events Coordinator Sarah Reber

The Respondent does not anticipate giving live testimony.

BRIEF FACTS

Appellant submitted a Special Event Permit Application on or about January 26, 2023, on behalf of Seed Inc: Saint George Market Small Business Incubator LLC for an event titled "Taste of Southern Utah Food Festival" to take place at "Main Street" with approximately one thousand (1,000) participants. The proposed date(s) of the event was October 28, 2023, with set up occurring on October 27, 2023.

City Manager John Willis received concerns from the City Council regarding the City Code's requirement that special event applications be received at least 45-days before the scheduled event, as well as the City Code's prohibition of advertising prior to city approval of the special event is granted and a special event permit is issued. See Affidavit of John Willis.

Undersigned assigned the research task to our legal intern to find out which, if any, applicants were advertising prior to their event permit being granted or issued. See Affidavit of Ryan N. Dooley.

A majority of the City Council wanted the City Code to be strictly adhered to and otherwise enforced against new events and to exempt reoccurring and city sponsored events as the City Council directed staff to prepare an ordinance for the City Council to ratify this decision at the April 06, 2023, City Council meeting.

The event was advertised on or before March 21, 2023, on a public website. See Exhibit A attached to the Affidavit of Ryan N. Dooley.

The permit denial was therefore issued by Special Events Coordinator Sarah Reber. See Affidavit of Sarah Reber.

LEGAL AUTHORITY

City Code Section 3-10-1 et seq. governs Special Events in the City. Appellant applied for an event permit that fits the definition of a "special event" as it was:

> "Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city." City Code Section 3-10-2.

Appellant submitted the application two hundred and seventy-five (275) days before the event was scheduled to take place in compliance with City Code Section 3-10-4(A).

However, the City Code prohibits the advertising of special events prior to the permit being issued:

> *Advertising:* No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued. City Code Section 3-10-4(C).

The City may deny a special event application if the proposed special event violates the City Code:

A. *Grounds For Denial:* The special event application may be denied by the city if: 1. The proposed special event violates a law, ordinance, policy, procedure, or regulation or poses a danger or threat to the public health, safety or welfare, or causes unreasonable inconvenience or cost to the public. City Code Section 3-10-8(A)(1).

ARGUMENT

I. THE CITY PROPERLY DENIED APPELLANT'S SPECIAL EVENT APPLICATION BECAUSE APPELLANT ADVERTISED BEFORE THE PERMIT WAS ISSUED

The City Council and Mayor, through the City Manager, directed Staff to strictly adhere to the City Code Sections 3-10-1 et seq. and to otherwise enforce the Code as to new events. See Affidavit of John Willis, Ryan N. Dooley, and Sarah Reber.

Appellant clearly advertised the event on a public website as documented in Exhibit A.

CONCLUSION

Staff properly followed the City Council's policy directive to strictly adhere to the City Code's prohibition of advertising new events until city approval of the special event was granted and a special event permit was issued. Because Appellant advertised the "Taste of Southern Utah Food Festival" prior to the city's approval of the special event permit, the permit was properly denied and the City's denial should be upheld.

Date: April 10, 2023

Ryan N. Dooley
Assistant City Attorney

St.George

THE BRIGHTER SIDE

April 7, 2023

Indigo Klabanoff
The Seed Inc Brand
[redacted]

Re: Appeal of administrative decision – Denial of event permit

Dear Ms. Klabanoff,

Your appeal of the denial of an event permit will be heard before the St. George City Council on Tuesday, April 11, 2023 at 2:00 p.m. in the Council Chambers of City Hall located at 175 E. 200 N. in St. George.

Each party is required to submit to the City Recorder, any evidence, witness list, written statements, or written arguments on or before 4:00 p.m. on Monday, April 10, 2023. The information should be delivered via email to recorder@sgcity.org. The Recorder will ensure that the submitted information is shared with the opposing party and the City Council when received.

At the hearing, you will be able to present your appeal, evidence, witnesses, and arguments first. The City will then present their basis for denial. You will have the opportunity for a final rebuttal argument after that presentation.

The City Council, who will be acting in a quasi-judicial capacity, will then deliberate and may do so in private (closed meeting) or in public. They will provide a decision at the conclusion of the proceedings or may take the matter under advisement and announce the decision at a later time. Either way, the decision will be reduced to a written decision, the date of which will commence the start of any further appeal process.

Should you have any further questions, please feel free to contact me.

Sincerely,

Christina Fernandez
City Recorder

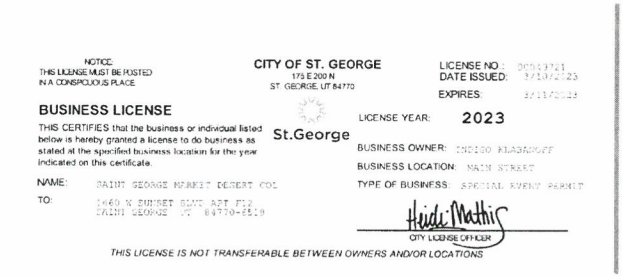
RECEIVED
APR 03 2023
ST. GEORGE CITY
CITY RECORDER'S OFFICE

To Whom It May Concern:

I have been advised that my application has been denied becauseThe Taste of Southern Utah has been advertised for the upcoming event, and for that reason one may not advertise prior to getting a special event permit.:

City Code §3-10-4(C): "Advertising: No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued." **Not 'and/or'. 'AND'.**

I would invite you to review your city code & its verbiage. If it's taken literally verbatim with the verbiage "and" no one with a special event permit including my outstanding Saint George Market would be able to advertise until the day of the permit issued. Permit is issued for the day of or day before. (see photo below)



NOTICE
THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE

CITY OF ST. GEORGE
175 E 200 N
ST. GEORGE, UT 84770

LICENSE NO.: 20193721
DATE ISSUED: 3/10/2023
EXPIRES: 3/31/2023

BUSINESS LICENSE

THIS CERTIFIES that the business or individual listed below is hereby granted a license to do business as stated at the specified business location for the year indicated on this certificate.

St.George

LICENSE YEAR: 2023

NAME: SAINT GEORGE MARKET DESERT COL
TO: 2460 N SUNSET BLVD APT F12
ST GEORGE UT 84770-7519

BUSINESS OWNER: INDIGO KLASSNOFF
BUSINESS LOCATION: MAIN STREET
TYPE OF BUSINESS: SPECIAL EVENT PERMIT

Heidi Mathis
CITY LICENSE OFFICER

THIS LICENSE IS NOT TRANSFERABLE BETWEEN OWNERS AND/OR LOCATIONS

Please rescind your letter, and please get me the following answers as I would like to respectfully proceed with this event, given that I produce unique and community friendly events & have a track record of success. Questions from me are below.

1. I have given you everything on my application that has been requested. What day will you have an answer for me on my pending approval? I applied in January.
2. In the meantime what other questions do you have about holding my event at 100 West and Tabernacle? I have provided all you've asked on the application.

Sincerely,

The Seed Inc Brand

SAINT GEORGE MARKET · catorj · taste of southern utah EST. 2023 · the hurricane market

St.George
THE BRIGHTER SIDE

March 31, 2023

Seed Inc: Saint George Market Small Business Incubator LLC
Indigo Klabanoff

RE: Special Event Permit Application

Dear Indigo,

It has come to the City's attention that several applicants for special event(s) have publicly advertised the special event prior to a special event permit being granted or a special event permit being issued; your event is one of them.

City Code §3-10-3 states: It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit.

City Code §3-10-4(C): "Advertising: No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued."

City Code §3-10-8(A). "Grounds For Denial: The special event application may be denied by the city if: 1. The proposed special event violates a law, ordinance, policy, procedure, or regulation or poses a danger or threat to the public health, safety or welfare, or causes unreasonable inconvenience or cost to the public."

Your application is hereby denied for the following reason(s): advertising prior to receiving city approval and/or a special event permit is issued.
City Code §3-10-9: "Appeal Procedures: Any applicant for a special event permit desiring to appeal an administrative decision concerning the denial or modification of a special event permit may petition the city council if the decision was made by the city manager. Any decision made by the city council is final. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be delivered to the city recorder within five (5) calendar days after the date the applicant received notice of the denial."

If you choose to exercise your right to appeal, you must submit your appeal to recorder@sgcity.org by 5:00 PM Wednesday, April 5, 2023.

St.George
THE BRIGHTER SIDE

Sincerely,

Sarah Reber
Special Event Coordinator

Date Received Application: 1/26/23 Permit No: _____

Insurance Received: _____ Date Issued: _____

APPROVALS:

Asst. City Manager: _____

Date: _____

Fire: _____ Date: _____

Conditions of approval:

_____

_____

Police: Please see the Security Plan Request Application for approval and conditions.

Other Staff Approval: _____

Date: _____ Rev. 09.20.22

SPECIAL EVENT PERMIT APPLICATION

St.George
THE BRIGHTER SIDE

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

Phone: 435-627-4712
E-mail: events@sgcity.org

TYPE OF ACTIVITY *(check all that apply):*

- ☐ Film Production
- ☐ Outdoors Sales
- ☐ Parade
- ☐ Fun Run
- ☐ Cycling
- ☐ Sporting
- ☐ Dance
- ☐ 5K
- ☐ 10K
- ☐ Other: _____
- ☐ Training Event
- ☐ Block Party
- ☑ Festival
- ☐ Religious

Please print or type

EVENT NAME: Taste of Southern Utah Food Festival

1. **Location of Event:** Main Street

2. **Name of Organization:** Seed Inc: Saint George Market Small Business Incubator LLC

3. **Date(s) of Event:** October 28th. (set up October 27th)

4. **EVENT DETAILS:** [enter Start & End times as HH:MM]

Set-up	Date: Oct 27	Start time: 7AM	End time: 8PM
Event	**Date:** October 28th. (set up Octobe	**Start time:** 9AM	**End time:** 6PM
Clean-up	Date: Oct 28th	Start time: 6PM	End time: 8PM

Is this a Recurring Event? **If yes; daily, weekly or other?**

Is this an Annual Event? y **If yes; same date and place?** Potentially

5. **PARTICIPANTS**

of Participants & Attendees expected: 1000 # of Volunteers/Event Staff: 6

☑ 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; ☐ Free.

6. **APPLICANT INFORMATION**

Name of Applicant: Indigo Klabanoff

Address: [redacted]

Day Phone: [redacted] **Cell/Other:** **E-mail:** [redacted]

Mailing Address (if different):

Event Web Address (if applicable):

Alternate Contact For Event: TBD

Day Phone: **Cell/Other:** **E-mail:**

7. VENDORS/FOOD/ALCOHOL *(check all that apply)*

☑ Yes ☐ No **Are Vendors/Merchants selling products or services?**
If yes, Temporary Sales Tax Numbers are required from the Utah State Special Event Tax Division 801-297-6303

☑ Yes ☐ No **Is Food available at the event? Description:** _____
If yes, Is the food *(please check all that apply)*
☐ Given away/pre-packaged ☐ Catered by:_____ ☐ Prepared on site
Events which have Food available must contact the SW Utah Health Department for approval 435-986-2580

☐ Yes ☑ No **Will Alcoholic Beverages be available at the event?**
If yes, *please check all that apply*
☐ Beer Stands ☐ Fenced-in Beer Garden
Selling, Serving, Giving Away, Alcohol at an event requires City Council, City Business License and State Of Utah Department of Alcoholic Beverage Licensing approval 801-977-6800

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

☑ Yes ☐ No **Tents/Pop-up Canopies?**
How many Tents/Pop-up Canopies will be used for the event? _____
Dimensions of Tents/Pop-up Canopies: _____
All large or enclosed tents/canopies require Inspections from the SG Fire Department 435-627-4150

☑ Yes ☐ No **Temporary Stage?** **Dimensions of Stage:** A POTENTIAL

Description of Tents/Canopies/Stage, etc.:

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

☐ **Fencing/Scaffolding**		
☐ **Barricades**		*(must obtain privately)*
☑ **Portable Sanitary Units**		*(must obtain privately)*
☐ **Inflatables, Bounce House(s)**	☐ Generator(s) & ☐ Certificate of Liability Insurance **are required**	*(must obtain privately)*
☐ **Climbing Wall, Axe Throwing, Mechanical Bull, Zipline, &/or Dunk Tank**	☐ Certificate of Liability Insurance **is required**	
☑ **Music**	*If yes, check all that apply:* ☐ **Acoustic** ☐ **Amplified**	
☑ **PA/Audio System**	**Type/Description:**	
☐ **Fireworks/Fire Performances/Open Flame**		Requires approval from SG Fire Dept. 435-627-4150
☑ **Propane/Gas On-site**		Requires approval from SG Fire Dept. 435-627-4150
☑ **Trash/Recycle Bin coordination On-site**		WCSW 435-673-2813

10. ROAD & SIDEWALK USE *(please include details on site map)*

☐ Yes ☑ No **Will Roads & Sidewalks Be Used?**
☐ Yes ☑ No **Are you requesting Road &/or Sidewalk Closures?**
An Encroachment Permit is required for Road Closures and Sidewalk Use.
To obtain the permit, contact SG City Public Works Dept. 435-627-4058 https://www.sgcity.org/encroachment/

☑ **Road Use and Closure**	**Location:** Main Street & Tabernacle	
☐ **Sidewalk Use**	**Location:**	☐ Will stay on sidewalks and follow pedestrian laws.
☐ **Parade Permit App**	**Location:**	**Number of Floats:**

11. SECURITY/OTHER *(please complete and sign the Security Plan Approval Request Form, for approval of Security)*

12. Application Fee is based on attendance, and charged per day, as follows:

☐ **$75.00 for attendance under 300**
☑ **$150.00 for attendance over 300**

Total: $150 *(payable to: City of St. George – Attn: Special Events, 175 East 200 North, St. George, UT 84770)*

By submitting a signed application, the applicant certifies that falsifying any information on this application constitutes cause for rejection or revocation of the Permit.

Indigo Klabanoff		1/26/23
Applicant's Name [PRINT]	Applicant's Signature	Date

EVENT DESCRIPTION

PLEASE DESCRIBE YOUR EVENT IN DETAIL; ADD ANY ADDITIONAL INFORMATION OR PAGES.

- *Please be sure to include any elements of your event that will help with the approval of the event.*

The expected number of restaurants will be approx 100. TBD through. And as far as packaged and unpackaged, that will be determined prior closer to June 15th.

The Taste of Southern Utah event is a food festival. Our mission is to explore southern Utah through bites and sips. The expected amount of restaurants participating is still unknown but approximately 100. When it comes to packaged or unpackaged, we will know more closer to the date!

There is a potential of a stage - but that is still determined as we continue getting sponsors!

DETAILED SITE PLAN/MAP

PLEASE INCLUDE [OR ☑ ATTACH] A DETAILED SITE PLAN AND/OR ROUTE MAP. COMPUTER OR HAND-DRAWN SITE PLANS ARE APPROPRIATE.

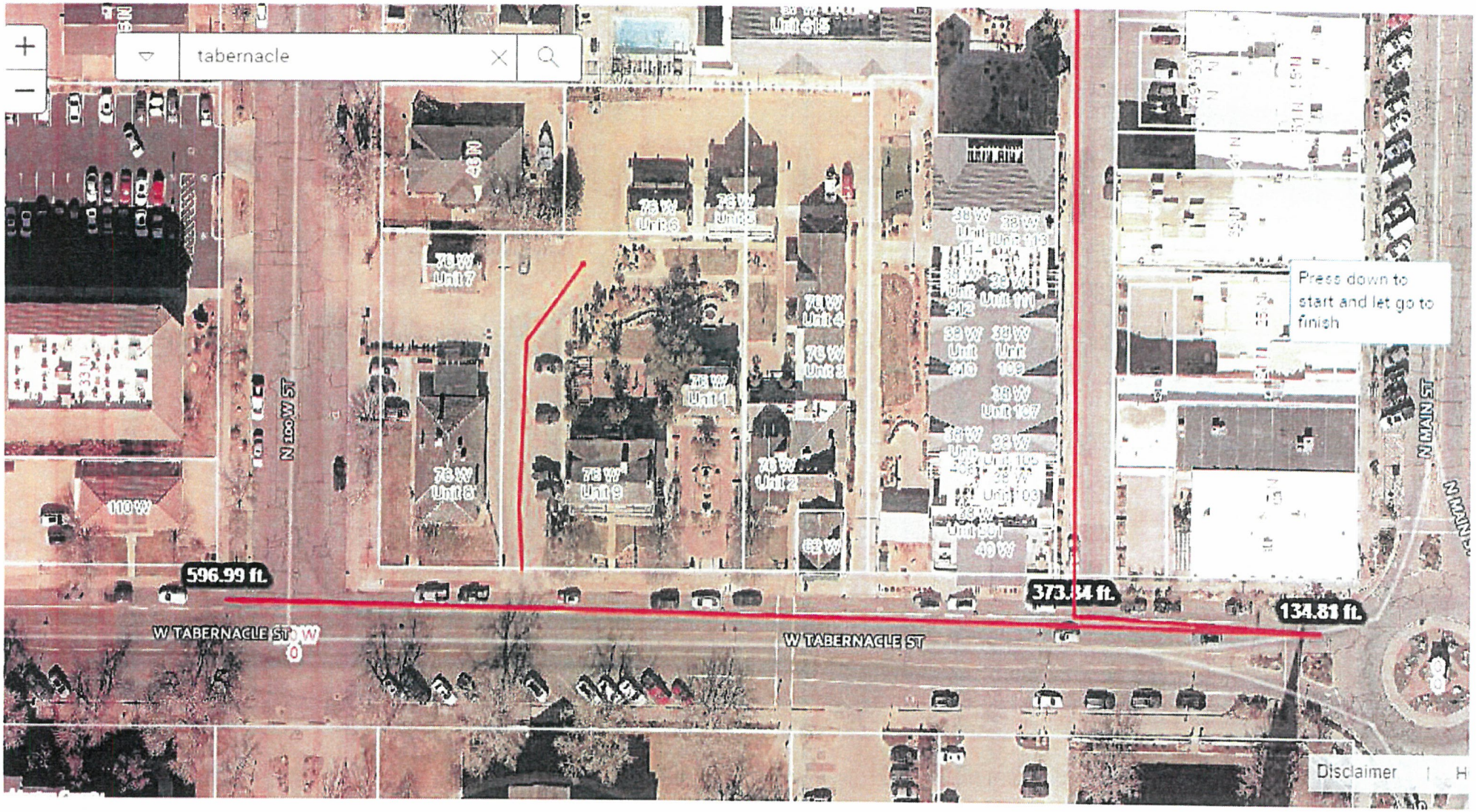
Your map **must include**:

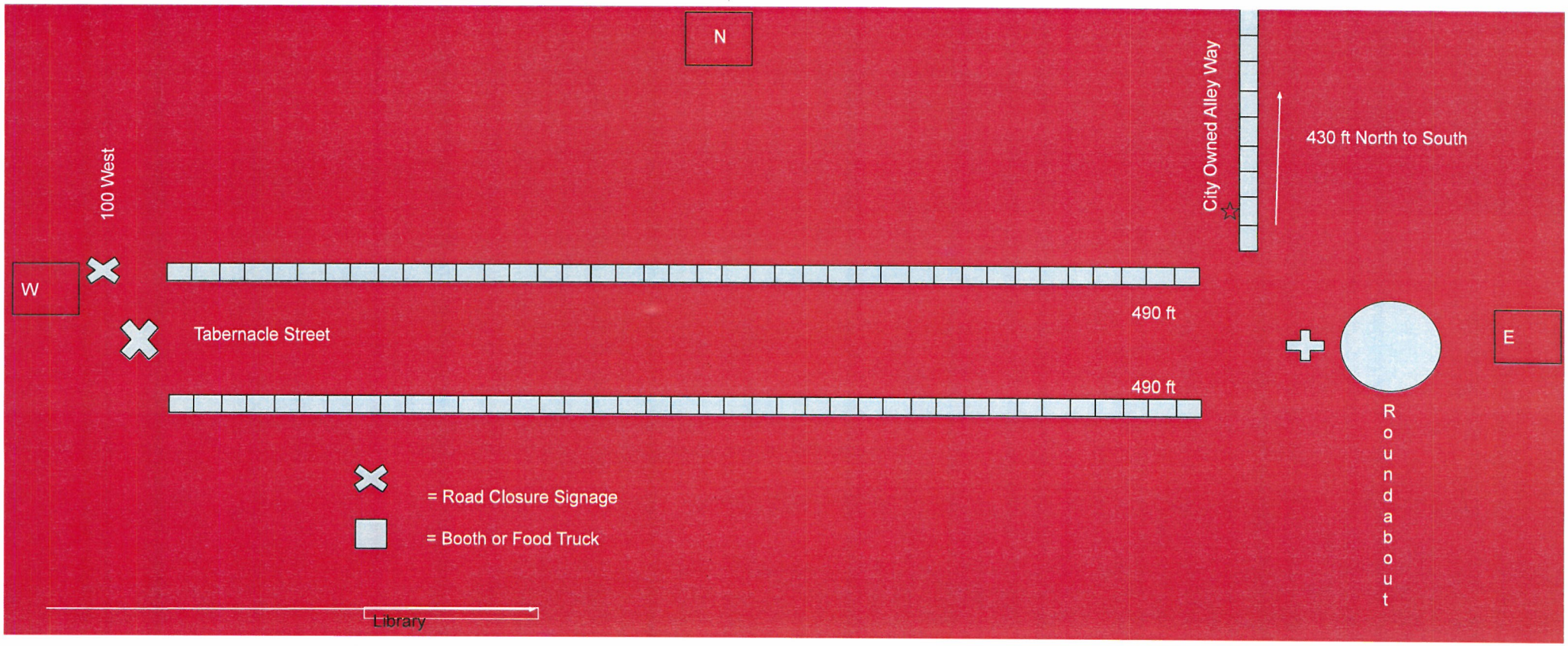
- The names of streets, placement of barricades, and/or road/sidewalk closures
- The areas where participants and vendors/merchants will park
- Parade forming and disbanding areas, bleachers, etc.
- Vendor and booth placement, tables, etc.
- Portable toilets, dumpsters, fencing
- Location of security personnel, information booth, lost and found booth
- Stage, tents and materials, storage, inflatable amusement devices, table placement, etc. used in the event.

North




E ST GEORGE BLVD
1ST N
Zion's Square


tabernacle
596.99 ft.
373.34 ft.
134.81 ft.
W TABERNACLE ST
W TABERNACLE ST
N 100 W ST
N MAIN ST
Press down to start and let go to finish
Disclaimer


N
100 West
W
Tabernacle Street
490 ft
490 ft
City Owned Alley Way
430 ft North to South
E
Roundabout
= Road Closure Signage
= Booth or Food Truck
Library

Date Received Vendor List:_____ Permit No: _____

Payment Received: _____ Date Completed: _____

SUB-LICENSE FEE(S)

St.George
THE BRIGHTER SIDE

Please make check payable to: CITY OF ST. GEORGE

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

Phone: 435-627-4712
E-mail: events@sgcity.org

EVENT NAME: Taste of Southern Utah Food Festival **CONTACT PHONE:** [redacted]

EVENT DATE(S): r 28th. (set up Octobe **EVENT LOCATION:** Main Street

VENDOR INFORMATION

Please provide the following information for all vendors. The sub-license fee for each vendor is $5.00.
Special Event Tax Numbers are required for each Vendor, 801-297-6303. Those Vendors selling, giving away, or preparing food on site are required to obtain approval from the Southwest Utah Public Health Department, 435-986-2580.

#	Vendor Name	Vendor Phone #	Product or Service to be offered at Event	Payment $5.00
1	TBD Closer to the event			
2				
3				
4				
5				
6				
7				
8				
9				
10				

Date Received: 1/26/23 Permit No: _____

Police Approved: _____ Date Issued: _____

Approval with Comments:

SECURITY PLAN APPROVAL REQUEST FORM

St.George
THE BRIGHTER SIDE

Rev. 09-20-22

All questions must be answered completely or application will not be considered. Please allow TEN (10) days for approval. Together with this application, please provide a written Security Plan including names of all security personnel.

EVENT NAME: Taste of Southern Utah Food Festival

Event Location: Main Street

Type of Event: Food Festival **Do You Expect Any Protesters?** ☐ YES ☑ NO

Date of Event: October 28th. (set up Octo **Hours of Event:** 9AM-6PM

Number of Expected Attendance: 1000 **Occupancy Load:**

Name of Applicant: Indigo Klabanoff

Address: [redacted]

Day Phone: [redacted] **Cell/Other:**

E-mail: [redacted]

- Security Personnel must be 21 years old or older;
- A Security Director must be onsite at all times with a cell phone;
- Shirts or Vests must look the same. "SECURITY" must be stated on the shirt or vest so it is visible to the public and the Police Department.

Please check applicable Security:

The following will allow for the calculation of security required. The calculations will change depending on the type of event.

☐ **Police Officers ($100/hr)**	**2 Police Officers per**	**1 to 300 People**
☐ **Security Officers in Uniform**	**3 Security Officers per**	**1 to 300 People**
☑ **Private Citizens in Security Shirts or Vests**	**4 Private Citizens per**	**1 to 300 People**

Name of On-site Security Director: TBD Closer to the event **Cell Number:** _____

E-mail: _____

Comments:

I understand that falsifying any information on this application constitutes sufficient cause for rejection or revocation of the Special Event Permit. I also understand that the Police Department may require additional information as permitted by Ordinance, and also agree to supply the same.

Applicant Signature: _____ **Date:** 1/26/23

SECURITY PLAN INFORMATION

1. Please list the names of the security personnel, age, and cell phone number:

First	Last	Age	Cell Phone Number
TBD Closer to the event			

2. Please indicate the number of security personnel that will be roaming on the premises of the event: 6.

3. Please provide a detailed Security Plan:

Security people will be patrolling the event

4. Please mark on the site plan the locations of each security person:

TBD closer to the event & after conversation with security staff.

Tani Pack Downing #6122
Jami Brackin #8753
Alicia Galvany Carlton #17996
Ryan N. Dooley #17006
St. George City
175 East 200 North
St. George, Utah 84770
Phone: (435) 627-4600
Fax: (435) 627-4260
Ryan.dooley@sgcity.org
Attorneys for Respondent

RECEIVED
APR 10 2023
ST. GEORGE CITY
CITY RECORDER'S OFFICE

BEFORE THE ST. GEORGE CITY COUNCIL
ST. GEORGE CITY, UTAH

Mitski Avalox, Appellant, vs. St. George City, Respondent.	RESPONDENT'S BRIEF

NOW COMES undersigned for and in behalf of Respondent, and submits the following brief for the Council's use and consideration in preparation for the appeal hearing set for Tuesday, April 11, 2023.

INTRODUCTION

This is an appeal from the City's March 31, 2023, denial of Mitski Avalox's (Appellant) March 03, 2023 special event application for violating City Code 3-10-4(C) prohibition of advertising prior to obtaining city approval or prior to a city permit being issued.

OVERVIEW OF THE EVIDENCE

The evidence in this appeal consists of the following documents:

1. Appellant's Special Event Application dated March 03, 2023
2. Special Event Permit Application Denial Letter Dated March 31, 2023
3. Appellant's Notice of Appeal Received April 05, 2023
4. City Recorder's Letter Dated April 7, 2023
5. Affidavit of City Manager John Willis
6. Affidavit of Assistant City Attorney Ryan N. Dooley with Exhibit A
7. Affidavit of Special Events Coordinator Sarah Reber

The Respondent does not anticipate giving live testimony.

BRIEF FACTS

Appellant submitted a Special Event Permit Application on or about March 03, 2023, on behalf of Southern Utah Drag Stars for an event titled "Our Allies & Community Drag Show" to take place at Vernon Worthen Park with approximately five hundred (500) participants. The proposed date(s) of the event was April 28, 2023, with set up occurring the same day.

City Manager John Willis received concerns from the City Council regarding the City Code's requirement that special event applications be received at least 45-days before the scheduled event, as well as the City Code's prohibition of advertising prior to city approval of the special event is granted and a special event permit is issued. See Affidavit of John Willis.

Undersigned assigned the research task to our legal intern to find out which, if any, applicants were advertising prior to their event permit being granted or issued. See Affidavit of Ryan N. Dooley.

A majority of the City Council wanted the City Code to be strictly adhered to and otherwise enforced against new events and to exempt reoccurring and city sponsored events as

the City Council directed staff to prepare an ordinance for the City Council to ratify this decision at the April 06, 2023, City Council meeting.

The event was advertised on or before March 21, 2023, on Facebook. See Exhibit A attached to the Affidavit of Ryan N. Dooley.

The permit denial was therefore issued by Special Events Coordinator Sarah Reber. See Affidavit of Sarah Reber.

LEGAL AUTHORITY

City Code Section 3-10-1 et seq. governs Special Events in the City. Appellant applied for an event permit that fits the definition of a "special event" as it was:

> "Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city." City Code Section 3-10-2.

Appellant submitted the application fifty-six (56) days before the event was scheduled to take place in compliance with City Code Section 3-10-4(A).

However, the City Code prohibits the advertising of special events prior to the permit being issued:

> *Advertising:* No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued. City Code Section 3-10-4(C).

The City may deny a special event application if the proposed special event violates the City Code:

> A. *Grounds For Denial:* The special event application may be denied by the city if: 1. The proposed special event violates a law, ordinance, policy, procedure, or regulation or poses a danger or threat to the public health, safety or welfare, or

causes unreasonable inconvenience or cost to the public. City Code Section 3-10-8(A)(1).

ARGUMENT

I. THE CITY PROPERLY DENIED APPELLANT'S SPECIAL EVENT APPLICATION BECAUSE APPELLANT ADVERTISED BEFORE THE PERMIT WAS ISSUED

The City Council and Mayor, through the City Manager, directed Staff to strictly adhere to the City Code Sections 3-10-1 et seq. and to otherwise enforce the Code as to new events. See Affidavit of John Willis, Ryan N. Dooley, and Sarah Reber.

Appellant clearly advertised the event on Facebook as documented in Exhibit A.

CONCLUSION

Staff properly followed the City Council's policy directive to strictly adhere to the City Code's prohibition of advertising new events until city approval of the special event was granted and a special event permit was issued. Because Appellant advertised the "Our Allies & Community Drag Show" prior to the city's approval of the special event permit, the permit was properly denied, and the City's denial should be upheld.

Date: April 10, 2023

Ryan N. Dooley
Assistant City Attorney

RECEIVED
APR 10 2023
ST. GEORGE CITY
CITY RECORDER'S OFFICE

SOUTHERN UTAH
Dragstars

SPECIAL EVENTS PERMIT: DENIAL APPEAL

Prepared by
Mitski Avalōx
Chief Executive Officer

Prepared for
City of St. George
Appeals Committee

04.10.2023

Table of Contents

EXECUTIVE SUMMARY II

INTRODUCTION 3

BACKGROUND 4

LIMITATIONS AND RESTRICTIONS 4

WITNESS LIST 5

SARAH REBER 5
INDIGO KLABANOFF 5
CHAVAH LE LA CHEUR 5

IDENTIFICATION OF LEGAL AMBIGUITIES AND INCONSISTENCIES 5

VERBIAGE 6
DENIAL OF ALLIES AND COMMUNITY DRAG SHOW FESTIVAL PERMIT 6
FAVORITISM 6

CONCLUSION 7

APPENDICES 8

EXHIBIT A 8
EXHIBIT B 8
EXHIBIT C 9
EXHIBIT D 9
EXHIBIT E 10
EXHIBIT F 10
EXHIBIT G 11
EXHIBIT H 12
EXHIBIT I 13
EXHIBIT J 14
EXHIBIT K 15
EXHIBIT L 16

Executive Summary

This report is an appeal for the Allies and Community Drag Show Festival Event special event permit application denial by providing a witness list, written statements, written arguments, and evidence that proves the city is inconsistent and ambiguous in the treatment of city codes §3-10-3; §3-10-4(C); §3-10-8(A). In addition, there will be background information that establishes a timeline, an appendix, limitations and restrictions, discussion of verbiage and favoritism. Below is the appeal letter sent to the city of St. George's records:

"I am writing to appeal the denial of my Allies & Community Drag Show Festival special events permit application, which was denied on March 31st, 2023. I believe that the denial was based on favoritism, and I respectfully request that the decision be reconsidered.

I applied for the Allies & Community Drag Show Festival special events permit in order to provide a legal, safe, and community-based event. I provided all the necessary documentation and information, including a vendor list, security plan, and detailed layout of the event. On March 23rd, I received permission from Special Events Coordinator, Sarah Reber, to advertise the event. Despite this, my application was denied on the grounds that I had violated city code §3-10-4(C).

I strongly believe that my application was denied unfairly because of favoritism shown towards another applicant or group of applicants. I have reason to believe that the other applicant or group of applicants may have received preferential treatment due to personal connections, relationships, or other non-related factors as there have been over half a dozen instances in the last year where events were allowed to advertise before the permit was granted.

I request that my application be reconsidered on the basis that other applicants or groups of applicants were allowed to advertise in violation of City Code §3-10-4(C) without repercussion. I am willing to provide any additional information or documentation that is needed to demonstrate my qualifications for the permit. I am confident that I can meet all the necessary requirements and provide a legal, safe, and community-led event for the people of St. George.

Thank you for your attention to this matter. I look forward to hearing from you soon."

In addition to the favoritism argued in the appeal letter, there is much more to discuss in relation to the denial of the special events application for the Allies and Community Drag Show Festival to be hosted on April 28th.

Introduction

On March 31st at approximately 4:56 p.m., Southern Utah Drag Stars (SUDS) received a letter from Special Events Coordinator Sarah Reber advising that SUDS had violated the following city codes (see Exhibit H):

City Code §3-10-3 states: It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit.

City Code §3-10-4(C): "Advertising: No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued."

City Code §3-10-8(A). "Grounds For Denial: The special event application may be denied by the city if: 1. The proposed special event violates a law, ordinance, policy, procedure, or regulation or poses a danger or threat to the public health, safety or welfare, or causes unreasonable inconvenience or cost to the public."

Due to violating these city codes, the City of St. George denied SUDS' special events permit application for SUDS' Allies and Community Drag Show Festival. SUDS hopes the city of St. George will rescind its denial letter, issue the special events permit for the following community event, and review its special events advertising clause on the following basis: events in the past have advertised before the special event permit is issued, the verbiage of City Code §3-10-4(C) is unrealistic an unattainable for most special events, and an advisory to advertise from special events coordinator Sarah Reber was issued verbally on March 23rd. Second, this report shows the inconsistencies and ambiguity in the enforcement of city codes relating to special events. In addition to these arguments, I will provide evidence in the appendix section, and establish a timeline of the special events application for the Allies and Community Drag Show Festival, including written statements and a witness list.

Background

Before we determine a judgement, here is a timeline of the application process for the Allies and Community Drag Show Festival event:

- February 22nd, SUDS received an email from Sarah Reber that SUDS had a hold on Vernon Worthen Park for the Allies event on the 28th (see Exhibit A).
- March 3rd, SUDS submitted a special events application to officially host an event on April 28th at Vernon Worthen Park (see Exhibit B). SUDS had mapped out to use about 50,000 square feet of the park.
- March 10th, Sarah Reber emailed SUDS suggesting the use of a different park (see Exhibit C) J.C. Snow is chosen instead.
- March 17th, Sarah Reber states she is waiting on signatures for the event (see Exhibit D)
- March 23rd, Mitski goes in-person to the city of St. George and asks Sarah Reber if SUDS may begin advertising, she agrees.
- March 28th, SUDS holds a photoshoot for the flyer advertisement (see Exhibit E).
- March 30th, SUDS Posts advertisement on social media for Allies event (see Exhibit F).
- March 31st at approximately 3:50 p.m., Mitski goes to the city of St. George after receiving an email to pay for Vernon Worthen Park (see Exhibit G). Sarah reassures Mitski that the committee is still signing off on the permit.
- March 31st at 4:56 p.m., Mitski receives a letter from Sarah Reber informing the denial of the permit application (see Exhibit H).
- March 31st , Liberty Action Coalition member Rhanda Hunter Todd comments on the SUDS flyer approximately around 6:30 p.m. stating that the Allies permit has been denied (see Exhibit I).

This timeline is created to display key events throughout the process of the Allies and Community Drag Show Festival special event permit application.

Limitations and Restrictions

Southern Utah Drag Stars received an appeal notice and requirements on April 7th and required by the city to provide evidence, witness list, written statements, and written arguments on April 10th. The limited time of three days over a holiday weekend hindered SUDS' ability to provide more evidence and witnesses than just the one instance of the St. George Market. SUDS is aware of more evidence but due to lack of time for correspondents to respond in a three-day holiday weekend, SUDS is unable to provide

more evidence now. In addition to this, the witnesses stated below did not have enough notice since they had less than a business day to be aware of the hearing on April 11th at 2 p.m. before the city council. However, even with the St. George Market example explained below, that should be more than enough to have this appeal be granted before the city council of the city of St. George.

Witness List

Due to the lack of time to develop an adequate witness list, the following list is brief.

Witness	Available
Sarah Reber	Unknown
Indigo Klabanoff	Unavailable
Chavah Le La Cheur	Unavailable

Sarah Reber

As the special events coordinator for the city of St. George, Sarah Reber would be a key witness in retelling and confirming the timeline and will be able to confirm events that have advertised in the past without the final special event permit issuance. In addition, Sarah can confirm that on March 23rd, she gave permission to Southern Utah Drag Stars to advertise.

Indigo Klabanoff

As the owner of the St. George Market, Indigo Klabanoff would be a key witness to describe her experience in advertising the St. George Market without the final special event permit issuance, see instead Exhibit J of her advertisement on social media and Exhibit K of her appeal letter for the denial of her Taste of Southern Utah Event special event permit application. In addition to Exhibit J & K, see Exhibit L for her issuance date of the St. George Market special event permit.

Chavah Le La Cheur

Chavah Le La Cheur is the St. George Women's March event coordinator and has advertised before her final special event permit issuance. She would be a key witness to affirm that the city of St. George has allowed events to advertise their special events without the final permit.

Identification of Legal Ambiguities and Inconsistencies

As seen in Exhibit J K and L, the city of St. George has allowed the St. George market to advertise their event on Jan 6th Of 2023 and issued the St. George Market their special event permit on March 10th, 2023, almost nine weeks later. City Codes §3-10-3 & §3-10-4(C) state: "It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit; Advertising: No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued." As stated by these city codes, the city of St. George should have denied the St.

George Market's special event permit application, instead the St. George Market was rewarded with their special event permit. Why has the city chosen to favor some groups by granting those groups who advertise their events before their final permit issuance permits while denying others who do the same?

Verbiage

As argued by Indigo Klabanoff in her appeal letter in Exhibit K, city code §3-10-4(C) states: "Advertising: No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued." As Ms. Klabanoff argues, if this city code were to be taken literally, most of St. George's special events would not be able to succeed in marketing for their events as most permits are issued the day of or day before an event. Not advertising until the special event permit is issued is unattainable and unrealistic for virtually all events and has not been the reality for events in the past. We urge the city of St. George to review this clause as it is used ambiguously and inconsistently enforces the clause based on the content of an event.

Denial of Allies and Community Drag Show Festival Permit

The City of St. George has justified the denial of the special event application of the Allies and Community Drag Show Festival event based on these city codes: City Code §3-10-3; §3-10-4(C); §3-10-8(A). As it can be argued as a just denial, as shown in Exhibits J K and L, the city has not enforced those codes until March of 2023 when they denied a collective few events after a 6-month ban on all special events applications. As to treat every group fairly, the city of St. George should rescind all denial letters relating to the violation of city codes §3-10-3; §3-10-4(C); §3-10-8(A) since it has only recently decided to enforce these codes.

Favoritism

If the city of St. George chooses to keep current decisions of denial in place, the city seems to be operating at a place of favoritism by choosing which events they decide to enforce city codes with. While some may argue that favoritism can be beneficial, it is ultimately a harmful practice that undermines the principles of fairness and transparency in government decision-making.

First and foremost, favoritism can lead to a lack of diversity and innovation in the special events process. By favoring the same individuals and organizations repeatedly, the city of St. George is depriving itself of the opportunity to discover new and unique event ideas and concepts. This can result in a stale and uninspiring event scene, with the same events being repeated year after year.

Furthermore, favoritism can create an unequal playing field, with some individuals and organizations receiving preferential treatment simply because of their connections or relationships with those in power. This can lead to resentment and mistrust among members of the community, who may feel that the special events process is rigged against them.

Finally, favoritism can undermine the integrity of the special events process and erode public trust in the city's ability to process special event applications and more. When decisions are made based on personal relationships and prejudices rather than merit and qualifications, it creates the perception that the special events process is not open, fair, and transparent.

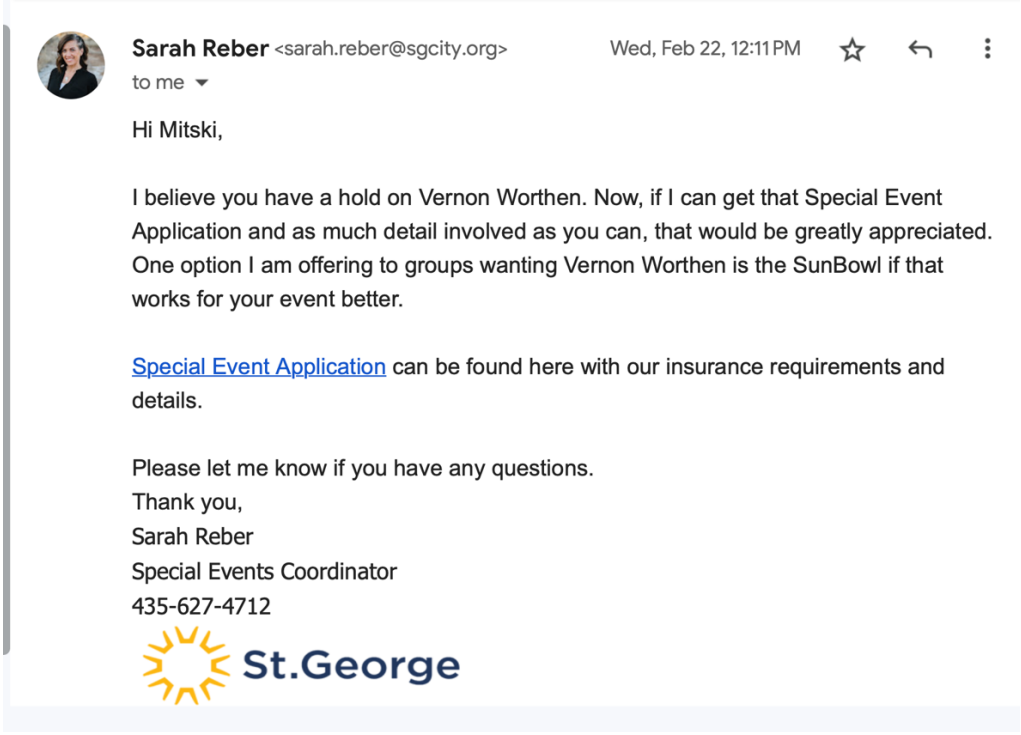
Therefore, while it may be tempting to rely on favoritism in the special events process, it is ultimately a harmful and counterproductive practice that undermines the principles of fairness and transparency in the city of St. George's decision-making and opens the city to lawsuits. The municipality should strive to promote diversity, innovation, and equal opportunity in the special events process to ensure the best possible outcome for all members of the community including those of varied sexual and gender identities.

Conclusion

In Conclusion, Southern Utah Drag Stars should granted an appeal on the basis of the evidence provided above arguing that the city has allowed events to advertise prior to the submission of the Allies and Community Drag Show Festival. Through the evidence provided by Ms. Klabanoff, the city of St. George is shown to be inconsistent and ambiguous when it comes to city codes §3-10-3; §3-10-4(C); §3-10-8(A). These city codes were used to justify the denial of SUDS' special event permit application in an unfair manner. As we move forward, Southern Utah Drag Stars hopes to see the city of St. George rescind its denial letter, issue the special events permit for the Allies and Community Drag Show Festival, and allow this community event to thrive.

Appendices

Exhibit A



Sarah Reber <sarah.reber@sgcity.org> Wed, Feb 22, 12:11 PM

to me

Hi Mitski,

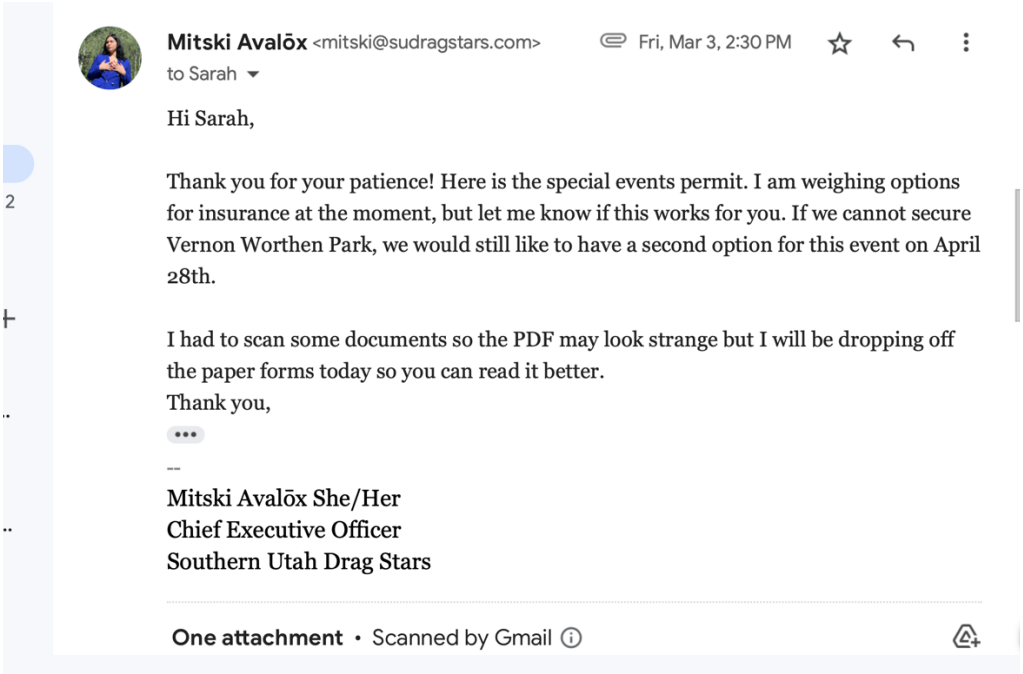
I believe you have a hold on Vernon Worthen. Now, if I can get that Special Event Application and as much detail involved as you can, that would be greatly appreciated. One option I am offering to groups wanting Vernon Worthen is the SunBowl if that works for your event better.

Special Event Application can be found here with our insurance requirements and details.

Please let me know if you have any questions.
Thank you,
Sarah Reber
Special Events Coordinator
435-627-4712

St.George

Exhibit B



Mitski Avalōx <mitski@sudragstars.com> Fri, Mar 3, 2:30 PM

to Sarah

Hi Sarah,

Thank you for your patience! Here is the special events permit. I am weighing options for insurance at the moment, but let me know if this works for you. If we cannot secure Vernon Worthen Park, we would still like to have a second option for this event on April 28th.

I had to scan some documents so the PDF may look strange but I will be dropping off the paper forms today so you can read it better.
Thank you,

--

Mitski Avalōx She/Her
Chief Executive Officer
Southern Utah Drag Stars

One attachment • Scanned by Gmail

Exhibit C



Sarah Reber Fri, Mar 10, 12:33 PM

to me

Hi Mitski,

I know we talked about various locations for your event. Due to the Farmer's Market we haven't allowed events in the past the night before since they use that evening to mark and it cuts down on the overuse of the park. The next park that could work is JC Snow. It would be $200 for the rental and that is the pavilion and the entire thing. Let me know what you think and we'll keep planning.

Thank you,
Sarah Reber
Special Events Coordinator
435-627-4712

St.George

Exhibit D



Sarah Reber Fri, Mar 17, 4:31 PM

to me

Hi Mitski,

I do not know why I cannot get through on your phone. I'm sorry about that.

What happens now- I sent the application and map to the committee and I'm just waiting for the sign offs. Then we can get insurance and all those things figured out and make the payments (permit and park reservation). Have a great weekend.

Thank you,
Sarah Reber
Special Events Coordinator
435-627-4712

St.George

Exhibit E

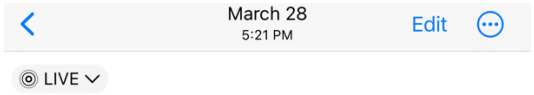




Exhibit F



Exhibit G



Do-Not-Reply@sgcity.org Wednesday
To: mitski@sudragstars.com >

St. George City Park Reservation Payment Pending

Your Park Reservation Request for the Covered Pavilion @ Vernon Worthen Park has been Approved Payment Pending by the Parks Department.

Confirmation #: 231802

Start Date/Time:04/28/2023 7:00 AM **End Date/ Time:**04/28/2023 9:00 PM
Name: Alliies & Community Drag Show Mitski Avalos (Avalox)
Email Address:mitski@sudragstars.com
Phone Number:
Company/Team Name:
Number of Attendes:600
Description of Event Taking place at this Park Amenity:
Notes: Drag Show

Exhibit H


SU Dragstars-Denial.pdf
St.George
THE BRIGHTER SIDE
March 31, 2023
Southern Utah Drag Stars
Mitski Avalox
RE: Special Event Permit Application
Dear Mitski,
It has come to the City's attention that several applicants for special event(s) have publicly advertised the special event prior to a special event permit being granted or a special event permit being issued; your event is one of them.
City Code §3-10-3 states: It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit.
City Code §3-10-4(C): "Advertising: No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued."
City Code §3-10-8(A). "Grounds For Denial: The special event application may be denied by the city if: 1. The proposed special event violates a law, ordinance, policy, procedure, or regulation or poses a danger or threat to the public health, safety or welfare, or causes unreasonable inconvenience or cost to the public."
Your application is hereby denied for the following reason(s): advertising prior to receiving city approval and/or a special event permit is issued.
City Code §3-10-9: "Appeal Procedures: Any applicant for a special event permit desiring to appeal an administrative decision concerning the denial or modification of a special event permit may petition the city council if the decision was made by the city manager. Any decision made by the city council is final. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be delivered to the city recorder within five (5) calendar days after the date the applicant received notice of the denial."
CITY OF ST. GEORGE
435-627-4000 | 175 E. 200 N. - St. George, UT 84770 | sgcity.org
St.George
THE BRIGHTER SIDE
If you choose to exercise your right to appeal, you must submit your appeal to recorder@sgcity.org by 5:00 PM Wednesday, April 5, 2023.
Sincerely,
Sarah Reber
Special Event Coordinator

Exhibit I

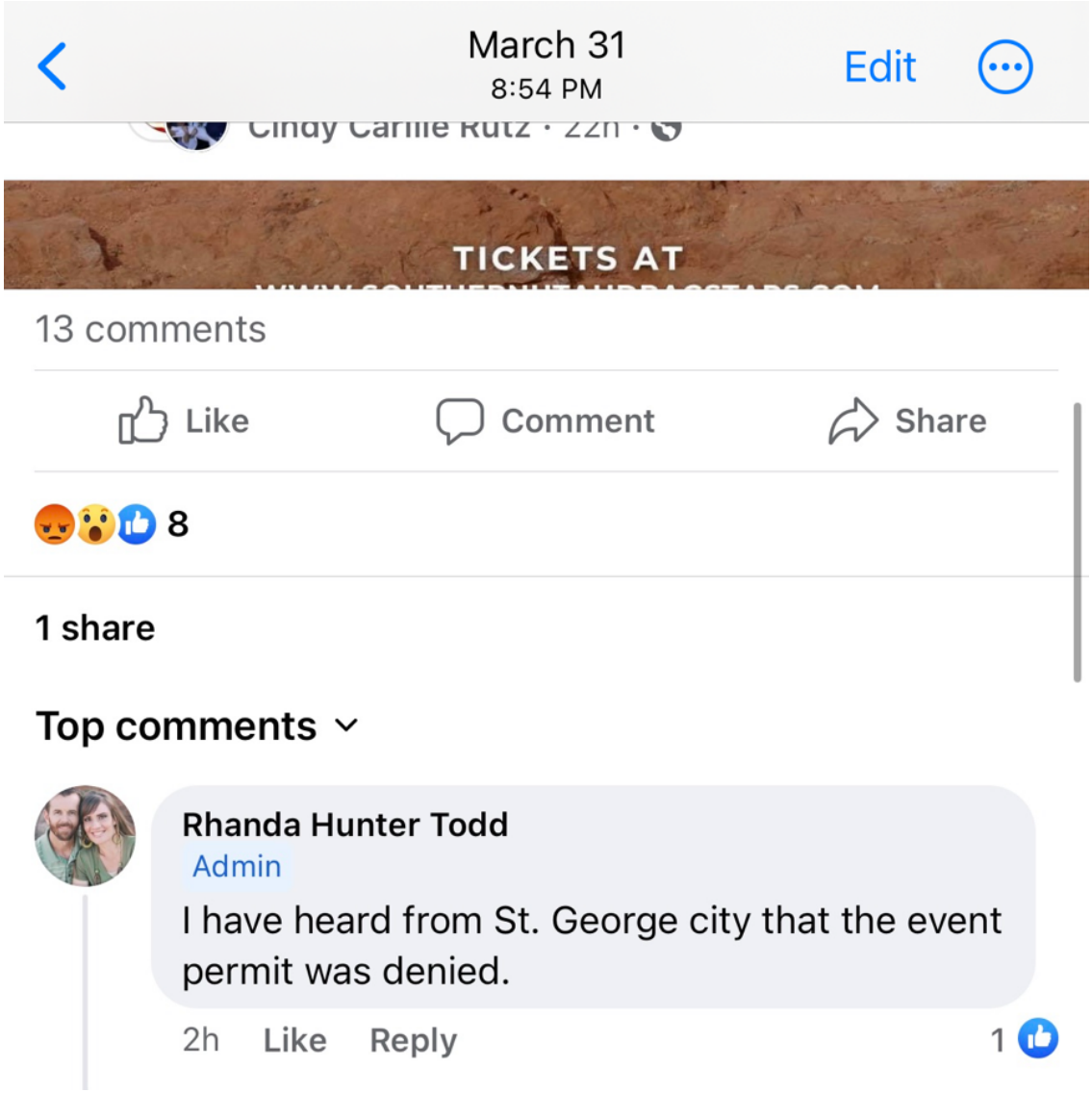

March 31
8:54 PM
Edit
TICKETS AT
13 comments
Like
Comment
Share
8
1 share
Top comments
Rhanda Hunter Todd
Admin
I have heard from St. George city that the event permit was denied.
2h
Like
Reply
1

Exhibit J

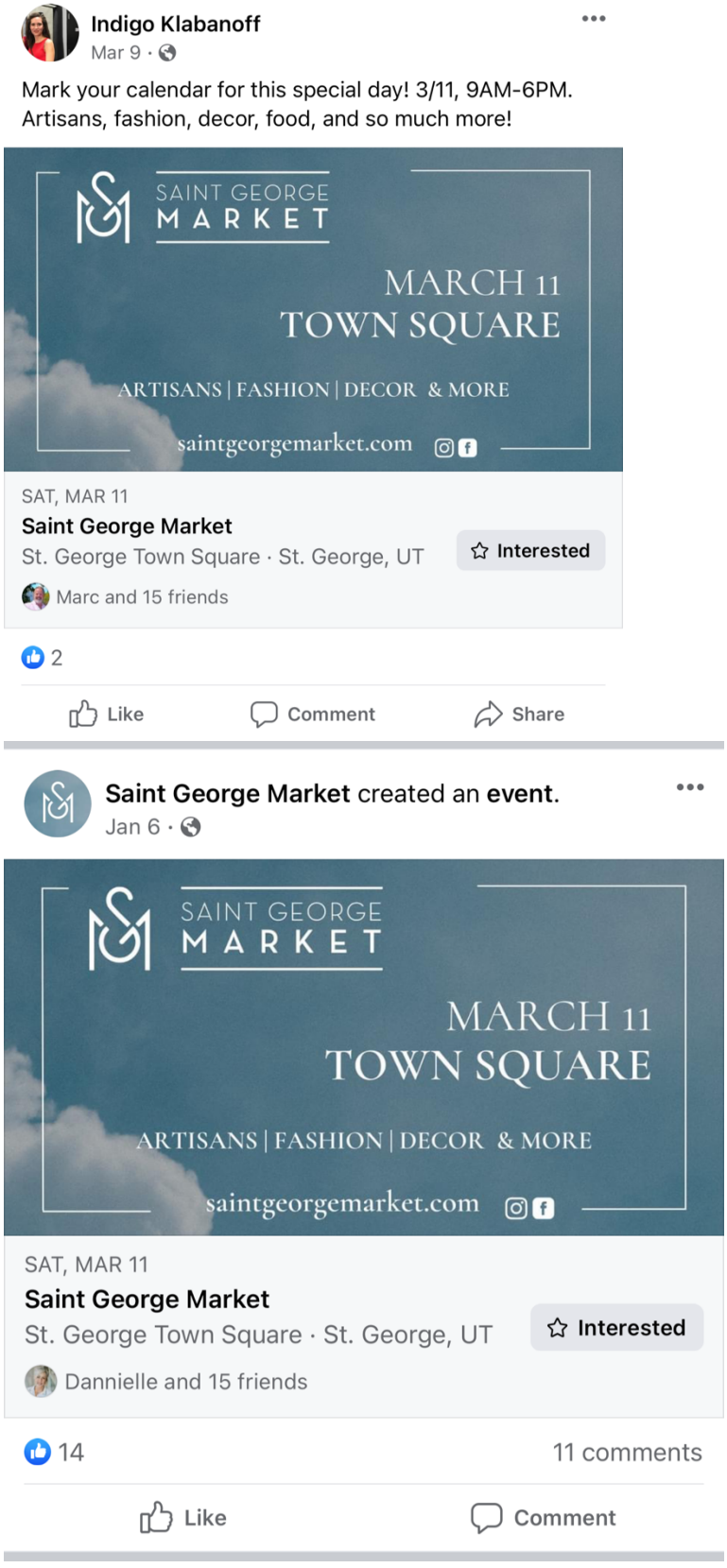

Indigo Klabanoff
Mar 9 ·
Mark your calendar for this special day! 3/11, 9AM-6PM.
Artisans, fashion, decor, food, and so much more!
SAINT GEORGE MARKET
MARCH 11
TOWN SQUARE
ARTISANS | FASHION | DECOR & MORE
saintgeorgemarket.com
SAT, MAR 11
Saint George Market
St. George Town Square · St. George, UT
Interested
Marc and 15 friends
2
Like
Comment
Share
Saint George Market created an event.
Jan 6 ·
SAINT GEORGE MARKET
MARCH 11
TOWN SQUARE
ARTISANS | FASHION | DECOR & MORE
saintgeorgemarket.com
SAT, MAR 11
Saint George Market
St. George Town Square · St. George, UT
Interested
Dannielle and 15 friends
14
11 comments
Like
Comment

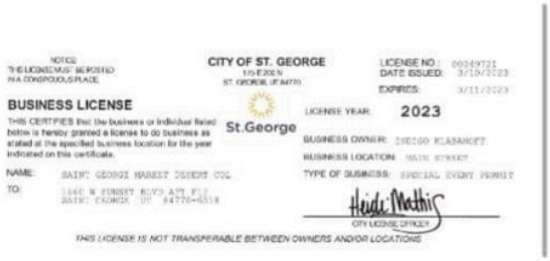
Exhibit K

To Whom It May Concern:

I have been advised that my application has been denied becauseThe Taste of Southern Utah has been advertised for the upcoming event, and for that reason one may not advertise prior to getting a special event permit.:

City Code §3-10-4(C): "Advertising: No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued." **Not 'and/or'. 'AND'.**

I would invite you to review your city code & its verbiage. If it's taken literally verbatim with the verbiage "and" no one with a special event permit including my outstanding Saint George Market would be able to advertise until the day of the permit issued. Permit is issued for the day of or day before. (see photo below)



CITY OF ST. GEORGE

BUSINESS LICENSE

St.George

LICENSE YEAR: 2023

THIS LICENSE IS NOT TRANSFERABLE BETWEEN OWNERS AND/OR LOCATIONS

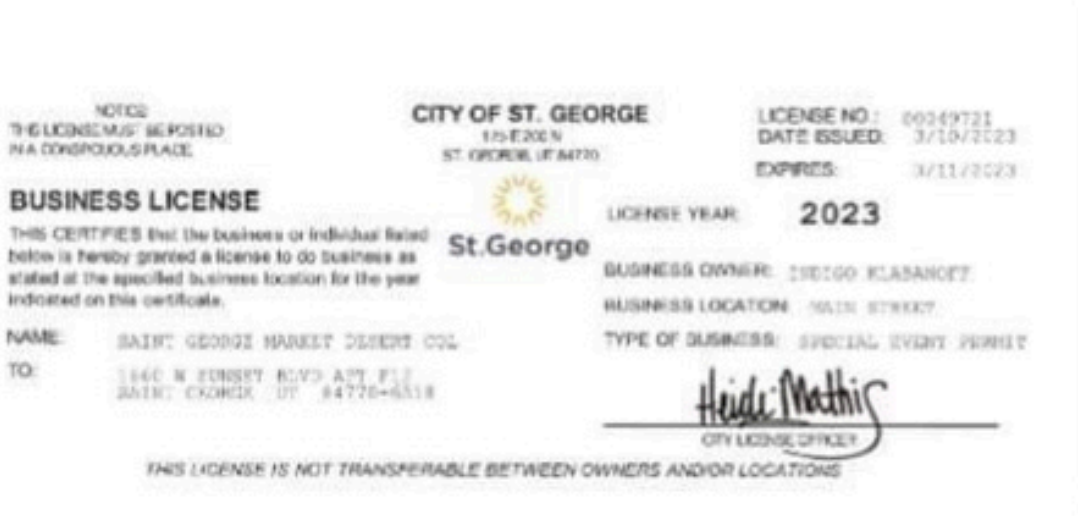
Please rescind your letter, and please get me the following answers as I would like to respectfully proceed with this event, given that I produce unique and community friendly events & have a track record of success. Questions from me are below.

1. I have given you everything on my application that has been requested. What day will you have an answer for me on my pending approval? I applied in January.
2. In the meantime what other questions do you have about holding my event at 100 West and Tabernacle? I have provided all you've asked on the application.

Sincerely,

The Seed Inc Brand

Exhibit L



NOTICE
THIS LICENSE MUST BE POSTED
IN A CONSPICUOUS PLACE

CITY OF ST. GEORGE
175 E 200 N
ST. GEORGE, UT 84770

LICENSE NO.: 00269721
DATE ISSUED: 3/10/2023
EXPIRES: 3/31/2023

BUSINESS LICENSE

THIS CERTIFIES that the business or individual listed below is hereby granted a license to do business as stated at the specified business location for the year indicated on this certificate.

St.George

LICENSE YEAR: 2023

BUSINESS OWNER: DIEGO KLABANOFF

BUSINESS LOCATION: MAIN STREET

TYPE OF BUSINESS: SPECIAL EVENT PERMIT

NAME: SAINT GEORGE MARKET DESERT COL

TO: 1660 N SUNSET BLVD APT F12
SAINT GEORGE UT 84770-6518

Heidi Mathis
CITY LICENSE OFFICER

THIS LICENSE IS NOT TRANSFERABLE BETWEEN OWNERS AND/OR LOCATIONS

St.George

THE BRIGHTER SIDE

April 7, 2023

Mitski Avalox
Southern Utah Drag Stars
[redacted]

Re: Appeal of administrative decision – Denial of event permit

Dear Ms. Avalox,

Your appeal of the denial of an event permit will be heard before the St. George City Council on Tuesday, April 11, 2023 at 2:00 p.m. in the Council Chambers of City Hall located at 175 E. 200 N. in St. George.

Each party is required to submit to the City Recorder, any evidence, witness list, written statements, or written arguments on or before 4:00 p.m. on Monday, April 10, 2023. The information should be delivered via email to recorder@sgcity.org. The Recorder will ensure that the submitted information is shared with the opposing party and the City Council when received.

At the hearing, you will be able to present your appeal, evidence, witnesses, and arguments first. The City will then present their basis for denial. You will have the opportunity for a final rebuttal argument after that presentation.

The City Council, who will be acting in a quasi-judicial capacity, will then deliberate and may do so in private (closed meeting) or in public. They will provide a decision at the conclusion of the proceedings or may take the matter under advisement and announce the decision at a later time. Either way, the decision will be reduced to a written decision, the date of which will commence the start of any further appeal process.

Should you have any further questions, please feel free to contact me.

Sincerely,

Christina Fernandez
City Recorder

SOUTHERN UTAH
Dragstars

Special Event Permit Application Denial Appeal

April 5th, 2023

RECEIVED
APR 05 2023
ST. GEORGE CITY
CITY RECORDER'S OFFICE

TO:
City Council
City of St. George
175 East 200 North, St. George, Utah 84770

Dear City of St George,

I am writing to appeal the denial of my Allies & Community Drag Show Festival special events permit application, which was denied on March 31st, 2023. I believe that the denial was based on favoritism, and I respectfully request that the decision be reconsidered.

I applied for the Allies & Community Drag Show Festival special events permit in order to provide a legal, safe, and community-based event. I provided all the necessary documentation and information, including a vendor list, security plan, and detailed layout of the event. On March 23rd, I received permission from Special Events Coordinator, Sarah Reber, to advertise the event. Despite this, my application was denied on the grounds that I had violated city code §3-10-4(C).

I strongly believe that my application was denied unfairly because of favoritism shown towards another applicant or group of applicants. I have reason to believe that the other applicant or group of applicants may have received preferential treatment due to personal connections, relationships, or other non-related factors as there have been over half a dozen instances in the last year where events were allowed to advertise before the permit was granted.

I request that my application be reconsidered on the basis that other applicants or groups of applicants were allowed to advertise in violation of City Code §3-10-4(C) without repercussion. I am willing to provide any additional information or documentation that is needed to demonstrate my qualifications for the permit. I am confident that I can meet all the necessary requirements and provide a legal, safe, and community-led event for the people of St. George.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Regards,

Mitski Avalox

Mitski Avalōx
Chief Executive Officer

St.George

THE BRIGHTER SIDE

March 31, 2023

Southern Utah Drag Stars
Mitski Avalox

RE: Special Event Permit Application

Dear Mitski,

It has come to the City's attention that several applicants for special event(s) have publicly advertised the special event prior to a special event permit being granted or a special event permit being issued; your event is one of them.

City Code §3-10-3 states: It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit.

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Your application is hereby denied for the following reason(s): advertising prior to receiving city approval and/or a special event permit is issued.
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St.George

THE BRIGHTER SIDE

If you choose to exercise your right to appeal, you must submit your appeal to recorder@sgcity.org by 5:00 PM Wednesday, April 5, 2023.

Sincerely,

Sarah Reber
Special Event Coordinator

Date Received Application: 3/3/23 Permit No: _____

Insurance Received: _____ Date Issued: _____

APPROVALS:

Asst. City Manager: _____

Date: _____

Fire: _____ Date: _____

Conditions of approval:

_____

_____

Police: Please see the Security Plan Request Application for approval and conditions.

Other Staff Approval: _____

Date: _____ Rev. 09-19-22

SPECIAL EVENT PERMIT APPLICATION

St.George

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

Phone: 435-627-4712
E-mail: events@sgcity.org

TYPE OF ACTIVITY *(check all that apply)*:

- ☐ Film Production
- ☐ Outdoors Sales
- ☐ Parade
- ☐ Fun Run
- ☐ Cycling
- ☐ Sporting
- ☐ Dance
- ☐ 5K
- ☐ 10K
- ☐ Other: Drag Show
- ☐ Training Event
- ☐ Block Party
- ☒ Festival
- ☐ Religious

Please print or type

EVENT NAME: Our Allies & Community Drag Show

1. **Location of Event:** Vernon Worthen Park
2. **Name of Organization:** Southern Utah Drag Stars
3. **Date(s) of Event:** Friday, April 28th, 2023.
4. **EVENT DETAILS:**

[enter Start & End times as HH:MM]

Set-up	Date: 04/28/2023	Start time: 12:00 P.M. NOON	End time: 5:00 PM
Event	**Date:** Friday, April 28th, 2023.	**Start time:** 5:00 PM	**End time:** 7:30 PM
Clean-up	Date: 04/28/2023	Start time: 7:30 PM	End time: 10:00 PM

Is this a Recurring Event? NO **If yes; daily, weekly or other?** N/A

Is this an Annual Event? NO **If yes; same date and place?** N/A

5. **PARTICIPANTS**

of Participants & Attendees expected: 500 # of Volunteers/Event Staff: 18

☑ 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; ☐ Free.

6. **APPLICANT INFORMATION**

Name of Applicant: Mitski Avalōx

Address: [redacted]

Day Phone: [redacted] **Cell/Other:** **E-mail:** mitski@sudragstars.com

Mailing Address (if different):

Event Web Address (if applicable): sudragstars.com

Alternate Contact For Event:

Day Phone: N/A **Cell/Other:** N/A **E-mail:** N/A

7. **VENDORS/FOOD/ALCOHOL** *(check all that apply)*

☑ Yes ☐ No **Are Vendors/Merchants selling products or services?**
If yes, Temporary Sales Tax Numbers are required from the Utah State Special Event Tax Division 801-297-6303

☒ Yes ☑ No **Is Food available at the event? Description:** _____
If yes, Is the food *(please check all that apply)*
☐ Given away/pre-packaged ☐ Catered by: _____ ☒ Prepared on site
Events which have Food available must contact the SW Utah Health Department for approval 435-986-2580

☐ Yes ☑ No **Will Alcoholic Beverages be available at the event?**
If yes, *please check all that apply*
☐ Beer Stands ☐ Fenced-in Beer Garden
Selling, Serving, Giving Away, Alcohol at an event requires City Council, City Business License and State Of Utah Department of Alcoholic Beverage Licensing approval 801-977-6800

8. ~~TENTS~~/STAGES/STRUCTURES *(include details on site map)*

☒ Yes ☑ No **Tents/Pop-up Canopies?**
How many Tents/Pop-up Canopies will be used for the event? _____
Dimensions of Tents/Pop-up Canopies: 10x10 feet
All large or enclosed tents/canopies require Inspections from the SG Fire Department 435-627-4150

☑ Yes ☐ No **Temporary Stage?** **Dimensions of Stage:** 20x40 feet

Description of Tents/Canopies/Stage, etc.: 10x10 booths that will have canopies.

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

☐	**Fencing/Scaffolding**	
☑	**Barricades**	*(must obtain privately)*
☐	**Portable Sanitary Units**	*(must obtain privately)*
☐	**Inflatables, Bounce House(s)** ☐ Generator(s) & ☐ Certificate of Liability Insurance are required	*(must obtain privately)*
☐	**Climbing Wall, Axe Throwing, Mechanical Bull, Zipline, &/or Dunk Tank** ☐ Certificate of Liability Insurance is required	
☑	**Music** *If yes, check all that apply:* ☑ **Acoustic** ☑ **Amplified**	
☑	**PA/Audio System** **Type/Description:** Microphone and Speaker/Video Screen	
☐	**Fireworks/Fire Performances/Open Flame**	Requires approval from SG Fire Dept. 435-627-4150
☐	**Propane/Gas On-site**	Requires approval from SG Fire Dept. 435-627-4150
☑	**Trash/Recycle Bin coordination On-site**	WCSW 435-673-2813

10. **ROAD & SIDEWALK USE** *(please include details on site map)*

☐ Yes ☑ No **Will Roads & Sidewalks Be Used?**
☐ Yes ☑ No **Are you requesting Road &/or Sidewalk Closures?**
An Encroachment Permit is required for Road Closures and Sidewalk Use.
To obtain the permit, contact SG City Public Works Dept. 435-627-4058 https://www.sgcity.org/encroachment/

☐ **Road Use and Closure**	**Location:**	
☐ **Sidewalk Use**	**Location:**	☐ Will stay on sidewalks and follow pedestrian laws.
☐ **Parade Permit App**	**Location:**	**Number of Floats:**

11. **SECURITY/OTHER** *(please complete and sign the Security Plan Approval Request Form, for approval of Security)*

12. **Application Fee is based on attendance, and charged per day, as follows:**

☐ **$75.00 for attendance under 300**
☑ **$150.00 for attendance over 300**

Total: $ 150.00 *(payable to: City of St. George – Attn: Special Events, 175 East 200 North, St. George, UT 84770)*

By submitting a signed application, the applicant certifies that falsifying any information on this application constitutes cause for rejection or revocation of the Permit.

Mitski Avalōx	Mitski Avalōx	02/15/23
Applicant's Name [PRINT]	Applicant's Signature	Date

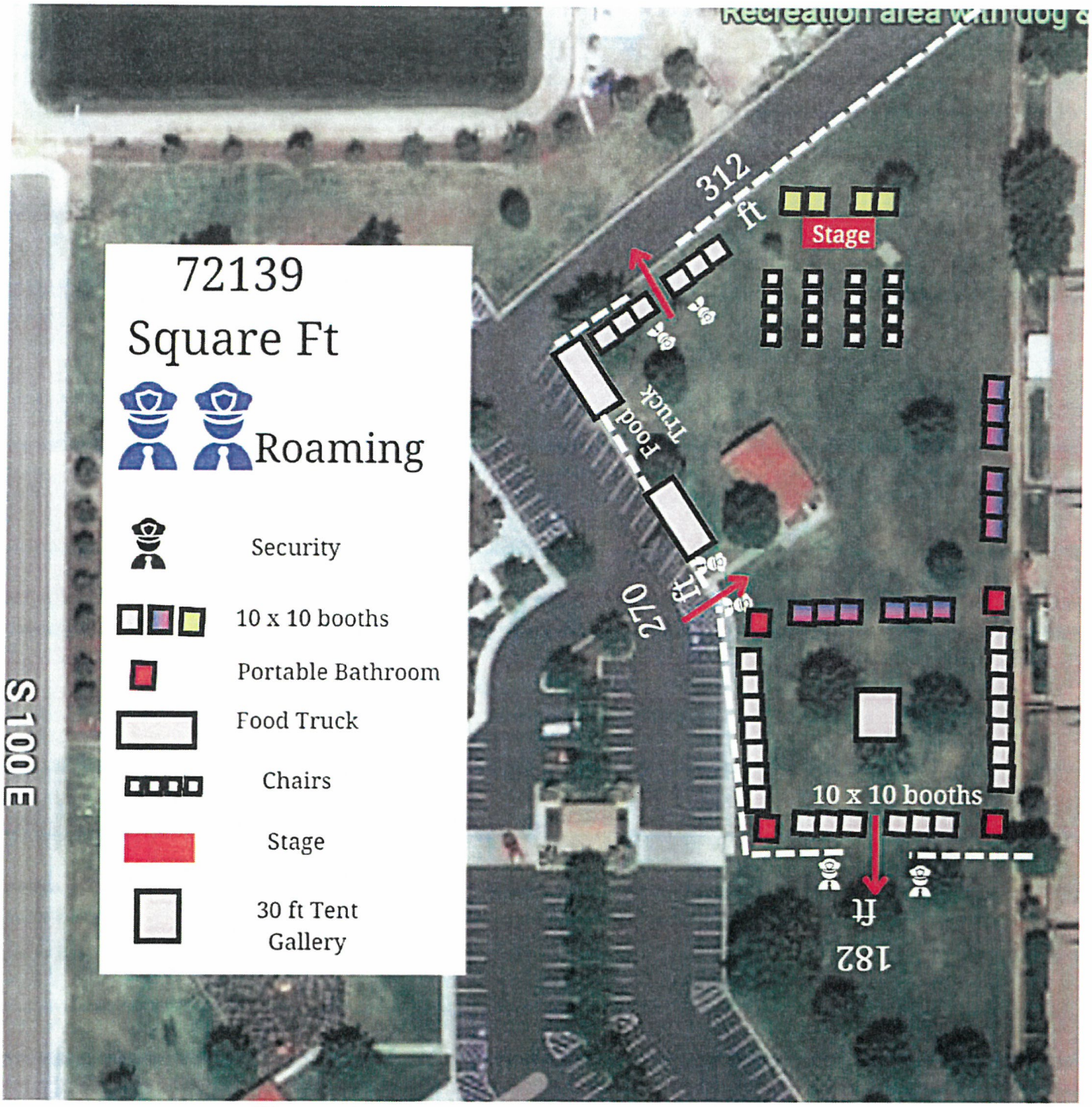
EVENT DESCRIPTION

PLEASE DESCRIBE YOUR EVENT IN DETAIL; ADD ANY ADDITIONAL INFORMATION OR PAGES.

- *Please be sure to include any elements of your event that will help with the approval of the event.*

The Allies & Community Drag Show festival will be an amalgamation of vendors and artists performing at Vernon Worthen Park April 28th. This festival will promote unity and community in a 4-hour festival. This event will not have any alcohol vendors, but it will have food and merchandise (T-Shirts, stickers, candles, etc). This event will also have informational booths in addition to the food and merchandise vendors. For this event we anticipate that there will be more than 300 people. There is a map attached that shows we will aproximately use 47290 square feet of the south-west side of Vernon Worthen Park. We will have 8 private citizens at this event for security with two at every entrance and two roaming the event. Security will have first-aid kits and identifying vests/T-shirts which have been trained for descalation tactics to demonstrate with protesters.

The festival will have 54 10x10 booth slots and a 20x40 stage (see detailed sit map). There will be aproximately 106 utah barricades surrounding the 47290 square foot area with one ticket entrance, and two exits. Set-up will begin at 10 am and will go on until 3 p.m. where vendors will begin to set up. At 5 p.m., the festival will begin and at 6:30, the stage will be used to start a show that will have local music artists sing and performance actors perform. The show will be done by 8 p.m. which will leave an hour for patrons to roam around until it ends at 9 p.m. Take down will commence and will finish at 10 p.m.



JC Snow map/layout

Date Received Vendor List: 3/3/23 Permit No: _____

Payment Received: _____ Date Completed: _____

SUB-LICENSE FEE(S)

St.George

Please make check payable to: CITY OF ST. GEORGE

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

Phone: 435-627-4712
E-mail: events@sgcity.org

EVENT NAME: Allies & Community drag show CONTACT PHONE: [redacted]

EVENT DATE(S): Friday, April 28th EVENT LOCATION: Vernon Worthen Park

VENDOR INFORMATION

Please provide the following information for all vendors. The sub-license fee for each vendor is $5.00. Special Event Tax Numbers are required for each Vendor, 801-297-6303. Those Vendors selling, giving away, or preparing food on site are required to obtain approval from the Southwest Utah Public Health Department, 435-986-2580.

#	Vendor Name	Vendor Phone #	Product or Service to be offered at Event	Payment $5.00
1	Equality Utah		Informational booth	
2	Our Family Designs	[redacted]	stickers, t-shirts	
3	Whisler provisions		candied popcorn	
4	Sauced Up		chips & salsa	
5	Inner Compass life		informational booth	
6	The Trash Pile		T-shirts	
7	Pride of Southern Utah		informational booth	
8	Local Charred Grill		food truck	
9	Cirquefit		Informational booth	
10	Simply Sae's Jewelry		Jewelry	

Date Received 3/3/23 Permit No

Police Approved Date Issued

Approval with Comments:

SECURITY PLAN APPROVAL REQUEST FORM

St.George

All questions must be answered completely or application will not be considered. Please allow TEN (10) days for approval. Together with this application, please provide a written Security Plan including names of all security personnel.

EVENT NAME: Our Allies & Community Drag Show

Event Location: Vernon Worthen Park

Type of Event: **Do You Expect Any Protesters?** ☑ YES ☐ NO

Date of Event: Friday, April 28th, 2023 **Hours of Event:** 5-9 p.m.

Number of Expected Attendance: 500 **Occupancy Load:**

Name of Applicant: Mitski Avalōx

Address: [redacted]

Day Phone [redacted] **Cell/Other:**

E-mail: mitski@sudragstars.com

- Security Personnel must be 21 years old or older;
- A Security Director must be onsite at all times with a cell phone;
- Shirts or Vests must look the same. "SECURITY" must be stated on the shirt or vest so it is visible to the public and the Police Department.

Please check applicable Security:

The following will allow for the calculation of security required. The calculations will change depending on the type of event.

☐ Police Officers ($100/hr)	2 Police Officers per	1 to 300 People
☐ Security Officers in Uniform	3 Security Officers per	1 to 300 People
☑ Private Citizens in Security Shirts or Vests	4 Private Citizens per	1 to 300 People

Name of On-site Security Director: Ermiya Fanaeian **Cell Number:** [redacted]

E-mail: [redacted]

Comments:

I understand that falsifying any information on this application constitutes sufficient cause for rejection or revocation of the Special Event Permit. I also understand that the Police Department may require additional information as permitted by Ordinance, and also agree to supply the same.

Applicant Signature: Ermiya Fanaeian **Date:** 02/26/23

SECURITY PLAN INFORMATION

1. Please list the names of the security personnel, age, and cell phone number:

First	Last	Age	Cell Phone Number
Shawn	Wilson	[redacted]	[redacted]
Aisha	Jackson		
Greg	Rud		
Audrey	Rud		
Seth	Johns		
Ian	Southerland		

2. Please indicate the number of security personnel that will be roaming on the premises of the event: 8.

3. Please provide a detailed Security Plan:
Additional Personnel: Neek Oh, 21+, 765-737-0271. Security personnel will be stationed at each entrance of the venue

Security will be wearing identifying uniforms & will have first-aid kits on-hand. Security is trained in descalation tactics and will be coordinating with security director who will be roaming.

4. Please mark on the site plan the locations of each security person:

Please see event map.

AFFIDAVIT OF JOHN WILLIS

RECEIVED
APR 10 2023
ST. GEORGE CITY
CITY RECORDER'S OFFICE

STATE OF UTAH)
) ss:
COUNTY OF WASHINGTON)

The undersigned, John Willis, being first duly sworn upon oath, deposes and states:

1. I am competent to testify and have personal knowledge of the matters stated in this affidavit. If called to testify as to the truth of the matters stated herein, I could and would competently do so.
2. I am now and, at all times relevant, have been employed by the City of St. George. I was appointed by the St. George City Council as City Manager on or about January 19, 2023. I served as the City's Community Development Director since August 2018, and I was the Planning and Zoning Manager for four years prior to that. I also supervised Special Events. I have over 17 years of experience in land use, planning, and zoning. I previously served as the Senior Land Use and Environmental Planner for the City of Mesquite, Nevada, and the Planning Coordinator for Draper City, Utah. I earned a bachelor's degree from the University of Utah, and a master's degree from the University of Nebraska-Lincoln.
3. My duties are outlined in the City Code Section 1-7A-6. I am the "administrative head of government of the city under the direction and control of the mayor and city council." I have the duty and authority "to control, order, and give directions to all heads of departments and to subordinate officers and employees of the city under [my] jurisdiction through their department heads." See City Code Sections 1-7A-6(B).

4. On or about March 21, 2023, I met with Assistant City Manager Marc Mortensen, Special Events Coordinator Sarah Reber, City Attorney Tani Pack Downing, and Assistant City Attorney Ryan N. Dooley to discuss Special Events.
5. Discussion ensued regarding concerns from a majority of the city council regarding the special event 45-day application requirement per City Code Section 3-10-4(A) and the special event prohibition of advertising prior to obtaining a special event permit per City Code Section 3-10-4(C).
6. I directed Staff to research which, if any, special event applicants were in violation of City Code.
7. On or about March 31, 2023, a majority of the City Council indicated to Staff to strictly comply with the requirements found in City Code Section 3-10-1 et. seq and to otherwise enforce it.

FURTHER AFFIANT SAYETH NAUGHT

DATED: April 10, 2023

John Willis

SUBSCRIBED AND SWORN to (or affirmed) before me this 10th day of April 2023, by John Willis.

NOTARY PUBLIC

ANNETTE T. HANSEN
Notary Public, State of Utah
Commission # 712173
My Commission Expires
May 21, 2024

AFFIDAVIT OF RYAN N. DOOLEY

RECEIVED
APR 10 2023
ST. GEORGE CITY
CITY RECORDER'S OFFICE

STATE OF UTAH)
) ss:
COUNTY OF WASHINGTON)

The undersigned, Ryan N. Dooley, being first duly sworn upon oath, deposes and states:

1) I am competent to testify and have personal knowledge of the matters stated in this affidavit. If called to testify as to the truth of the matters stated herein, I could and would competently do so.

2) I am now and, at all times relevant, have been employed by the City of St. George. I was hired as an Assistant City Attorney on or about June 27, 2022. I have been licensed in Utah as an Attorney and Counselor at Law since February 5, 2019. I have been licensed in Arizona as an Attorney and Counselor since October 13, 2011. I obtained a bachelor's degree from the University of Utah and a juris doctor degree from Oklahoma City University School of Law.

3) I have been employed in public practice beginning April 6, 2015, with the Mohave County Attorney's Office as a prosecutor, and then since September 18, 2018, with the La Paz County Attorney's Office as its Civil Deputy and later as its Chief Deputy County Attorney.

4) My current duties include providing legal analysis and advice to department heads and elected officials, conducting legal research and other research as needed. I also supervise the legal intern(s) in the St. George City Attorney's Office.

5) Jocelyn Chavez is the current legal intern; she is a senior in high school and she has not yet reached the age of majority. She began interning on or about February 14, 2023, and is scheduled to finish her internship on or about May 4, 2023.

6) On March 21, 2023, I met with City Manager John Willis, Assistant City Manager Marc Mortensen, Special Events Coordinator Sarah Reber, and City Attorney Tani Pack Downing regarding special events applicants strictly complying with City Code. Mr. Willis directed that research be done regarding pending applicants and whether any were advertising prior to obtaining city approval or prior to a city permit being issued.

7) That same day I assigned Ms. Chavez this outward-facing research project.

8) Later that same day Ms. Chavez completed the research. Attached hereto as Exhibit A is "SE Pre-Advertising" research results and it is incorporated by reference. Several pending applications appeared to be advertising on Facebook, Instagram, or on a website prior to obtaining city approval or prior to a city permit being issued.

9) On or about March 31, 2023, a majority of the City Council indicated to City Attorney Tani Pack Downing and myself:

a) to strictly comply with the requirements found in City Code Section 3-10-1 et. seq to new events and to otherwise enforce the City Code; and

b) to exempt reoccurring and city sponsored events as the City Council directed staff to prepare an ordinance for the City Council to ratify this decision at the April 06, 2023, City Council meeting.

FURTHER AFFIANT SAYETH NAUGHT

DATED: April 10, 2023

Ryan N. Dooley

SUBSCRIBED AND SWORN to (or affirmed) before me this 10th day of April 2023, by Ryan N. Dooley.

NOTARY PUBLIC

ANNETTE T. HANSEN
Notary Public, State of Utah
Commission # 712173
My Commission Expires
May 21, 2024

EXHIBIT A

Advertising Before Permit Approval:

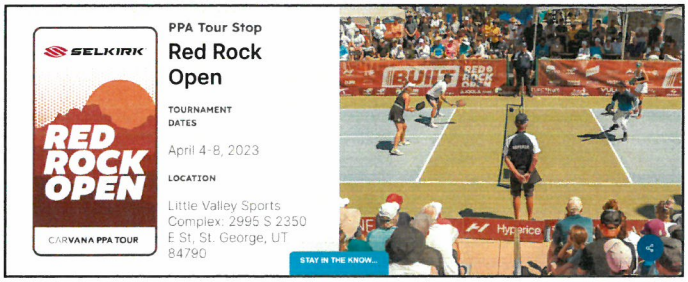
Witchy Market (Public) 3/25
(Facebook)



Brook's Block Party (Public) 4/3
(Website)



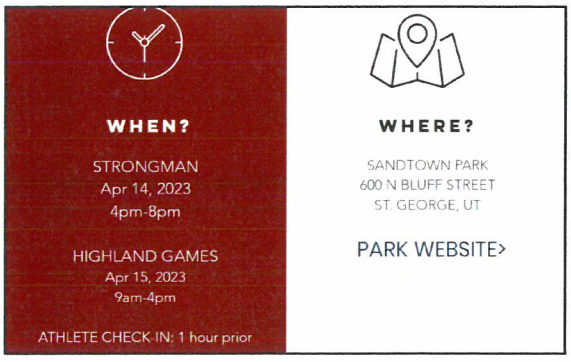
Selkirk's PPA Tour (Public) 4/7-8
(On website they indicate the 4th-8th as tournament dates)



Utah Government Finance Officer's Association 4/12-14
(Website)



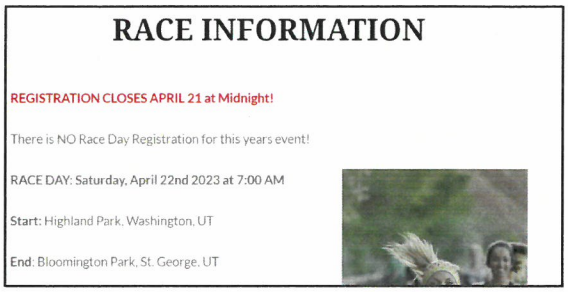
Redstone Highland Games
(Website)



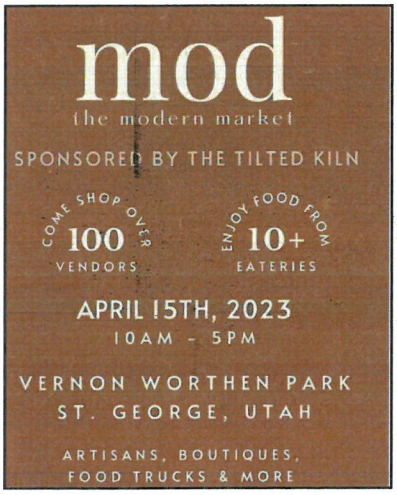
Spring Tour of St George
(Website)



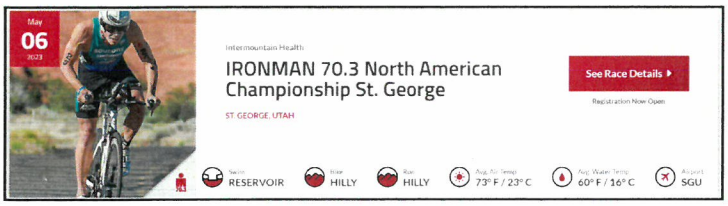
Southern Utah Half Marathon (Public) 4/22
(Website)

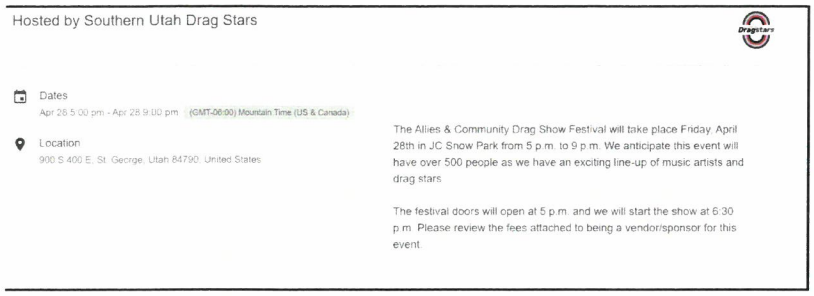


MOD Market (Public) 4/15
(Instagram, No advertisement for 11/4 date)



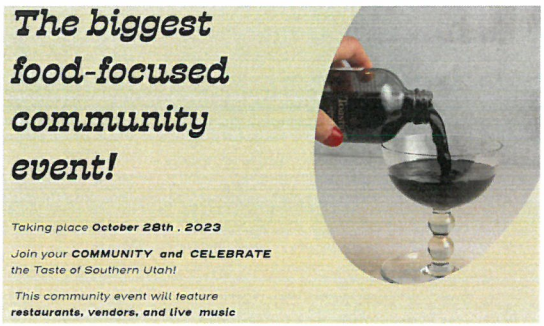
Ironman (Public) 5/6
(Website)





Our Allies and Community Dragon Show (Public) 4/28

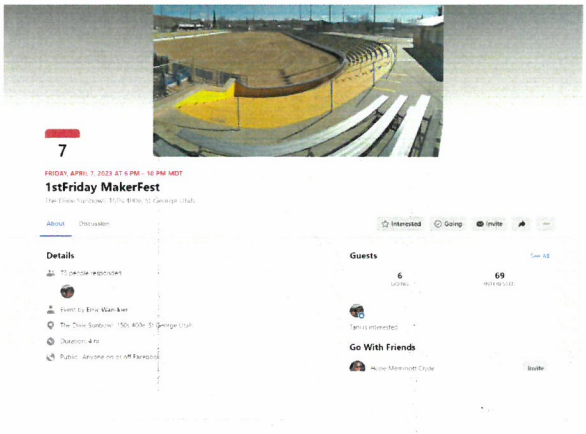
(Website, No location announced, just date)



Upcoming Events



(Website)



Taste of Southern Utah

1st Friday MakerFest

<u>Events NOT Advertising Before Permit Approval:</u>
Ken Garff RV Sales 4/3-10 & 5/8-15
ULCT BBQ 4/20
Mutts At The Mall 4/29
Pride 2023

AFFIDAVIT OF SARAH REBER

RECEIVED
APR 10 2023
ST. GEORGE CITY
CITY RECORDER'S OFFICE

STATE OF UTAH)
) ss:
COUNTY OF WASHINGTON)

The undersigned, Sarah Reber, being first duly sworn upon oath, deposes and states:

1) I am competent to testify and have personal knowledge of the matters stated in this affidavit. If called to testify as to the truth of the matters stated herein, I could and would competently do so.

2) I am now and, at all times relevant, have been employed by the City of St. George. I was hired as the Special Events Coordinator on or about June 27, 2022.

3) My current duties include accepting and processing special event applications, answering questions relating to permitting procedures and ensuring that all requirements are met prior to city approval of the special event is granted and a special event permit is issued.

4) On or about March 21, 2023, I met with City Manager John Willis, Assistant City Manager Marc Mortensen, City Attorney Tani Pack Downing, and Assistant City Attorney Ryan N. Dooley where we discussed special events. Concerns were raised regarding the application process and advertising special events prior to being permitted.

5) That same day I reviewed the "SE Pre-Advertising" research document compiled by legal intern Jocelyn Chavez.

6) On or about March 31, 2023, I was informed about the need to strictly comply with the requirements found in the City Code regarding special event applications. It was clear that several special event applicants were advertising prior to city approval of the special event was granted and prior to a special event permit was issued.

7) It was communicated to me by Tani Pack Downing and Ryan N. Dooley that a majority of the City Council wanted staff:

a) to strictly comply with the requirements found in City Code Section 3-10-1 et. seq to new events and to otherwise enforce the City Code; and

b) to exempt reoccurring and city sponsored events as the City Council directed staff to prepare an ordinance for the City Council to ratify this decision at the April 06, 2023, City Council meeting.

8) I therefore denied three (3) pending new special event permit applications pursuant to City Code Section 3-10-8(A) (Grounds of Denial) for violating City Code Section 3-10-4(C): *Advertising:* No advertising of a special event shall be permitted until city approval of the special event is granted, and a special event permit is issued.

9) At no time did I authorize, communicate, or indicate to any pending special event applicant that the applicant was allowed, authorized, or given permission to advertise prior to the special event permit being granted and prior to the special event permit being issued. I have searched my emails and found no such correspondence or communication. I do not recall any in person conversation, nor any other communication by text, letter, or 3rd party regarding advertising approval.

FURTHER AFFIANT SAYETH NAUGHT

DATED: April 10, 2023

Sarah Reber

SUBSCRIBED AND SWORN to (or affirmed) before me this 10th day of April 2023, by Sarah Reber.

NOTARY PUBLIC

ANNETTE T. HANSEN
Notary Public, State of Utah
Commission # 712173
My Commission Expires
May 21, 2024