

# **Exhibit A**

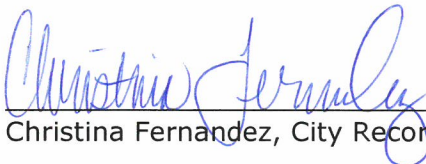
**NOTICE OF REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF ST. GEORGE,  
WASHINGTON COUNTY, UTAH**


**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

  
\_\_\_\_\_  
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](mailto: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**

<p>Indigo Klabanoff,  vs.  St. George City,</p> <p style="text-align: right;">Appellant,   Respondent.</p>	<p style="text-align: center;">RESPONDENT'S BRIEF</p>
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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**

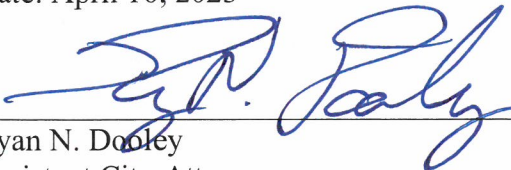
The City Council and Mayor, through the City Manager, directed Staff to strictly adhere to the City Code Sections 3-10-1 et seq. and to otherwise enforce the Code as to new events. See Affidavit of John Willis, Ryan N. Dooley, and Sarah Reber.

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



April 7, 2023

Indigo Klabanoff  
The Seed Inc Brand



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](mailto: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

CITY OF ST. GEORGE

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 because The 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)

<p>NOTICE: THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE</p> <p><b>BUSINESS LICENSE</b></p> <p>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.</p> <p>NAME: SAINT GEORGE MARKET DESERT CO. TO: 1460 W. SHILOH BLVD. RT. 112 SAINT GEORGE UT 84770-8519</p>	<p><b>CITY OF ST. GEORGE</b> 172 E 200 N ST. GEORGE, UT 84770</p>  <p><b>St. George</b></p>	<p>LICENSE NO: 00003721 DATE ISSUED: 3/13/2023 EXPIRES: 3/11/2023</p> <p>LICENSE YEAR: <b>2023</b></p> <p>BUSINESS OWNER: INDIGO KLADOGOFF BUSINESS LOCATION: MAIN STREET TYPE OF BUSINESS: SPECIAL EVENT PERMIT</p> <p style="text-align: center;"><i>Hildi Mathis</i> CITY LICENSE OFFICER</p>
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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







**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](mailto:recorder@sgcity.org) by 5:00 PM Wednesday, April 5, 2023.

CITY OF ST. GEORGE



**St. George**

THE BRIGHTER SIDE

Sincerely,

Sarah Reber  
Special Event Coordinator

CITY OF ST. GEORGE

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435-627-4000 | 175 E. 200 N. - St. George, UT 84770 | [sgcity.org](http://sgcity.org)

DSTARS000009

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**



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):**

<input type="checkbox"/> Film Production	<input type="checkbox"/> Parade	<input type="checkbox"/> Cycling	<input type="checkbox"/> Sporting	<input type="checkbox"/> 5K	<input type="checkbox"/> 10K	<input type="checkbox"/> Training Event	<input checked="" type="checkbox"/> Festival
<input type="checkbox"/> Outdoors Sales	<input type="checkbox"/> Fun Run	<input type="checkbox"/> Dance	<input type="checkbox"/> Other: _____			<input type="checkbox"/> Block Party	<input type="checkbox"/> 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 October 27th)	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?  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:** \_\_\_\_\_

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

**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 \_\_\_\_\_ (must obtain privately)  
 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, Zipliner, &/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)

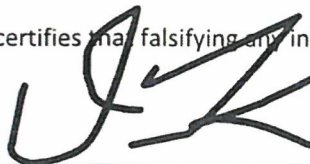
**12. Application Fee is based on attendance, and charged per day, as follows:**

\$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

Applicant's Name [PRINT]



Applicant's Signature

1/26/23

Date

## EVENT DESCRIPTION

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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 though. And as far as packaged and unpackaged, that will be determined prior closer to June ish.)xxxxxxxxxxxx~~

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

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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.

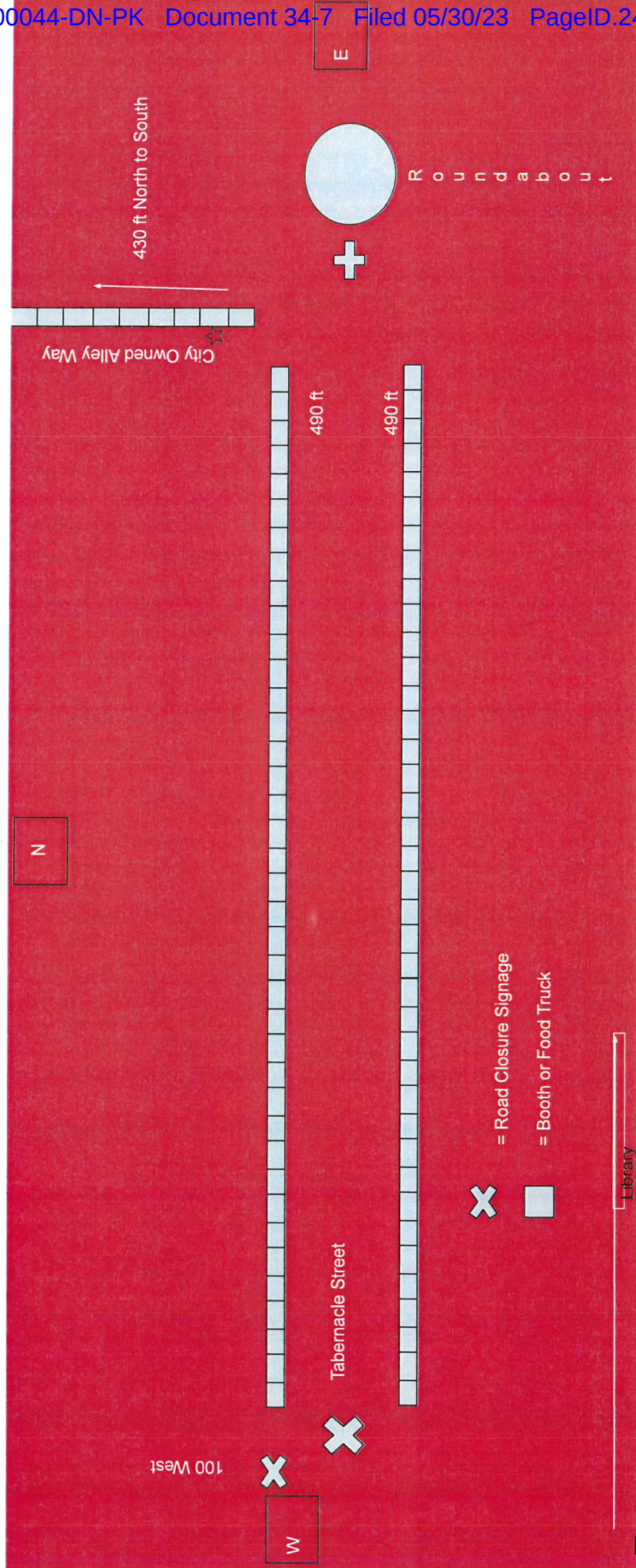
North











Date Received Vendor List: \_\_\_\_\_ Permit No: \_\_\_\_\_  
 Payment Received: \_\_\_\_\_ Date Completed: \_\_\_\_\_

**SUB-LICENSE FEE(S)**



Please make check payable to: CITY OF ST. GEORGE

City of St. George Special Events Phone: 435-627-4712  
 175 East 200 North E-mail: events@sgcity.org  
 St. George, UT 84770

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

EVENT DATE(S): or 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				



### SECURITY PLAN INFORMATION

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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

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

TBD closer to the event & after conversation with security staff.
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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  
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[Ryan.dooley@sgcity.org](mailto: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**

<p>Mitski Avalox,  vs. St. George City,</p> <p style="text-align: right;">Appellant,   Respondent.</p>	<p style="text-align: center;">RESPONDENT'S BRIEF</p>
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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**

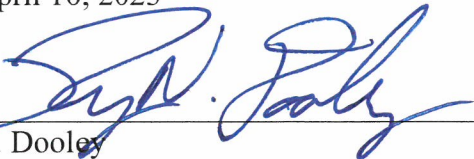
The City Council and Mayor, through the City Manager, directed Staff to strictly adhere to the City Code Sections 3-10-1 et seq. and to otherwise enforce the Code as to new events. See Affidavit of John Willis, Ryan N. Dooley, and Sarah Reber.

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**

DSTARS000024

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## 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 28<sup>th</sup>.

## Introduction

On March 31<sup>st</sup> 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 and unattainable for most special events, and an advisory to advertise from special events coordinator Sarah Reber was issued verbally on March 23<sup>rd</sup>. 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 22<sup>nd</sup>, SUDS received an email from Sarah Reber that SUDS had a hold on Vernon Worthen Park for the Allies event on the 28<sup>th</sup> (see Exhibit A).
- March 3<sup>rd</sup>, SUDS submitted a special events application to officially host an event on April 28<sup>th</sup> at Vernon Worthen Park (see Exhibit B). SUDS had mapped out to use about 50,000 square feet of the park.
- March 10<sup>th</sup>, Sarah Reber emailed SUDS suggesting the use of a different park (see Exhibit C) J.C. Snow is chosen instead.
- March 17<sup>th</sup>, Sarah Reber states she is waiting on signatures for the event (see Exhibit D)
- March 23<sup>rd</sup>, Mitski goes in-person to the city of St. George and asks Sarah Reber if SUDS may begin advertising, she agrees.
- March 28<sup>th</sup>, SUDS holds a photoshoot for the flyer advertisement (see Exhibit E).
- March 30<sup>th</sup>, SUDS Posts advertisement on social media for Allies event (see Exhibit F).
- March 31<sup>st</sup> 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 31<sup>st</sup> at 4:56 p.m., Mitski receives a letter from Sarah Reber informing the denial of the permit application (see Exhibit H).
- March 31<sup>st</sup>, 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 7<sup>th</sup> and required by the city to provide evidence, witness list, written statements, and written arguments on April 10<sup>th</sup>. 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 11<sup>th</sup> 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 23<sup>rd</sup>, 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 6<sup>th</sup> Of 2023 and issued the St. George Market their special event permit on March 10<sup>th</sup>, 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 be 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 Avalox** <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 Avalox 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



### 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



### Exhibit E

< March 28 5:21 PM Edit ⋮

📍 LIVE ▾



### Exhibit F

< SOUTHERN.UTAH.DRAGSTARS Posts

**ALLIES' DRAG FESTIVAL**

HOSTED BY:  
**TARA LIPSYNCKI**

28TH APRIL | \$15 ENTRY FEE | 5 PM

275 E 900 S, ST. GEORGE, UT 84770  
J.C. SNOW PARK

TICKETS AT  
WWW.SOUTHERNUTAHDRAGSTARS.COM

[View insights](#)

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southern.utah.dragstars SOUTHERN UTAH DRAG STARS PRESENTS OUR BIGGEST EVENT TO DATE: ALLIES & COMMUNITY DRAG FESTIVAL... more

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taralipsyncki So excited to be hosting this amazing event! ❤️

March 30

## 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:**Allies & Community Drag Show Mitski  
Avalos (Avalox)

**Email Address:**[mitski@sudragstars.com](mailto:mitski@sudragstars.com)

**Phone Number:**

**Company/Team Name:**

**Number of Attendes:**600

**Description of Event Taking place at this Park**

**Amenity:**

**Notes:**Drag Show