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Minutes  
Regular Meeting  
February 26, 2014

Attendance: Mayor Kenneth Neilson, Councilmen Garth Nisson, Thad Seegmiller, Kress Staheli, Ronald Truman, Jeff Turek, City Manager Roger Carter, City Attorney Jeff Starkey, Community Development Director Drew Ellerman, Public Works Director Mike Shaw, Fire Chief Bret Hafen, Police Chief Jim Keith, City Recorder Danice Bulloch, Audience: Greg Sant, Jason Smith, David Burr, Jason Velez, Richard Winget, Justin Schock, Chad Asher

Meeting commenced at 6:00 P.M.

**Invocation:** Councilman Seegmiller

**Pledge of Allegiance:** Councilman Turek

1. **APPROVAL OF THE AGENDA**

Mayor Neilson asked that Item 9B be heard following Item 5A.

*Councilman Turek made a motion to approve the agenda with the changes as noted. Councilman Seegmiller seconded the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

2. **ANNOUNCEMENTS**

Councilman Turek commented the Dog Town Half-Marathon had terrific support, and was a great success again this year.

3. **DECLARATION OF ABSTENTIONS & CONFLICTS**

*None*

4. **CONSENT AGENDA**

**APPROVAL OF MINUTES:** Consideration to approve the minutes from the City

## **Council Meetings of 2/11/14 and 2/12/14.**

*Councilman Staheli made a motion to approve the consent agenda. Councilman Truman seconded the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

### **5. YOUTH COUNCIL**

#### **A. Report from the Washington City Youth Council on their recent trip to the Utah Legislative Session. Youth Council Mayor**

Youth Council Mayor Logan Cox presented a powerpoint of the events they participated in for the year. The Mayor then reported to the council on each event, which included Hell Hole, Christmas in Dixie, Dogtown Half-Marathon, a trip to the State Capital to visit both the House and Senate, Valentines Day, Tour of the Covington Home, Cleaning Schedule of the Covington Home, Upcoming Events, New Members, Lions Club Easter Egg Hunt, Graduation, Meet and Greet with New Members. Lastly, he gave a history of the Covington Home, and thanked the Council Members for their support.

Mayor Neilson stated Washington City was voted the second best city in Utah to live.

### **6. PUBLIC HEARINGS AND RELATED ORDINANCES**

#### **A. Public Hearing for consideration to approve an Ordinance amending the City Code, Title 9 Zoning Regulations, Chapter 11 Industrial/Business Park (I-1, I-2, BP), Section 2 Use Regulations, to permit automobile fueling stations with or without convenience stores. Applicant: Southwest Auto Recycling, Inc., Jared Hardy**

Community Development Director Drew Ellerman reviewed:

The applicant is wishing to amend the City Code for the purpose of allowing "Automobile fuel stations, with or without convenience stores and/or automobile wash facilities (fully automatic only)" in the Industrial 1 and 2 zoning districts. The code currently does not allow them in these two zoning districts, but does allow them in the Business Park zone under a conditional use permit. Staff has reviewed the request and has no objection to the amendment being proposed by the applicant. Therefore staff is recommending the section containing automobile fuel stations (with or without convenience stores and/or wash facilities) become permitted uses in the Industrial 1 and 2 and still remain a conditional use in the Business Park zoning district.

The Planning Commission unanimously recommended approval of the Amendment to the Washington City Code, Title 9-11-2(D), Listed Uses, more specifically, "Automobile fuel stations with or without convenience stores and/or automobile wash facilities (fully automatic only)" to the City Council.

Councilman Truman asked what is allowed in the BP Zone.

Community Development Director Ellerman explained what types of businesses would be in the Business Park Zone, which is more of a research development zone.

Councilman Truman asked if BP is actually classified as industrial and uses would not allowed in residential.

Community Development Director Ellerman stated they are the very lightest of industrial. They are not allowed in residential zones, but rather upscale industrial. If a fueling station were requested in a Business Park, then a Conditional Use Permit would be required to make sure it would fit with the design of the area.

Councilman Turek stated he feels fueling stations would be a positive for the industrial area as well as our community.

Jason Velez stated he feels fueling stations would be a positive for the area.

*Councilman Staheli made a motion to close the public hearing. Councilman Seegmiller seconded the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**B. Consideration to approve an Ordinance amending the City Code 9-11-2, to allow automobile fueling stations.**

*Councilman Seegmiller made a motion to approve an Ordinance amending the City Code 9-11-2, to allow automobile fueling stations. Councilman Truman seconded the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**7. PRELIMINARY PLAT**

**A. Consideration to approve a Preliminary Plat for the Presidio Subdivision , located on the southwest corner of Washington Dam Road and Arabian Way, at approximately 1100 E. Washington Dam Road. Applicant: Stacey Hughes**

Community Development Director Drew Ellerman reviewed:  
The applicant is requesting approval of a preliminary plat for The Presidio subdivision, located at

the southwest corner of Washington Dam Road and Arabian Way. The applicant is wishing to develop 9 lots on an area covering 2.86 acres. The location of this particular project is zoned Single-Family Residential - 10,000 square foot min. (R-1-10).

A thirty foot (30') wide landscape area (that will also serve as a detention basin) is being proposed along Washington Dam Road. This project was once approved back in August of 2006, but due to the down-turn in the economy at that time, the project never did file for final plat and eventually expired in August of 2007. The applicant is wishing to proceed with the original design and once again move toward completing the subdivision. The subdivision is already nearly complete, so we should see an application for a final plat in the very near future.

The request meets the zoning regulation requirements and the other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval with conditions, of the preliminary plat as outlined.

The Planning Commission unanimously recommended approval of the Preliminary plat for The Presidio subdivision to the City Council, based on the following findings and subject to the following conditions:

#### Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the preliminary plat conforms to the Zoning Regulations and the Subdivision Ordinance as conditioned.

#### Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
  - A. A title report.
  - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy

of the buildings that will be constructed along the landscaped and fenced areas.

8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.

9. Driveway locations are to be approved by the Public Works Department. Driveway access restrictions will apply to Lots 1, 3 and 8.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. The stem portions of the flag lots (4 & 7) shall be a minimum width of twenty-six feet (26').

12. A Post Construction Maintenance Agreement needs to be recorded prior to the Final Plat recordation.

Councilman Staheli asked if there would ever be sidewalk on the East side of Arabian Way.

Community Development Director Ellerman stated there will be sidewalk when the property comes in for development.

Councilman Staheli asked what the options would be to have sidewalk curb and gutter without having to wait for the development.

Community Development Director Ellerman stated the only option would be to create an SID or have the City pay for it.

Councilman Staheli explained the road is a highly traveled access for the elementary school, and it would be a benefit to have the curb, gutter, and sidewalk in place.

Councilman Seegmiller clarified the entrance locations for some of the lots.

Public Works Director Mike Shaw reviewed the entrance points with Council, in order to meet the site distance requirements.

Councilman Seegmiller commented he would prefer lots 1 and 8 did not access off of Arabian Way.

Public Works Director Shaw stated the Council can make that determination. However, Arabian Way is a residential street, and the lots meet the access requirements.

*Councilman Staheli made a motion to approve a Preliminary Plat for the Presidio Subdivision, located on the southwest corner of Washington Dam Road and Arabian Way, at approximately 1100 E. Washington Dam Road with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Truman seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**8. SUBDIVISION NAME CHANGE**

**A. Consideration to approve the Name Change of the subdivision New Warm Springs Phase 6 to Perry Landing Subdivision, located at approximately from 950 North to 1160 North and from 400 East to 600 East. Applicant: Greg Sant, Perry Development**

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a name change to a final plat from New Warm Springs, Phase 6 subdivision to a new name of "Perry Landing" subdivision.

The developer, Perry Homes, is wishing to establish their own brand for this subdivision since they will be the home builder of the entire project.

Staff has reviewed the requested proposal, and the proposed name change is acceptable to all associated regulations.

The Planning Commission unanimously recommended approval of the Name Change of the Final plat from New Warm Springs, phase 6, to the new name of "Perry Landing" subdivision to the City Council, based on the following findings and subject to the following conditions:

**Findings**

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

**Conditions**

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

Greg Sant explained phases 1 - 3 were completed with the same developer. However, phases 4 & 5 had a new developer who chose to create his own CC & R's outside of the previous phases. This portion is being developed with a separate set of CC & R's.

Councilman Seegmiller asked who would be responsible for the detention basin if there is not a homeowners association.

Mr. Sant stated the development will have a Homeowners Association for maintenance of the detention basin and the landscaping.

*Councilman Seegmiller made a motion to approve the Name Change of the subdivision New Warm Springs Phase 6 to Perry Landing Subdivision, located at approximately from 950 North to 1160 North and from 400 East to 600 East with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Turek seconded the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**9. FINAL PLAT**

**A. Consideration to approve the Final Plat for the Country Way Estates, Phase 1, located at approximately 1000 South 2400 East. Applicant: Gary Stringham, Troy Wall, Wall Family Rentals LLC**

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for the Country Way Estates, Phase 1 subdivision, located at approximately 1000 South 2400 East. This particular phase of the subdivision is proposing 6 lots on an area covering 8.90 acres. The specific location of this subdivision is zoned Residential / Agricultural - One Acre min. (RA-1). The Preliminary Plat was approved back on November 14, 2012.

Staff has reviewed the requested proposal, and the proposed final plat, phase 1, conforms to the approved preliminary plat.

The Planning Commission unanimously recommended approval of the Final plat for the Country Way Estates, Phase 1 subdivision to the City Council, based on the following findings and subject to the following conditions:

**Findings**

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

**Conditions**

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor

licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.

4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".

5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.

6. Easement for the overhead power lines needs to be shown (with any restrictions) on the final plat.

Councilman Seegmiller asked about the note on the stormwater retention.

Public Works Director Mike Shaw explained the developer asked to have the retention of the storm water on each of the lots. They are very large lots, and there is plenty of room. Each lot will require a permit from the State, and an inspection will have to be done with the Public Works Department.

*Councilman Truman made a motion to approve the Final Plat for the Country Way Estates, Phase 1, located at approximately 1000 South 2400 East with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Seegmiller seconded the motion; which passed with the following roll call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**B. Consideration to approve the Final Plat for the Creekside Townhomes, located at approximately 250 South 350 West. Applicant: Tim Stewart, Stewart Enterprises LC**

Community Development Director Drew Ellerman reviewed:

The applicant is requesting approval of a final plat for the Creekside Townhomes subdivision, located at approximately 250 South 350 West. This particular subdivision is proposing 40 lots on an area covering 4.48 acres. The specific location of this subdivision is zoned Planned Unit Development (PUD). The Preliminary Plat was approved back on July 17, 2013.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved preliminary plat.

The Planning Commission unanimously recommended approval of the Final plat for the Creekside Townhomes subdivision to the City Council, based on the following findings and subject to the following conditions:

**Findings**

1. The final plat meets the land use designation as outlined in the General Plan for the

proposed area.

2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

#### Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. Where applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners", shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.
6. A note to be added to plat referencing the spring water collection lines that have been installed requiring Property Owners and/or Home Owners Association to be responsible for maintenance of them.

Councilman Staheli clarified the location of the trail.

Community Development Director Ellerman explained there is a master planned trail for Washington City.

Councilman Seegmiller asked what the darkened area is on the plat.

Community Development Director Ellerman stated it is the detention area.

Jason Smith stated the detention area has been moved to underground. It will be piped, and this has already been addressed with Public Works. The property owner did not want to have any interference with the easement for St. George, nor the high pressure gas line located in the area.

Community Development Director Ellerman noted the additional parking shown on the plat, as requested by Council.

Councilman Staheli asked if they intend to include playground equipment in the area indicated on the plat.

Mr. Smith stated the developer plans to install a splash pad.

Community Development Director Ellerman explained this area is noted as recreational, which means there will have to be some type of recreation aside from just grass.

Councilman Seegmiller asked why we are not requiring the developer extend the trail.

Community Development Director Ellerman stated as part of the PUD approval, they are required

to extend the trail.

Mr. Smith stated if there is not a connection for the trail, the land owner may consider requesting a deferral from Council until there is a possible connection.

Community Development Director Ellerman reviewed the proposed trail and future trails included in the the development, as well as the Master Trail Plan.

Councilman Turek asked if the drainage issue from the ground water has been addressed.

Public Works Director Mike Shaw confirmed it has.

Community Development Director Ellerman stated there has been an additional note included on the plat to address the spring water.

Councilman Staheli stated in the previous meeting, Council discussed no parking signs being installed on 200 East. He would like to know at what point the signs would be installed.

Community Development Director Ellerman stated the developer will be responsible for installing those signs before the certificate of occupancy is issued.

*Councilman Turek made a motion to approve the Final Plat for the Creekside Townhomes, located at approximately 250 South 350 West with the findings and conditions of Staff and as recommended by the Planning Commission. Councilman Truman seconded the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Nay</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

## 10. **AGREEMENT**

**A. Consideration to approve a Resolution approving an Intergovernmental Agreement between Washington City Fire Department and Mohave Community College to accommodate EMS Training for Washington City Firefighters. Brent Hafen, Fire Chief**

Chief Hafen reviewed the Intergovernmental Agreement with the Council.

Councilman Seegmiller clarified how the money would be collected.

Chief Hafen explained the money would not go through the City, but rather be collected, and made payable to the Mohave Community College. This will give Washington City a recruiting tool for individuals who are not able to afford to get their certifications otherwise.

City Attorney Starkey stated this is a great program, and will be a benefit for the Fire Department.

Councilman Turek agreed it is a great opportunity for our people.

*Councilman Seegmiller made a motion to approve a Resolution approving an Intergovernmental Agreement between Washington City Fire Department and Mohave Community College to accommodate EMS Training for Washington City Firefighters. Councilman Nisson seconded the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**B. Consideration to approve an amendment to the "Cost Sharing Agreement for Storm Drainage" for Steeplechase at Washington Fields Subdivision, by amending the payment due date. Public Works Director Mike Shaw**

Public Works Director Mike Shaw reviewed the Agreement for Storm Drainage for Steeplechase at Washington Fields. The applicant is asking the payment due date from the previously approved agreement be amended from January 31, 2014 to March 31, 2014.

Councilman Seegmiller asked if the payment is not made, what are the options.

Public Works Director Shaw stated if the payment is not made, the development will be extremely expensive, as the retention will all have to be done on site.

Councilman Truman asked if Storm Drainage is something the developer could bond for.

Public Works Director Shaw stated they could still bond with the additional phases, as they do not have final plat. We do still have options.

Justin Schock stated he represents the buyer. The property is set to close on Friday. If approved, the new land owner wants to start developing within two weeks. Therefore, the money will be available.

*Councilman Staheli made a motion to an amendment to the "Cost Sharing Agreement for Storm Drainage" for Steeplechase at Washington Fields Subdivision, by amending the payment due date to March 31, 2014. Councilman Seegmiller seconded the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

**11. REPORT OF OFFICERS FROM ASSIGNED COMMITTEE**

Councilman Seegmiller commented he ran the 9K, and it was a fun, exciting time. He was very pleased with the turnout.

Councilman Staheli stated he had an opportunity to attend Brighams Playhouse in Cottontown Village. He feels it is going to be a great addition to Washington City.

**12. CITY MANAGER REPORT**

City Manager Roger Carter updated Council on the settling issue on Telegraph Street due to water damage.

Public Works Director Mike Shaw explained the cause for the water line breaks, which caused the road damage.

City Manager Carter continued his review, the sewer maintenance has been completed. The paperwork has been completed for the trail, and is underway. At this time, we do not know if we will be able to pave until April due to the weather, but it will be completed within the time allowed by the Fish and Wildlife. The Cemetery has been put out to bid, and once bid is awarded it is a 60 day build. With regard to the Power Department, he has gathering information on Nuclear Power, and looks forward to do a presentation with Council in the future.

**13. ADJOURNMENT**

*Councilman Truman made a motion to adjourn the meeting. Councilman Turek seconded the motion; which passed with the following role call vote:*

<i>Councilman Nisson</i>	<i>Aye</i>
<i>Councilman Seegmiller</i>	<i>Aye</i>
<i>Councilman Staheli</i>	<i>Aye</i>
<i>Councilman Truman</i>	<i>Aye</i>
<i>Councilman Turek</i>	<i>Aye</i>

*Meeting adjourned at 7:45 P.M.*

Passed and approved this 9th day of April 2014.

Attest by:

*Danice B. Bulloch*  
Danice B. Bulloch, CMC  
City Recorder



Washington City

*Kenneth F. Neilson*  
Kenneth F. Neilson, Mayor