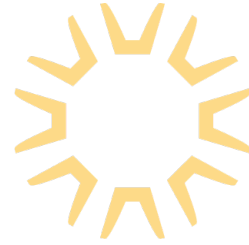


Exhibit 1



St. George

THE BRIGHTER SIDE

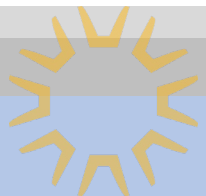
Special Event Ordinance Review



CHAPTER 10 SPECIAL EVENTS

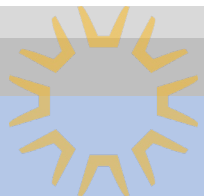


- 3-10-1: Purpose
- 3-10-2: Definitions
- 3-10-3: Permit Required
- 3-10-4: Application Requirements And Procedures
- 3-10-5: Insurance Requirement
- 3-10-6: Fees
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- 3-10-8: Grounds For Denial
- 3-10-9: Appeal Procedures
- 3-10-10: Violation



Background

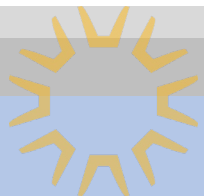
- Ordinance adopted by City Council in October 2015
- Due to increased number of special events on City Council meeting agendas
- City Council regarded special event process as an administrative function similar to business licensing and utilities
- Define a special event
- Add structure to the special event permit process
- Decrease the number of City-sponsored events
- Establish fees to pay for City services at privately organized events like police, fire, parks, etc.
- Ensure proper insurance coverage and reduce City liability
- Compliance with state statute and City code



Definition

SPECIAL EVENT: A temporary event of any of the following or a combination of the following acts:

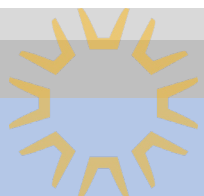
- A. Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the city.
- B. Any organized assemblage at any public park, public square or other city property which gathers for a common purpose or event under the direction and control of a person or entity and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the city or a third party, than normally provided to groups which reserve park facilities or other city-owned facilities.
- C. Events held at the following are not special events under this chapter:
 - 1. A building that has a business located in it that has a current annual business license as an event business;
 - 2. A building with an assembly group classification under the International Building Code, as adopted by the city, so long as the event does not exceed the posted occupant load as approved by the city and has a current annual business license, if required; and
 - 3. A government owned facility.



3-10-3: PERMIT REQUIRED:



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. (Ord. 2015-10-003, 10-1-2015)



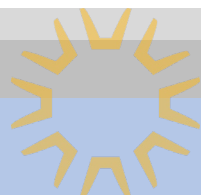
3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:



A. *Submission:* A completed application on city forms shall be submitted to the city at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the city council in the event the application is denied. Applications for new events or reoccurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the city.

B. *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.

C. *Inspections:* Authorized law enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all city, state, and federal laws. All government personnel shall comply with the Fourth Amendment of the United States Constitution at all times during an inspection. (Ord. 2015-10-003, 10-1-2015)

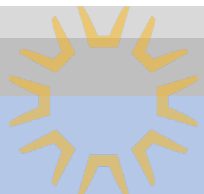


45-day requirement

3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:



A. *Submission.* A completed application on city forms shall be submitted to the city at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the city council in the event the application is denied. Applications for new events or reoccurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the city.

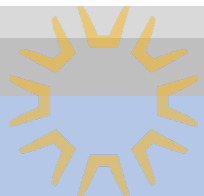


Special Event Permit Data

	App Notice 45+ Days	App Notice Under 45	Recurring Annually	Issued	Denied	Canceled / Withdrawn	Total Apps Rec'd	Percentages		
								45+	45-	Recur
2018	60	58	77	115	1	2	118	51%	49%	65%
2019	111	84	113	173	4	17	194	57%	43%	69%
2021	123	53	121	163	8	5	176	70%	30%	69%
2022*	66	20	64	68	1	4	86**	77%	23%	74%

*2022 Data is from 1/1/22 - 7/8/22.

**13 Apps are in-process

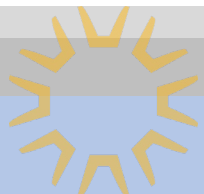


Reoccurring event without changes

3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:

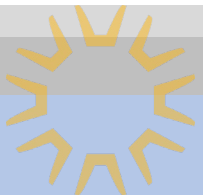


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Event Advertising

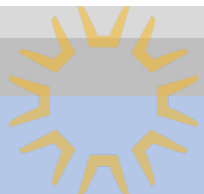
B. *Advertising.* No advertising of a special event shall be permitted until city approval of the special event is granted and a special event permit is issued.



Administrative Review

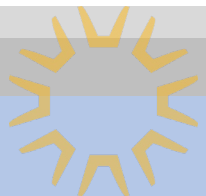
3-10-7: APPLICATION REVIEW, APPROVAL AND ISSUANCE:    

The city manager, or a designee, shall review and either approve, approve with conditions, or deny the request for a special event permit. The city manager may refer the request for a special event permit to city council for approval. (Ord. 2015-10-003, 10-1-2015)



City Council Action on Special Events

- Event organizer is asking for a fee waiver
- Special event denial appeal
- Event organizer requests alcohol on City property

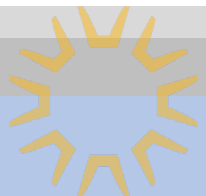


Insurance

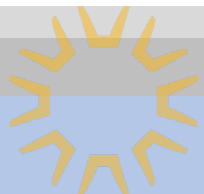
3-10-5: INSURANCE REQUIREMENT:



A. *Insurance:* The applicant, vendors, exhibitors, and concessionaires of a special event held on city property shall procure and maintain commercial general liability insurance in the amount required by the city to protect the city against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the event. Such insurance shall provide the following and shall be submitted to the city on an insurance certificate which shall include the following:



Liability Limits



CHAPTER 10 SPECIAL EVENTS

- 3-10-1: Purpose**
- 3-10-2: Definitions**
- 3-10-3: Permit Required**
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- 3-10-8: Grounds For Denial**
- 3-10-9: Appeal Procedures**
- 3-10-10: Violation**

3-10-1: PURPOSE:

The purpose of this chapter is to provide for and encourage temporary events to occur in the city in order to create a sense of community and enhance the quality of life for city residents. It is also the city's intent to promote, protect and assure the safety and convenience of residents and visitors by mitigating potential issues which may occur as a result of the special event. This chapter is adopted to ensure that the special events do not create disturbances, become a nuisance, threaten life, health, and property, disrupt traffic, or threaten or damage private or public property. It is not the intent of this chapter to regulate in any manner the content of speech or infringe upon the right to assemble, except for time, place and manner regulations. (Ord. 2015-10-003, 10-1-2015)

3-10-2: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall be defined as set forth in this section:

APPLICANT: The individual event organizer and the organization responsible for the event and the payment of fees.

ATHLETIC EVENT: An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including, but not limited to, running, jogging, walking, bicycling or skating, held on any public or private property.

CITY EVENT: A special event that is organized and operated by the city, whether directly or by contract with a third party operator.

FILMING EVENT: Filming of a media broadcast (other than for news purposes), filming of a motion picture, television broadcast and digital media production.

OUTDOOR SALES EVENT: An organized event in which a group of people or an organization engages in the sale of product including, but not limited to, displays and exhibitions, farmers' markets, craft fairs, outdoor sales, tent sales and other similar activities.

SPECIAL EVENT: A temporary event of any of the following or a combination of the following acts:

- A. 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.
- B. Any organized assemblage at any public park, public square or other city property which gathers for a common purpose or event under the direction and control of a person or entity and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the city or a third party, than normally provided to groups which reserve park facilities or other city-owned facilities.
- C. Events held at the following are not special events under this chapter:
 - 1. A building that has a business located in it that has a current annual business license as an event business;
 - 2. A building with an assembly group classification under the International Building Code, as adopted by the city, so long as the event does not exceed the posted occupant load as approved by the city and has a current annual business license, if required; and
 - 3. A government owned facility.
- D. For purposes of this chapter, city events are not special events, however events sponsored by the city are special events.

TEMPORARY EVENT: Any event which occurs on a temporary basis of less than one (1) year at a location where the applicant does not have an annual business license for the specific activities being held. (Ord. 2015-10-003, 10-1-2015; amd. Ord. 2017-04-002, 4-6-2017)

3-10-3: PERMIT REQUIRED:

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. (Ord. 2015-10-003, 10-1-2015)

3-10-4: APPLICATION REQUIREMENTS AND PROCEDURES:

A. *Submission:* A completed application on city forms shall be submitted to the city at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the city council in the event the application is denied. Applications for new events or reoccurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted. Applications are not considered complete until all required information has been submitted to the city.

B. *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.

C. *Inspections:* Authorized law enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all city, state, and federal laws. All government personnel shall comply with the Fourth Amendment of the United States Constitution at all times during an inspection. (Ord. 2015-10-003, 10-1-2015)

3-10-5: INSURANCE REQUIREMENT:

A. *Insurance:* The applicant, vendors, exhibitors, and concessionaires of a special event held on city property shall procure and maintain commercial general liability insurance in the amount required by the city to protect the city against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the event. Such insurance shall provide the following and shall be submitted to the city on an insurance certificate which shall include the following:

1. The name and address of the insured.
2. City shall be named as an additional primary insured and noncontributory on the general liability certificate.
3. The location of the operations to which the insurance applies.
4. The number of the policy and the type or types of insurance in force thereunder on the date of the certificate.
5. The expiration date of the policy and the limit or limits of liability thereunder on the date of the certificate.
6. A statement that all coverage is on an occurrence basis rather than a claims basis.
7. A provision that the policy or policies will not be canceled, denied renewal, or reduced in coverage until at least thirty (30) days after written notice has been received by city.
8. Name, address, and telephone number of the insurance company's agent.

- B. *Workers' Compensation Insurance:* Applicant shall procure and maintain workers' compensation insurance as required by Utah law.
- C. *Certificate Of Insurance:* No special event permit shall be issued until the applicant and all vendors, exhibitors, or concessionaires participating in the event submit to the city a certificate of insurance as required in this chapter. (Ord. 2015-10-003, 10-1-2015)

3-10-6: FEES:

- A. *Application And Cost Recovery Fees:* Along with the application for a special event permit, the applicant shall pay any applicable special event application fees and city cost recovery fees.
- B. *City Cost Recovery Fees:* Extra city services will be provided for special events as determined by the city to be needed to protect the health, safety and welfare of the public and shall be paid by the applicant.
1. City costs include, but are not limited to, police, fire, park maintenance, power, water, road closures, and cleanup of city facilities before, during, or after the event, and other costs to city directly attributable to the special event.
 2. Before city approval is granted to hold the event, the applicant shall pay the deposit and estimated city fees as determined by the city based on the application, the applicant's past event history with the city, and experience with similar events.
- C. *Invoice:* The city may mail or deliver to the permit holder an invoice for the cost of city services provided and any costs incurred by the city in restoring the site. If the amount exceeds the city cost recovery fees paid in advance, the applicant shall pay the unpaid portion of the invoice within thirty (30) days of the date that the invoice was mailed or delivered. If the amount is less than the city cost recovery fees paid prior to issuance of the permit, then the remaining amount shall be returned to the applicant. (Ord. 2015-10-003, 10-1-2015)

3-10-7: APPLICATION REVIEW, APPROVAL AND ISSUANCE:

The city manager, or a designee, shall review and either approve, approve with conditions, or deny the request for a special event permit. The city manager may refer the request for a special event permit to city council for approval. (Ord. 2015-10-003, 10-1-2015)

3-10-8: GROUNDS FOR DENIAL:

- 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;

2. The proposed special event is not consistent with the intended nature and use of the requested city property;
3. The proposed special event is scheduled at a place and time that could disrupt or interfere with an already approved special event;
4. The proposed location or building is not adequate to accommodate the proposed special event such as parking, sanitation facilities, and health or safety codes, or the nature of the proposed special event is such that the city, or the applicant does not have sufficient resources available to ensure the health, safety, and welfare of special event participants or the general public;
5. The permit application contains a material falsehood or misrepresentation;
6. The applicant has failed to pay a debt to the city including costs incurred during a prior special event;
7. Incomplete permit applications; and
8. The applicant or any person on whose behalf the application for a permit was made has on prior occasions:
 - a. Damaged city property, if the applicant is for an event on city property; or
 - b. Made material misrepresentations regarding the nature or scope of an event or activity previously permitted; or
 - c. Has violated the terms of prior permits issued to or on behalf of the applicant.

B. *Notice:* If a special event permit application is denied, the city shall notify the applicant in writing of the reason or reasons for the denial. (Ord. 2015-10-003, 10-1-2015)

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. An applicant may appeal the city council's decision by seeking judicial review with the district court, which review shall be limited to a review of the record. The district court shall presume the city council's decision is valid and shall review the record to determine whether or not the decision was arbitrary, capricious or illegal. (Ord. 2015-10-003, 10-1-2015)

3-10-10: VIOLATION:

A violation of this chapter shall be a class B misdemeanor. (Ord. 2015-10-003, 10-1-2015)

The St. George City Code is current through Ordinance 2022-05-009, passed May 19, 2022.

Disclaimer: The city recorder has the official version of the St. George City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.sgcity.org](http://www.sgcity.org)

City Telephone: (435) 627-4000

[Code Publishing Company](#)

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2. City shall be named as an additional primary insured and noncontributory on the general liability certificate.
3. The location of the operations to which the insurance applies.
4. The number of the policy and the type or types of insurance in force thereunder on the date of the certificate.
5. The expiration date of the policy and the limit or limits of liability thereunder on the date of the certificate.
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3. The proposed special event is scheduled at a place and time that could disrupt or interfere with an already approved special event;
4. The proposed location or building is not adequate to accommodate the proposed special event such as parking, sanitation facilities, and health or safety codes, or the nature of the proposed special event is such that the city, or the applicant does not have sufficient resources available to ensure the health, safety, and welfare of special event participants or the general public;
5. The permit application contains a material falsehood or misrepresentation;
6. The applicant has failed to pay a debt to the city including costs incurred during a prior special event;
7. Incomplete permit applications; and
8. The applicant or any person on whose behalf the application for a permit was made has on prior occasions:
 - a. Damaged city property, if the applicant is for an event on city property; or
 - b. Made material misrepresentations regarding the nature or scope of an event or activity previously permitted; or
 - c. Has violated the terms of prior permits issued to or on behalf of the applicant.

B. *Notice:* If a special event permit application is denied, the city shall notify the applicant in writing of the reason or reasons for the denial. (Ord. 2015-10-003, 10-1-2015)

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. An applicant may appeal the city council's decision by seeking judicial review with the district court, which review shall be limited to a review of the record. The district court shall presume the city council's decision is valid and shall review the record to determine whether or not the decision was arbitrary, capricious or illegal. (Ord. 2015-10-003, 10-1-2015)

3-10-10: VIOLATION:

A violation of this chapter shall be a class B misdemeanor. (Ord. 2015-10-003, 10-1-2015)

The St. George City Code is current through Ordinance 2022-05-009, passed May 19, 2022.

Disclaimer: The city recorder has the official version of the St. George City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.sgcity.org](http://www.sgcity.org)

City Telephone: (435) 627-4000

[Code Publishing Company](#)

SPECIAL EVENTS SPECTATORS LIABILITY INSURANCE REQUIREMENTS – No Alcohol (Draft Proposal 7.13.22)

Utah Governmental Immunity Liability Limits as of 7/1/22

\$827,000 per Person \$3,329,100 per Occurrence

Vendor must provide a Certificate of Insurance for the amount listed below naming the City of St. George as an Additional Insured

CLASS I EVENTS – General Liability: \$1,000,000 per Occurrence, \$2,000,000 General Aggregate

- Ceremonies – Graduation, Funeral, Wedding (no alcohol)
- Concerts – Band rehearsals, Choirs, Christian, Classical Music, Cover/Tribute Bands, Doo-Wop, Folk, Jam & Jazz Concerts, Spiritual, Symphony
- Dance – Ballets, Classic Dance Shows, Dance Recitals and Competitions, Modern Dance, Hula (without Fire)
- Exhibitions – Drill Team, Educational, Job Fairs
- Festivals/Cultural/Amusement – Art Festival, Bazaar, Harvest Festival (no farm implements or equipment)
- Fundraisers – Carwash, Charity Benefits Fundraiser, Fundraising Dinner, Telethons
- Lectures – Lectures, Seminars, Speaking engagements
- Meetings – Amateur Association, Book or Record Signings, Business, Church, Civic, Conferences, Non-profit gathering (under 150 people, without food/activities)
- Parties – Anniversary, Baby or Bridal Shower, Banquets, Baptism, Bar/Bat Mitzvah, Birthday, Business, Debutante Balls, Holiday Events & Parties/Gift Exchanges, Karaoke, Movie Release, Neighborhood, Old Timer Events, Reunions, Seances, Socials, Wedding Receptions
- Political – Chamber of Commerce Events, Voter Registration
- Sales – Auctions, Individual booths or sellers of small non-food items at Rummage, Sidewalk, Swap Meets, Tunk Shows/Trunk Sales, Farmers Market, Miscellaneous Markets
- Shows – Antique, Art, Auto, Award Presentations, Beauty Pageants, Business, Camera, Card, Casino, Comedy, Computer, Consumer, Debuts, Fashion, Flower, Garden, Home, Hypnotist, Magic, Mobile Home Show, Motorcycle, Pageants, RV Shows, Store Openings, Vacation
- Sporting Events – Body Building, Fishing, Scouting Jamborees (no overnight camping)
- Theatre – Film Screenings, Play Readings, Poetry Readings

CLASS II EVENTS – General Liability \$1,000,000 per Occurrence, \$3,000,000 General Aggregate

- Concerts – 00's Pop, Soul, 70's Disco, Classical Rock, 80's Glam Rock, 80's Pop Electronic Rock, 90's Music, Foreign Music, R&B (50's & 60's Bands/music only), Salsa, School Band Competitions or Events
- Dance – Salsa Dances/Performances, Tap Dancing
- Exhibitions – Trade Shows, Other
- Festivals/Cultural/Amusement – Cultural (Music or No Music), Gay Pride, Mariachi Band, Powwows
- Fundraisers – Walk-A-Thon (under 500 spectators)
- Games – Bingo, Card (Blackjack or Poker), Casino Night, Chess Tournament, Math Tournament, Pool &/or Billiard Tournaments, Video Game Contests
- Lectures – Instructional Classes
- Meetings – Evangelistic, Union, Non-profit gathering (over 150 people without food/activity)
- Parties – Christmas Tree Lighting, Easter Egg Hunt, Menorah Lighting, New Year's Eve Party (private/by invite only), Picnics (held at grounds without pools or lakes), Proms
- Sales – Individual booths/kiosks/trucks selling food at, or an Umbrella for Event Organizer to cover all vendors at, Rummage, Sidewalk, Swap Meets, Trunk Show/Trunk Sales, Farmers Market, Miscellaneous Markets
- Shows – Animal Exhibitions, Boat/RV/Vehicle, Film Showings, Halloween or other Costume Contests, Lounge-type Shows

- Sporting Events (Non-Contact) – Aerobic Classes or Events, Golf (nonprofessional), Junior Athletic Games, Marathons (walking/running), Soap Box Derbies, Volleyball Events, Horseshoes, Cornhole, Lawn bowling
- Theatre – Plays, Talent Show (no rap, hip-hop, heavy metal shows), Theatrical Stage Performances

CLASS III EVENTS – General Liability \$1,000,000 per Occurrence, \$4,000,000 General Aggregate

- Concerts – Country Music, Heavy Metal, Pop Music Concert, R&B (other than rap/hip -hop), Reggae
- Dance – Adult, Jazzercise Classes or Events, High School Dance
- Festivals – County Festivals and Fairs (with music/no rides), Country Wester Events (no rodeos or rides), Festival (Music or No Music)
- Fundraisers – Walk-A-Thons (over 500 spectators)
- Games – Over-night camping
- Meetings – Company or Corporate Retreats
- Parties – Block Parties (under 100 attendees)
- Political – Heads of State (public events), Political Rallies
- Shows – Dog Shows, Ice Skating Shows, Livestock Shows, Lounge or Night Club-type Shows
- Sporting Events (Contact) – Basketball (non-professional), Karate Meets, Kick Boxing Tournaments, Sporting Events in Buildings (non-professional), Tae Kwon Do Tournaments
- Sporting Events (Non-Contact) – Baseball, Bicycle Rallies (No Racing), Bowling, Cornfield Mazes, Cross Country Running, Gymnastics Competitions, Handball, Jr. Athletic Games, Softball Events, Swimming/Water Activities, Tennis, Triathlons, Volleyball, Pickleball

CLASS IV EVENTS – General Liability \$1,000,000 per Occurrence, \$5,000,000 General Aggregate

- Concerts – Rap, Metal, Hip-Hop and those not otherwise classified
- Festivals/Cultural/Amusement – Bike Rallies (outdoor only), Carnivals (with/without mechanical amusement devices), Circus, Haunted Houses, Hayrides, Parades, Poker Runs (outdoor only), Street Fairs, Mechanical Bull, Other Mechanical Amusement Devices, Bounce Houses, Ax Throwing, Roller Derby, Hula (with Fire), Climbing Wall
- Film Production
- Fireworks, Pyrotechnics
- Fundraisers – Fraternity/Sorority Events (no rush events or parties) Lectures – Drivers Training
- Parties – Neighborhood/Block Parties (over 100 attendees), New Year’s Party (Open to the Public) Shows – Gun and Knife Shows
- Sporting Events (Contact) – Adult Martial Arts, Boxing, Flag Football, Football, Hockey, In-Line Hockey, Soccer Tournaments, Wrestling (professional or amateur), Paint Ball
- Sporting Events (Non-Contact) – Aircraft Events, Archery, Hot Air Balloon Events, Helicopter Landing/Ride, Bicycling Events with Racing, Cross Country Skiing, Golf Events (professional), Motorized Sporting Events, Professional Sporting Activities, Racquetball, Rodeos and Roping Events, Skateboard, Tractor Pulls
- Theatre Events – Acrobatic Theatre

Host Liquor Liability – Separate \$1,000,000 Per Occurrence Policy for Event

For Future Consideration: Contracts for Professional Services, Construction Projects (small versus large or dollar amount)

Exhibit 2

DRAFT

City of St George Sponsorship Form

We sponsor events and activities in the city that support our Mission, Vision and Values. Sponsorship can be the use of an area that would need City Council approval or in-kind support. (Note: A fee waiver is NOT a City Sponsorship. Please email events@sgcity.org for that request.)

* Required

1. Email *

2. If City Sponsorship is approved, we request a reconciliation of expenses AFTER your event. Do you acknowledge you will be expected to provide that information? *

Mark only one oval.

Yes

No

3. Organization Name *

4. Organization Address

5. Your EIN (Employer Identification Number) or please email your determination letter if a 501(c)(3) non-profit. (This does not guarantee approval or denial)

DRAFT

6. Contact Person *

7. Contact Person's phone number *

8. Contact Person's email *

9. Summary of your organization *

10. Name of the event/activity for which you are requesting sponsorship. *

11. Is this a recurring event? *

Mark only one oval.

Yes

No

DRAFT

12. Have you had City Sponsorship before? *

Mark only one oval.

Yes

No

13. Please briefly describe prior sponsorship.

14. Date of event/activity *

Example: January 7, 2019

15. Location of event/activity *

16. Summary of your event/activity *



17. Is there an entry/ticket price for the event/activity? *

Mark only one oval.

Yes

No

18. Goals, objectives and proposed outcomes of your event/activity

19. What is your target audience?

***Demographic, community groups, local, national and/or interstate audience**

20. Estimated attendance or number of people reached/impacted by the event/activity

DRAFT

21. Please tell us what support are you seeking and list your specific support request.*

22. How do you propose to promote or communicate your event/activity?

23. If the City sponsored this event/activity, how would it benefit the residents or visitors of St George?

24. How do you propose to acknowledge the City's sponsorship?

DRAFT

This content is neither created nor endorsed by Google.

Google Forms

Exhibit 3

DECLARATION OF JOHN WILLIS

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. As the City’s Community Development Director, I was responsible for building inspections, planning and zoning, code enforcement, and business licensing.
4. The City currently employes two full-time code-enforcement officers. However in a City of over 100,000 persons, it is impossible for those two officers to pro-actively seek out and enforce code violations. Rather, code enforcement in the City is done on a complaint driven basis. When the city receives a complaint or is informed of any

violation of the City Code, an investigation is commenced, and where appropriate, enforcement action is taken.

5. I received an email from Councilmember Michelle Tanner on March 17, 2023, stating, “I have had a concerned mental health therapist contact me regarding a drag performance in Vernon Worthen Park in April (sounds like Southern Utah Drag Stars may have started advertising before receiving a permit which I believe violates our ordinance).”¹
6. With the City’s legal team, we reviewed the ordinance ([City Code § 3-10-4\(C\)](#)) regarding the advertising prohibition prior to receipt of the permit.
7. 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 issues that had been raised with Special Events, including the complaint about advertising prior to obtaining a special event permit.
8. I directed Staff to research which, if any, special event applicants were in violation of City Code. Once that list was created, I asked staff to identify which of the events on the list were recurring events or City-sponsored.
9. City-sponsored events and recurring events without substantial changes have been traditionally exempted from certain requirements of ordinances because the City staff have had experience with the event organizers and with the events themselves and know if there were issues with the event in previous years. If the recurring event has substantially changed from the previous years’ event or the City has had issues with

¹ See Defendant’s Response to Court Questions in Docket #56, Exhibit 1

the event in the previous year, the event may lose its reoccurring status and exemptions.²

10. On or about March 31, 2023, the City Attorney, Tani Downing, and I contacted each of the City Council members to discuss issues that had been raised by councilmembers regarding special events, including the results of the advertising investigation including which new special events, city sponsored events, and recurring events had been found to have been advertising prior to receiving a special event permit. A majority of the City Council directed Ms. Downing and I to strictly comply with the requirements found in City Code § 3-10-1 et. seq and to otherwise enforce it, except as against recurring events and city sponsored events.³ A majority of the Council also directed staff to draft an ordinance for the next City Council meeting amending the moratorium to ratify this decision to exempt the March 21, 2023 list of recurring events with no substantial changes from the moratorium and the advertising prohibition and to clarify in the ordinance that events organized and conducted by the City located on City owned property or within City facilities and city sponsored events were not special events.

11. The Council passed Ordinance 2023-04-001 containing the items described in Section 9 above on April 6, 2023.⁴

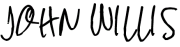
² See Defendant's Response to Court Questions in Docket #56, Exhibit 4, (January 15, 2015 City Council minutes discussion that recurrent events with no changes need not be approved by Council) and [City Code § 3-10-4](#) exempting recurring events with no substantial changes from the 45-day application deadline.

³ See Willis Affidavit, (DSTAR 52-53) Avalox Declaration, Exhibit A.

⁴ See Defendant's Memo in Opposition, Exhibit 11.

FURTHER DECLARENT SAYETH NAUGHT

DATED: June 13, 2023

DocuSigned by:

967F617B14AB4DC...
John Willis

SUBSCRIBED AND SWORN to before me this 13th day of April 2023, by John Willis.

Because Mr. Willis was out of town and signed this Declaration via DocuSign, and was unable to have his signature notarized, please see the attached email from Mr. Willis swearing to its contents.

NOTARY PUBLIC



Jami Brackin <jami.brackin@sgcity.org>

Declaration

1 message

John Willis <john.willis@sgcity.org>

Tue, Jun 13, 2023 at 4:43 PM

To: Jami Brackin <jami.brackin@sgcity.org>, Tani Downing <tani.downing@sgcity.org>

Jami,

I have received and reviewed the Declaration dated June 13, 2023 in my name and to the best of my knowledge it contains true and correct statements to which I would swear, under oath.

Thank you,

--

John Willis

City Manager

Office: (435) 627-4002

Exhibit 4



CITY COUNCIL



THURSDAY, JANUARY 15, 2015 MINUTES

ST. GEORGE CITY COUNCIL MINUTES
WORK MEETING
JANUARY 15, 2015, 4:00 P.M.
ADMINISTRATIVE CONFERENCE ROOM

PRESENT:

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

EXCUSED:

Councilmember Michele Randall

GROUNDBREAKING CEREMONY FOR THE ALL ABILITIES PARK:

A groundbreaking ceremony was held at the All Abilities Park site. An invocation was led by Tim Martin with the St. George Interfaith Council. Upon conclusion of the ceremony, the meeting reconvened at the City Offices, Administrative Conference Room.

OPENING:

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

PRESENTATION FROM THE ARTS COMMISSION:

Gary Sanders presented a PowerPoint presentation outlining the sculpture purchase recommendations from the Arts Commission. They are as follows: Savannah Sunset by Jack Morford; Fish Tails by Dan Hill; Barefoot Trumpet Player by Ronny Walker; New Dancing Moon IV by Reven Swanson; Jericho II by Doug Adams; and Alex by Dan Toone. The funds to purchase these pieces are included in the current year's budget.

Stefanie Bevans stated that the pieces need to be purchased soon. She mentioned that Art Around the Corner shows pieces throughout the City that are available for purchase. Additionally, she explained that the Arts Council will find locations to display the pieces throughout the City.

Mayor Pike mentioned that he would like to move Millennial Dawn to the 400 East Round-a-bout. All pieces that have been purchased in the past are on display.

City Manager Gary Esplin explained that there are some art pieces, as well as, paintings that are stored and rotated in the Art Museum.

The consensus of the Councilmembers is to go ahead with the purchase of the recommended pieces.

PRESENTATION FROM THE WASHINGTON COUNTY PREVENTION COALITION:

Brandon Dunbar, Detective with the Police Department, introduced the Coalition members that are present. He presented a PowerPoint

presentation covering the
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following topics: Washington County Prevention Coalition; Strategic Prevention Framework; 2009 statistics for Rx Drug Abuse; Clean Out Your Cabinet Event; Past 30-Day Use (All Grades); What Can You Do?; and Contact Information. The coalition is working on regulations for e-cigarettes as there are not any at this time. He invited Mayor Pike and the Councilmembers to become members or to attend their meetings which are held on the second Thursday of each month at the Southwest Center.

PRESENTATION FROM THE SCHOOL OF LIFE FOUNDATION:

Kip Kint, Director of Training Services for the School of Life Foundation, provided a handout containing the School of Life Overview and Report. He then showed a video outlining what the foundation provides. He reviewed the overview and report which includes the list of the Washington County High Schools they are in, their impact, an explanation of how the classes are taught and student experiences. He invited Mayor Pike and the Councilmembers to visit one of their classes.

DISCUSSION ON THE SPECIAL EVENTS PERMIT PROCESS AND ORDINANCE:

Economic & Housing Development Director Matt Loo provided a draft of the proposed special event application and ordinance changes. He read the proposed changes to the ordinance.

Councilmember Bowcutt inquired about the proposed fees for City staff to coordinate or work an event. He wondered if that would discourage event planners from holding an event that is good for the community. Additionally, he asked who was on the special event review committee.

Mr. Loo stated that Councilmember Bowcutt's comment is a consideration. He explained that number two in section 1-6, lists who is on the committee.

City Attorney Shawn Guzman recommended that the committee not be the body who approves the events; rather it be the City Manager. The committee will simply supply the information to the City Manager to review and approve or deny. Additionally, the City Manager can recommend that the event go before the City Council for approval.

Councilmember Arial commented that she has enjoyed knowing about the events. She would like to be informed of the events that are taking place.

City Manager Gary Esplin explained that there are a couple of issues with an event not going to City Council. The first being the advertisement they would get and the second is who has the authority to waive the fees. He believes the City Council should retain the approval of fee waivers unless there are specific events they would like to delegate approval authority. He believes the ordinance should include language stating that events of a certain size or number of attendees be approved by the City Council. Additionally, for events that have been approved by the City Council in the past, if there were no problems with previous events, they need not be approved by the City Council for subsequent events. They would still have to meet the requirements. Staff wants to be flexible, but there are issues if they do not know about an event. If an existing business has been approved for this type of use and is

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built for the event, such as a school or a church, they may not need to go through the approval process. A school that sponsors their own event at their own facility is exempt.

Mayor Pike commented that the public may expect a fee waiver for the cost of City staff if the event is being planned for a 501C(3); however, if it is for profit, they should pay the cost.

Councilmember Bowcutt stated that it may be hard to collect enough to pay for the true cost of the staff.

City Manager Gary Esplin advised that some events are budgeted for and the City will have to cover the expense. Staff's concern is that their overtime budget may be depleted for covering events that are not budgeted for.

Councilmember Almquist commented that the cost could be tied to the number of attendees or demographics. He inquired about violation and penalties for those that violate the permit or do not obtain a permit at all.

Mayor Pike pointed out that the section talks about violating the ordinance. That would cover those that did not obtain a permit.

Councilmember Almquist inquired about number three in section 1-7, with regard to trained security.

Mr. Loo explained that as part of the process, the Police Department will see that the credentials fit the event.

City Manager Gary Esplin stated that if the City Manager is instructed to take the advice of the committee who says the security is inadequate, the applicant can appeal to the City Council. The 30 day notice, which is less than other cities, is key because most of the problems that have occurred in the past did so because the applications were not received in a timely manner.

Ed Baca, citizen, commented that he has been involved with many special events as a police officer. People learn to realize that private security officers do not have the same impact or influence as police officers. What they did, as part of the application, the applicant could hire an off duty police officer at their hourly rate. This allowed the officer to have paid overtime at their hourly rate. The city received the money from the applicant and paid the officer as part of their check.

Councilmember Arial compared the fee proposal to a wedding reception. You have to rent different items and pay a fee for them. If an event is non-profit or a block party, the fee should be waived. It is important that event promoters pay for security if it is a big event.

Mayor Pike explained that there are a lot of non-profit organizations that make money. That will have to be addressed when an application is received.

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Councilmember Bowcutt mentioned the Lions parade and the Round Up Rodeo. For all of the work that the City does to make these happen, he is afraid that if the fees are too excessive, it will take away from donations they can make to other organizations in the community.

Councilmember Arial commented that to her, the Round Up Rodeo is different as the City sponsors the event.

City Manager Gary Esplin stated that the Council needs to identify events that are sponsored by the City. He explained that some events are budgeted for. He believes that these events should be grandfathered in as well as adding additional events in that the Council feels are important to the community.

Mayor Pike mentioned that the City has not done New Year's Eve events in the past few years. If an individual approaches the City to put on a New Year's Eve event, the City may want to become a sponsor.

City Manager Gary Esplin stated that there needs to be confidence in the process. The committee reviews the applications for a reason, to make sure the event is held without affecting safety.

Mr. Loo addressed the proposed special event permit application. An area will be added for departments to sign that they reviewed the application. He outlined the additions and changes to the application. Additionally, he explained that the ordinance states that an event should not be advertised until approved.

City Manager Gary Esplin explained that if an event is advertised prior to getting approval, the City is not at fault, the promoter is. If an application is received in full, it needs to be approved within a reasonable time, not near the end of the 30 days.

Councilmember Hughes commented that the 30 days should be a minimum requirement. If a promoter is putting on a large event, they should submit an application sooner.

Councilmember Almquist inquired about calendaring events.

Mr. Loo stated that the ordinance covers timing and scheduling as well as events that may conflict with another. The City's goal is to make all of the events as successful as possible.

Mayor Pike asked Tiffany Barnes if she would like to comment on the proposed changes.

Ms. Barnes commented that what a special event is has not been clarified. If she plans a wedding and expects 350 guests, would she need to apply for a special event permit and obtain insurance? She suggested a tiered system.

City Manager Gary Esplin explained that it would depend on where the event is taking place. The City's intent is to have the committee review the event and have it

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approved without going to the Council if it is under a certain number of attendees. If a party takes places inside a business zoned for that specific use, they do not need a permit.

Ms. Barnes commented on specifying the type of activity. While she agrees with needing to know, she suggested the City take a different approach.

City Manager Gary Esplin explained that staff does not know what is being planned unless the applicant specifies that on the application. A concert or a dance may have different requirements.

Mayor Pike noted that the City is not opposed to a specific type of event. Staff just wants to see that issues revolving the event are dealt with.

City Manager Gary Esplin stated that the dance hall ordinance will be looked at. The proposed process will allow for applications to be approved more timely as long as the application is received and complete.

Mayor Pike invited Ms. Barnes to contact staff with further questions and concerns. He mentioned that he met with Jared Keddington recently. He believes that they City can possibly partner with Mr. Keddington to hold a dance at a hangar at the old airport.

City Manager Gary Esplin stated that those that would like to see changes also have to work through the process and be truthful. They need to provide information rather than create hysteria. The issue that occurred in October was not because the event was a dance; it was the fault of the promoter in not following the process.

Ms. Barnes clarified that she does not work with Mr. Keddington. She stated that she has a number of letters from other dance promoters that she will email to Mayor Pike.

Councilmember Hughes commented that he likes Mayor Pike's idea of the City partnering with Mr. Keddington to put on a dance. He has a problem dealing with individuals that have not been forthright.

Councilmember Bowcutt stated that the committee should have adequate authority to make those decisions.

Mayor Pike stated that the City Manager will approve the applications.

City Manager Gary Esplin explained that the committee meets and minutes will be taken. The committee reviews the applications and makes recommendations to the City Manager. If a fee waiver is being requested, that will go to the City Council for approval. Additionally, if the event promoter would like to mention their special event at a City Council meeting, they can do so.

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City Attorney Shawn Guzman stated that the process that is being discussed is what is happening currently. The only difference is that the City Manager will approve the applications.

City Manager Gary Esplin explained that a time frame is also being added. Staff will refine the proposals and have it return for approval.

Mayor Pike asked the Councilmembers to read through the proposals and respond via email if they would like to suggest any changes.

Councilmember Almquist noted that the 30-day time frame should begin when the applicant has everything in order, not when they pick up the application.

City Manager Gary Esplin explained that insurance may be an issue as it may take a bit longer. The application can still be reviewed.

City Attorney Shawn Guzman advised that insurance can be done fairly quickly.

Mayor Pike commented that staff is here to help the event promoter and facilitate the process as best they can.

Mayor Pike mentioned the budget meeting that will take place at the Dixie Center on Thursday, February, 12, 2015.

City Manager Gary Esplin explained that the meeting will begin at 7:00 or 8:00 a.m. and will go until 12:00 and then break for lunch. Public comments will be heard at approximately 1:00 to 3:00 p.m. This meeting will replace the regularly scheduled work meeting.

The consensus of the Councilmembers is to begin at 8:00 a.m. and begin public comments at 1:00 p.m.

REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:

Councilmember Hughes had nothing to report.

Councilmember Bowcutt stated that he was surprised that no one attended the public hearing at the Planning Commission meeting for the General Plan amendment on 3000 East.

Mayor Pike mentioned that he spoke with the City Manager and Mayor of Washington today.

Councilmember Almquist had nothing to report.

Councilmember Arial stated that the Arts Commission is polling groups to see which will use the Electric Theater.

Mayor Pike mentioned that he had a discussion with Bill Christensen with the University. They have a theater expert that can help the City if needed.

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Councilmember Arial mentioned that the Youth City Council will take six of the youth council to the Local Official's Day at the Legislature.

Councilmember Almquist explained that nothing prohibits a parent from taking their child to the event.

Mayor Pike stated that the City would cover the cost of the registration.

Councilmember Arial stated that she informed Della Lowe, the Youth City Council advisor that she needs to reduce the number of members. Currently, they have seventeen.

Mayor Pike stated that he believes there needs to be better control over this; possibly under a different individual.

Councilmember Bowcutt commented that Foremaster Drive has become tough with the new Mall Drive Bridge. Additionally, he believes there needs to be a right hand turn lane for those travelling from west bound Riverside Drive onto Foremaster Drive.

City Manager Gary Esplin stated that he will have Public Works Director Cameron Cutler look at that.

Mayor Pike reminded the Councilmembers that the annual root beer float event will take place this Saturday. With regard to his earlier comment, he would like to do an event at the hangar at the old airport with Jared Keddington; however, it is up to the City Council. He would like to give Mr. Keddington a chance to prove himself. Even if the City does not partner with Mr. Keddington, he would like to allow him to use the north hangar.

Support Services Manager Marc Mortensen inquired about a fee as the dance may be for profit.

Councilmember Hughes commented that others may want to use the hangar as well.

Mayor Pike stated that requests can be considered.

City Manager Gary Esplin stated that the City may then be competing with the private sector. Additionally, that hanger is used for other things and is storing City property.

Support Services Marc Mortensen explained that it would take approximately four hours to move everything out of the hangar. Mr. Keddington would like to do a foam body paint dance. He showed an example he found on the internet.

The consensus of the Councilmembers is to allow Mr. Keddington a chance, using the special event permit process.

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Mayor Pike stated that he would like to know more about the type of dance he would like to do.

Support Services Marc Mortensen mentioned that although the hangar is sound proof, there are neighbors.

Mayor Pike stated that the Councilmembers will have to decide if the City should sponsor the event and approve a fee waiver for the dance. He asked the Councilmembers if they are okay with allowing Mr. Keddington a fee waiver for the use of the hangar.

Councilmember Arial commented that she believes the City should for public relation purposes.

Councilmember Bowcutt stated that Mr. Keddington should submit his application at least 30 days prior to the event.

Councilmember Arial stepped out.

ADJOURN TO CLOSED SESSION:

MOTION: A motion was made by Councilmember Bowcutt to adjourn to closed session to discuss a proposed property sale.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Councilmember Arial returned prior to the closed session.

City Attorney Shawn Guzman updated the Mayor and City Council on the Spencer's issue. They will put up panels to block the view from patrons. The gentleman from Spencer's mentioned the books that are being sold at Barnes and Noble. Those books are on human sexuality and massages. This needs to be discussed with regard to the ordinance as he does not believe the material is different.

Councilmember Arial stated that this is different as she would have to open the book up, at Spencer's things can be seen on the shelf. She has been in Barnes and Noble and has never seen them.

City Attorney Shawn Guzman advised that the ordinance does not differentiate the items. All businesses have to be treated the same. The issue is the pictures that are in the books.

Councilmember Hughes agreed with Councilmember Arial.

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City Attorney Shawn Guzman advised that when he and Deputy City Attorney Paula Houston went into Barnes and Noble, they did not see young adults in that section; however, each time they went to Spencer's, there were young adults in the adult section almost every time.

City Manager Gary Esplin mentioned that Marty Friedel, a long time firefighter passed away. Mr. Friedel did not pay his assessment. He proposes to write off some of the interest that has accrued. The title company has offered to pay \$50,000.

The consensus of the Councilmembers is to accept the title company's offer.

City Manager Gary Esplin updated the Councilmembers on the cost and funding for the train at the All Abilities Park. He believes the City can net \$100,000 profit on the train each year.

Councilmember Bowcutt stated that he is concerned with charging riders.

Councilmember Arial explained that she does not think that will be an issue.

Mayor Pike stated that he believes riders will love the experience. The City needs to be transparent about this.

City Manager Gary Esplin commented that the Mayor should make an announcement stating that the City has received 30% of the cost in donations and will continue to accept donations.

Councilmember Almquist stated that the money donated will buy the train, just not the other items associated with it.

City Manager Gary Esplin stated that with the cost for the hand prints will help as well. He will have staff check on the actual costs and return for approval to purchase.

Support Services Marc Mortensen stated that the All Abilities Park website shows the train. Patrons believe it will be there.

Councilmember Hughes commented that he is concerned that the City will receive the same flack as it did with the Carousel.

City Manager Gary Esplin explained that the number one request in the planning process was the train. He stated that one day a week; the park will be closed to all patrons except special needs children.

Councilmember Hughes asked the Councilmembers if they received an email from a woman in Little Valley regarding a natural park on SITLA property. She believes the City should purchase the property.

City Manager Gary Esplin stated that the property is going to be purchased and donated to the City.

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ADJOURN:

MOTION: A motion was made by Councilmember Almquist to adjourn.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Bowcutt – aye

Councilmember Arial - aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder

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Exhibit 5



CITY COUNCIL



THURSDAY, OCTOBER 8, 2015 MINUTES

ST. GEORGE CITY COUNCIL MINUTES
WORK MEETING
OCTOBER 8, 2015, 4:00 P.M.
ADMINISTRATIVE CONFERENCE ROOM

PRESENT:

Mayor Jon Pike
Councilmember Gil Almquist
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
City Manager Gary Esplin
Deputy City Attorney Paula Houston
City Recorder Christina Fernandez

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Police Chief Stratton and the invocation was offered by Chaplain Luigi Perischetti.

Mayor Pike mentioned that approximately 10,700 attendees will be in town for the Huntsman World Senior Games. Utah Speaker of the House Greg Hughes was in town last night and spoke at the Desert Garden grand opening. Additionally, he mentioned that there is a regional pickleball tournament taking place at the Fields at Little Valley. Leadership Dixie had a mock Council meeting this afternoon in the Council Chambers.

PRESENTATION FROM GEORGE STREETFEST ON MAIN REPRESENTATIVES:

City Manager Gary Esplin stated that staff received a request from the George Streetfest organizers to provide an update to the Council.

Mayor Pike mentioned that all involved have worked hard to make this event be successful.

Councilmember Hughes arrived.

Melynda Thorpe stated that it is exciting to see that 5,000 people attended this event every month. She showed photos from the Streetfest events and stated that the Convention and Visitors Bureau has agreed to sponsor them through 2016. They are requesting the City to continue with their sponsorship through 2016 as well. Ms. Thorpe explained the handout provided outlining items such as the purpose and scope of the event, target audience, sponsorship program, etc. She then showed a Streetfest video recap on the St. George News website. The Streetfest in November will take place after dark.

Amy Thorpe explained that the Jazz Garden plans to continue as it consistently has had quite a crowd; their average attendance is approximately 420. Their anchor band is West Coast Jazz, Zion Brewing Company is a sponsor for the beer garden and Iron Gate Winery is going to join. Additionally, local restaurants have stepped up and served food. She thanked the Mayor and Council for their support.

Melynda introduced Karen Wright, their new Event Operations Manager. She then outlined their request of the City as follows:

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Continuing:

- Contribute \$2,000 per month November 2015 – December 2016
- Professional live entertainment, sound \$1,600
- Print/graphic design \$400
- Block off Main Street from St. George Boulevard to Tabernacle and from Tabernacle to 100 East
- Provide event parking signage
- Provide quality stage with lighting
- Provide fire barrels in cold months with firefighters to supervise
- Allow for a one-time 2016 \$500 alcohol permit fee
- Provide promotion on the City website and digital billboard
- One SunTran side panel transit ad
- One advertorial per issue of Inside St. George

Additional:

- Street closure one hour earlier (2 p.m.) to allow for additional needed setup time
- Install adequate power/lighting to Tabernacle Street to support DJ
- Contribute \$300 currently being paid to outsource sound, event organizers will sub contract and manage
- Electric Theater – Art & Vino 6-10 p.m., 10-mindight movie

Support Services Director Marc Mortensen agrees that there may be better options if the sound is outsourced.

Nikki Richards stated that the downtown business owners feel this event is very exciting. One in particular was able to keep their doors open because of the Streetfest.

Melynda explained that she, Amy and their children clean up with youth groups who are looking for volunteer hours.

Ed Baca, citizen, asked about the second venue for alcohol; he asked what would be served.

Melynda explained that they prefer wine only. Their goal is to lessen the impact on Ancestor Square. It is near the youth area.

Mayor Pike noted that staff will have to look at the request regarding the Electric Theater since it is City property.

City Manager Gary Esplin stated that this has been a great event. He explained that the costs to the City; there is no money in the current budget to continue with sponsoring. Tonight's request will cost approximately \$3,600 a month. He does not see closing the streets earlier will be a problem as long as the businesses agree. Installing power and lighting on Tabernacle would be a good to accommodate all events held in that area, staff would have to determine the cost. Although alcohol may be allowed on City property, only one request has been approved. Staff is looking at costs for every event being held in the City, not just this one.

Mayor Pike explained this is not included in the budget; therefore, a budget opening would have to be done. Staff does not have an answer tonight regarding the power on Tabernacle and they will have to look at allowing wine at arts venues.

Deputy City Attorney Paula Houston explained that whoever is serving the alcohol would be required to have a single event alcohol license from the City and State.

Councilmember Almquist commented that downtown businesses have to flourish as that area is important. He sees the value in doing a budget opening.

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Councilmember Arial commented that the success of the event warrants City support.

The consensus of the Council is to proceed for at least the next two months and to find a way to cover the costs for the requested sponsorship.

City Manager Gary Esplin noted that taking staff away from their regular jobs is a critical discussion. Staff will have to set a cost for staff to work special events.

Development Office Project Manager Laura Woolsey stated that the request for a local consent will need to be added to the next agenda.

Mayor Pike suggested the Council consider the entire 14 months next Thursday, for the existing location.

Melynda thanked the Mayor and Council for being available for the events. This community and event mean a lot to her. If the City funds the event, she will ask the Downtown Merchants Group to sign a 5-year management contract.

DISCUSSION REGARDING A SPECIAL EVENT ORDINANCE:

Development Office Project Manager Laura Woolsey provided a copy of the proposed ordinance.

City Manager Gary Esplin stated that the Council previously discussed a possible special event ordinance. Since the special event permitting process will go through Ms. Woolsey, he asked her to review the ordinance. In the previous work meeting, the Council discussed the basic structure. He explained that fees in the ordinance are established so that the City can be compensated for the process; the Council has the right to waive the fees.

Deputy City Attorney Paula Houston explained that she, City Attorney Shawn Guzman and Ms. Woolsey worked on the proposed ordinance, leaving flexibility for approval by the City Manager. She reminded the Council that this is a draft ordinance and will be collected after tonight's discussion. She then read the proposed purpose statement for Title 3, Chapter 10 of city code. This ordinance is designed to keep things running smoothly, to keep from infringing on neighbors. She then read the definition of a special event, which outlines the different categories of a special event. If a business would like to use their facility for something other than their permitted use, they would be required to obtain a separate business license.

An example was given of an auto center holding a dance; the Council sees this restriction as a problem.

Councilmembers Bowcutt and Randall commented that they do not know why special events have to go to City Council for approval.

Deputy City Attorney Paula Houston explained that the proposed ordinance is written so that the special event employee/staff works through the application and goes to the City Manager for approval. If the City Manager wants to give the special event employee permission to approve, he can do so, naming that employee as a designee.

City Manager Gary Esplin stated that the proposed ordinance includes an appeals process. An event would go to City Council for approval when an application is not approved and the applicant chooses to appeal. Additionally, the proposed ordinance does not allow for fee waivers unless they want to appeal to the City Council.

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Deputy City Attorney Paula Houston added that the proposed ordinance also includes a recovery fee for City services and staff.

Councilmember Bowcutt commented that most of what the Council approved is based upon staff's recommendations. He believes staff should have the authority to approve the event applications. If the applicant wishes to appeal, then it can be before Council for approval.

City Manager Gary Esplin explained when a 501(c)3 organization is granted a fee waiver, that is technically a donation to them, which triggers other issues. This proposal will hinder some event organizers as they may not have anticipated the fees. He would rather keep the application fee low so that the City can recover its cost for services and staff.

Councilmember Almquist suggested that item E. of the Special Event definition be changed to read "Exclusive City events are not special events for the purposes of this chapter".

Deputy City Attorney Paula Houston explained that the proposed ordinance outlines insurance requirements and excludes other government facilities from needing a permit. Additionally, it outlines grounds for denial and appeals process. Per the proposed ordinance, a special event application shall be submitted at least 45 calendar days before the event is scheduled and the event shall not be advertised until City approval is granted and a special event is issued. She is concerned that by the time they receive the permit, they may not have enough time to advertise their event.

Mayor Pike stated that he believes it should be 30 days. Even if an application is submitted less than the required time frame, staff will do everything it can to help the applicant with the process. Applicants should be warned that the process can take 60 days.

City Manager Gary Esplin commented that he is a bit worried that applications will come in less than 30 days in advance. If the application meets all of the requirements, the process can take less time.

Ms. Woolsey explained that staff is doing their best to accommodate event planners; however, she would like the language to remain in the proposed ordinance.

Mayor Pike suggested the language read "applications submitted less than 45 calendar days prior to the scheduled event may not be accepted".

A discussion took place regarding the time frame for submitting an application.

Councilmember Almquist suggested adding language stating an appeal may add considerable time.

Deputy City Attorney Paula Houston advised that generally that type of language should be added to the website and application rather than in the code.

Councilmember Hughes suggested leaving in the language requiring an application be submitted 45 days prior to an event and changing the language to read "applications submitted less than 30 calendar days prior to the scheduled event may not be approved".

City Manager Gary Esplin stated that should also be put that in a policy rather than in the ordinance. Staff will make the suggested changes and bring it back for approval next Thursday.

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Councilmember Almquist also suggested that language be added to explain that some events may be approved quicker than others.

City Manager Gary Esplin stated that first time events will have to go to City Council for approval. Recurring events will not have to unless there are changes from previous events.

Deputy City Attorney Paula Houston advised that she will spell that out in the ordinance.

The consensus of the Council is to require 45 days for new events and repeating events that have changes.

A discussion took place regarding proposed fees; a resolution will have to be passed.

Councilmember Bowcutt asked about the required insurance coverage.

City Manager Gary Esplin commented that there needs to be a discussion with City Attorney Shawn Guzman regarding insurance requirements.

ADJOURN:

MOTION: A motion was made by Councilmember Bowcutt to adjourn.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall – aye

Councilmember Bowcutt -aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder

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Exhibit 6



CITY COUNCIL



THURSDAY, OCTOBER 15, 2015 MINUTES

ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
OCTOBER 15, 2015, 5:00 P.M.
CITY COUNCIL CHAMBERS

PRESENT:

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

EXCUSED:

Councilmember Jimmie Hughes

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led Scouts Carter Chadburn and Colby Christensen and the invocation was offered by Reverend Jimi Kestin.

Mayor Pike introduced Jessica Padron with Leaders In Action. He explained that he met them while they were cleaning up at the George Streetfest.

Leaders In Action introduced themselves and Ms. Padron presented a PowerPoint presentation covering the following topics: Leaders In Action Class of 2015-16; Why We Need Activities in the Community; Help Find Macin; The Leaders In Action Have Recently Been Asked to Help the Red Mountain Color Run; We Went to go Mow Lawn for Our Elderly Neighbors; Handing Out Cupcakes; Why We Need Leaders In Action In Every School. They fund their activities by collecting donations.

City Manager Gary Esplin advised that the public hearing for the issuance of the bond was noticed for 7:00 p.m.

Mayor Pike stepped out and asked Councilmember Almquist to conduct the meeting in his absence.

AWARD OF BID:

Consider approval of a professional services agreement for the Little Valley Soccer Fields Phase 5 project.

City Manager Gary Esplin explained that this project will be paid out of RAP Tax funds. One of the two fields will be sized to accommodate rugby and lacrosse. The agreement will be with Sunrise Engineering, who has done the majority of the work in Little Valley.

Purchasing Manager Connie Hood advised the cost of this phase of the project is \$144,700 and includes design, development and construction administration.

MOTION: A motion was made by Councilmember Randall to approve the professional services agreement with Sunrise Engineering for the Little Valley Soccer Fields Phase 5 project in the amount of \$144,700.

SECOND: The motion was seconded by Councilmember Arial.

VOTE: Mayor Pro Tem Almquist called for a vote, as follows:

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Councilmember Almquist – did not vote

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for the All Abilities Park hardscape.

City Manager Gary Esplin explained that this is not actually an award of bid since it is covered under Bud Mahas' contract; the amount of \$472,000. He outlined what work is included in the contract and mentioned that two bids were received. There is no need to take action; the Council just needs to agree to move forward.

Parks Planning Manager Jeff Peay provided an update on the progress of the park and provided a diagram and map of the facility.

Mayor Pike returned.

City Manager Gary Esplin commented that donations are still needed.

Councilmember Almquist noted that the engineer's bid for lighting was almost twice both bids received.

MOTION: A motion was made by Councilmember Arial to approve the bid for the All Abilities Park hardscape in the amount of \$472,320.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for the St. George City Energy Control building project.

City Manager Gary Esplin explained that this facility is where staff purchase and sell power. The current budget includes \$650,000 to build a new 4,000 sq. ft. building.

Purchasing Manager Connie Hood advised that three bids were received; the low bidder was Steed Construction in the amount of \$624,726.

MOTION: A motion was made by Councilmember Almquist to award the bid to Steed Construction the St. George City Energy Control building in the amount of \$624,726.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

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Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for two (2) 2015 1/2 ton pickup trucks for Energy Services.

City Manager Gary Esplin explained that the bid received was \$30,038 each for the two (2) trucks. He explained that Larry Miller Ford was the low bidder and St. George Ford was within the 5%; however, they declined to match the low bid.

Purchasing Manager Connie Hood advised the total is \$60,076 and represents the two vehicles.

MOTION: A motion was made by Councilmember Arial to award the bid to Larry Miller Ford in the amount of \$60,076 for the two (2) 2015 1/2 ton pickup trucks for Energy Services.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/AMEND CITY CODE/ORDINANCE:

Public hearing to consider amending Title 10, Chapter 14 of City code, dealing with short term leases of residential property parking requirements and Planned Development zone residential development standards. ENRP, LLC, applicant.

Planning & Zoning Manager John Willis stated that staff received an application requesting to amend short term rental parking requirements for Shinava Ridge. This development was approved for short term rentals with one parking unit per lot. He outlined the proposed amendments to Section 10-14-22(3) Automobile and Parking Regulations, new Section 10-14-22(5) Occupancy, amendments to Section 10-14-

22(D)(3) Short Term Leases of Residential Properties and amendments to Section 10-8-5(D)(1)(d). Planning Commission recommended approval. This new parking standard will apply city-wide to all approved short term rentals.

City Manager Gary Esplin stated that the City will enforce parking violations, even if there is an HOA.

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City Attorney Shawn Guzman explained if there is something in the garage that prevents someone from parking; the ordinance can be altered to say that parking in the garage is required to be available.

Bruce Jenkins, applicant, thanked staff for working with them. The modification regarding garage parking requirements is not an issue for them as he believes that fits the spirit of what is being done.

Mayor Pike opened the public hearing. There being no comment, he closed the public hearing.

Councilmember Almquist commented that the intent of ordinances and zoning regulations is to help people get along.

MOTION: A motion was made by Councilmember Almquist to approve the ordinance amending Title 10, Chapter 14 of City code, Chapter 8 and parking requirements in other zone regulations that are adjusted and to add language relative to the actual usage of the intended garage.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

SPECIAL EVENT ORDINANCE:

Consider approval of an ordinance establishing a process for approving special events in the City.

City Manager Gary Esplin stated that the Council should have a copy of the proposed ordinance and noted that the ordinance was discussed at the previous work meeting.

Deputy City Attorney Paula Houston stated that the intent of the ordinance is to allow special events in a way that does not conflict with others. She highlighted portions of the proposed ordinance including the definition of a special event, and application requirements and procedures. During the previous work meeting, City resources were discussed. Time is needed to see if those resources are available. Most applications are submitted well in advance. The ordinance states that the applicant shall procure and maintain Worker's Compensation Insurance as required by Utah law.

City Attorney Shawn Guzman added the City does not require anything in excess than what the State requires. It is the responsibility of the event promoter to see what Utah law requires.

Deputy City Attorney Paula Houston explained that regarding section 3-10-8: Grounds for Denial, applications are not automatically denied. These are the factors staff will look at when deciding whether an event should move forward.

City Manager Gary Esplin noted that special event fees, as well as City costs, will be required of all special event applications. The Council can waive them if the applicant

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wishes to appeal. He explained that the City cannot continue to absorb the costs of the services provided.

Deputy City Attorney Paula Houston explained that Development Office Project Manager Laura Woolsey is working on a fee schedule for City costs.

City Manager Gary Esplin commented that the fees will be kept minimal.

MOTION: A motion was made by Councilmember Almquist to approve the ordinance establishing a process for approving special events in the City of St. George.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

FEE SCHEDULE/RESOLUTION:

Consider approval of a resolution adopting a fee schedule to rent the Dixie Academy top floor.

City Manager Gary Esplin explained that staff researched the cost of similar facilities in the City and outlined the proposed fee schedule. The Children's Museum is concerned with security since access to the top floor is through the Museum.

Leisure Services Director Kent Perkins stated the biggest challenges are that there are three exits and the elevator is at the rear of the building. The Museum's concern is when an event is taking place; it will be imposing a security requirement on them. Staff's recommendation is to discuss their needs to protect the Museum. Additional staff members and/or security officers may be required with larger events.

City Manager Gary Esplin explained that staff feels the proposed fee schedule is reasonable as all that is provided is the facility, chairs, tables and projector. Staff will return with suggestions on the requirements for staff and/or security.

Councilmember Almquist mentioned the cost comparisons provided in the packet. The City is not competing with other event venues; he believes there is a shortage of these types of facilities in St. George.

MOTION: A motion was made by Councilmember Randall to approve the resolution establishing the fees for the rental of the Dixie Academy 3rd floor.

SECOND: The motion was seconded by Councilmember Arial.

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

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Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

GEORGE STREETFEST ON MAIN SPONSORSHIP:

Consider approval of a sponsorship for the George Streetfest on Main event. Melynda Thorpe, applicant.

Lil Baron expressed her appreciation and thanked the Council for their support.

Amy Thorpe, with Emceesquare Media & Events, requested continued City sponsorship until the end of 2016.

Melynda Thorpe, applicant, outlined their request as follows:

Continuing:

- Contribute \$2,000 per month November 2015 – December 2016
- Block off Main Street from St. George Boulevard to Tabernacle and from Tabernacle to 100 East
- Provide event parking signage
- Provide quality stage with lighting
- Provide fire barrels in cold months with firemen to supervise
- Allow for a one-time 2016 \$500 alcohol permit fee
- Provide promotion on the City website and digital billboards
- One SunTran side panel transit ad
- One advertorial per issue of Inside St. George

Additional:

- Street closure one hour earlier (2 p.m.) to allow for additional needed setup time
- Install adequate power/lighting to Tabernacle Street to support DJ
- Install culinary water line to Tabernacle
- Contribute \$300 currently being paid to outsource sound, event organizers will sub contract and manage
- Electric Theater: open and staffed for 10:00 p.m. - midnight movie – movie purchase to be covered by sponsors

Melynda also asked for a contingency plan to have a second venue in case of inclement weather.

Mayor Pike mentioned that would have to be worked out with Laura Woolsey.

Councilmember Arial asked if the Council should determine a rating for the movie.

City Attorney Shawn Guzman suggested Melynda work with Support Services Marc Mortensen for the movies.

Melynda added that she spoke with the Downtown Merchants Group who is in favor of closing the street an hour earlier. They will put signs out in 2016 warning people of the change.

Councilmember Almquist commented that there should be restrictions on what the attendees can bring into the Electric Theater.

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City Manager Gary Esplin stated that there are no food and drinks allowed in the Electric Theater. Some of the new requests include additional costs to the City. Additionally, there are some conflicts with the schedule for providing City staff support because of large City events going on. He explained that a culinary line cannot be installed on Tabernacle and the cost to add power is approximately \$600 each. If staff scheduling cannot be worked out, the event promoters will have to cover the costs themselves. Staff will be happy to work through the issues.

Councilmember Almquist mentioned a private company who purchased a stage for events such as this. He encouraged Melynda to contact them.

City Manager Gary Esplin advised that a liquor license was issued through 2015; a new application will have to be approved for 2016. A budget opening will have to be done to fund the requests and will have to be budgeted for next year.

Melynda explained that she and her staff will work on their contingency plan and the scheduling conflicts.

MOTION: A motion was made by Councilmember Arial to approve City sponsorship for the St. George Streetfest on Main Street with a few exceptions to their request, mainly the water line and funding through June, 2016.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

LOCAL CONSENT/RESTAURANT WITH BEER LICENSE:

Consider approval of a local consent and proximity variance for a restaurant with beer license for Even Stevens. Steven Down, applicant.

Michael McHenry with Even Stevens explained that they leased the old Café Rio location. They were unaware that there is a church approximately 495 feet from the building. For every sandwich they sell, they donate a sandwich to a non-profit organization. Their company works with local companies to supply items needed at their restaurants. They have contacted and met with the church leaders this past weekend; they have not yet received a letter of consent. The Utah Department of Alcohol and Beverage Control will meet next week to consider their request.

City Manager Gary Esplin mentioned that the Council has the authority to approve a proximity variance. The applicants meet all other requirements and staff supports the request.

Mr. McHenry explained that they will be working with SwitchPoint, the Utah Food Bank and the Dove Center to fill their pantries. Each store donates about 10,000 sandwiches a month.

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MOTION: A motion was made by Councilmember Randall to approve the local consent and proximity variance for a restaurant with beer license for Even Stevens.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

SET PUBLIC HEARINGS:

Planner Ray Snyder advised that at its meeting held on October 13, 2015, the Planning Commission recommended setting public hearings for November 5, 2015 to consider the following: 1) a general plan amendment from OS (Open Space/Golf Course) to LDR (Low Density Residential), MDR (Medium Density Residential), and HDR (High Density Residential) on approximately 22.33 acres located near the Bloomington Golf Course and Country Club; 2) a zone change amendment for a proposed site plan layout, elevations, colors and materials, and to add the "use" of a skilled nursing facility to the previously approve use list for assisted living for property located at approximately 2000 East Riverside Drive; 3) a zone change from R-1-10 (Single Family Residential – 10,000 sq. ft. minimum lot size) to C-3 (General Commercial) on 2.55 acres generally located between Black Ridge Drive and Bluff Street; and 4) a zone change from R-1-7 (Single Family Residential – 10,000 sq. ft. minimum lot size) to PD-R (Planned Development Residential) on 4.78 acres located at 450 North Street, between 2450 East and 3050 East.

MOTION: A motion was made by Councilmember Randall to set the public hearings for November 5, 2015.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

BUILDING DESIGN CONCEPTUAL SITE PLAN:

Planner Ray Snyder presented the building design conceptual site plan for Catamaran Plaza, a multi-family 160 unit, 4-story apartment complex located directly north of the electrical substation at the intersection of Riverside Drive and 1990 East and south of the existing Rebel Creek Ridge Apartments; zoning is R-3 and R-1-10.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to construct a 4-story, 58-foot high apartment complex located near the intersection of Riverside Drive and 1990 East Street. MVA Properties, applicant.

Mr. Snyder presented an aerial photo of the area, zoning map, general plan use map, a site plan showing the shape of the proposed apartment buildings, rendering, elevations,

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photos of the material board, height levels of residency & parking and photos of the area. He explained the applicant is requesting 160 units and that this request has been to the Hillside Review Board. He then read staff's comments as outlined in the agenda packet. The applicant is requesting a reduction in the parking spaces from 2 parking spaces per unit to 1.75 per unit. It is proposed that Planning Commission recommends approval with conditions relating to building design, colors & materials, site plan, parking reduction, parking spaces required, location of the parking spaces, guest parking spaces, total parking spaces, site plan review, density, density transfer, access, and lighting.

Jared Nielson, applicant, stated their goal is to deed the larger parcel to the City in the future to maintain the open space. Their density is going to be 20 units per acres. Regarding parking, their Layton project is at 1.74 parking spaces per unit. Having the 50 additional parking stalls makes sense. There is a shallow ravine on the north side that will handle the drainage as well as a ravine near the south side that will be piped around that side of the property. Additional, there will be sloping in case the pipe cannot handle the water.

MOTION: A motion was made by Councilmember Almquist to approve the conditional use permit to construct 160 units for the Catamaran Plaza project including a height variance exceeding the 35' including the conditions from the Planning Commission.

SECOND: The motion was seconded by Councilmember Bowcutt.

Conrad Walstrom who lives in the area stated that he never received notice of this proposal. He asked if there was ever an opportunity for the public to comment.

Mr. Nielsen outlined the height of the buildings and explained that it will not affect any viewpoints.

Mr. Snyder stated that letters were sent on October 7th to residents within a 300 foot radius explaining the request. A rendering and site plan were attached to the letters. Staff uses County documents to compile a list of those residents.

City Manager Gary Esplin explained that is not a law, this is done as a courtesy. Staff does not check the accuracy of County records. City

code allows for 35' height; however, a property owner can request a height increase. If the larger parcel is not deeded to the City, it will be restricted to "no development" under a deed restriction.

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

Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye
Councilmember Arial – aye

The vote was unanimous and the motion carried.

FINAL PLAT:

Planning and Zoning Manager John Willis presented the final plat for Desert Crest Phase 2, a 10-lot residential subdivision located at approximately 3600 East and 6000 South; zoning is PD-R. He showed the final plat and renderings. Planning Commission recommends approval with the following conditions: 1. Colored

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elevations shown are typical for proposed subdivision; 2. Subject to an open space dedication/agreement; and 3. Subject to Legal Department review.

Councilmember Arial stepped out.

MOTION: A motion was made by Councilmember Bowcutt to approve the final plat for Desert Crest Phase 2 with the Planning Commission's recommendations.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

FINAL PLAT:

Planning and Zoning Manager John Willis presented the final plat for Desert Ridge Phase 1, a 21-lot residential subdivision located at approximately 3640 East Desert Canyons Parkway; zoning is PD-R. He showed the final plat and explained that the Planning commission recommended approval with the following conditions: 1. Colored elevations shown are typical for proposed subdivision; 2. Subject to an open space dedication/agreement; and 3. Subject to Legal Department review.

MOTION: A motion was made by Councilmember Randall to approve the final plat for Desert Ridge Phase 1.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist – aye
Councilmember Randall – aye
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

FINAL PLAT AMENDMENT:

Planning and Zoning Manager John Willis presented the final plat amendment for Boulder Springs Villas Phase 3 Amended, a 23-unit subdivision located at 1620 East 1450 South; zoning is PD-R. The purpose of this amendment is to extend the rear of units 36, 38, 40 and 42 into limited common area increasing the size of each unit. He showed the original final plat and explained that they propose to reduce the size of the common area to accommodate a larger home. The Planning Commission recommends approval with the following conditions: 1. Provide a letter from the engineer/geotech that the rockwall(s) will not impact the homes in the Boulders and obtain consents of the property owners; and 2. Subject to Legal Department review. Staff has received letters from the engineer and Legal has review the final plat amendment.

Councilmember Arial returned

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MOTION: A motion was made by Councilmember Bowcutt to approve the final plat amendment for Boulder Springs Villa Phase 3 Amended subject to the Planning Commission's recommendations 1 and 2.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Almquist - aye

Councilmember Randall - aye

Councilmember Bowcutt - aye

Councilmember Arial - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Planning and Zoning Manger John Willis presented the preliminary plat for Tonaquint Terrace Phase 4, a 10-lot residential subdivision development located at 1330 West 2440 South; zoning is R-1-10. The density will be 2.27 dwelling units per acre. Lots are graded as walkout lots. He explained that the project meets all hillside requirements and stated that the Planning Commission recommends approval.

MOTION: A motion was made by Councilmember Almquist to approve the preliminary plat for Tonaquint Terrace Phase 4.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist - aye

Councilmember Randall - aye

Councilmember Bowcutt - aye

Councilmember Arial - aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Planning and Zoning Manger John Willis presented the preliminary plat for Tonaquint Heights Phase 3, a 3-lot residential subdivision development located at 1330 West 2440 South; zoning is R-1-40. A conditional use permit was approved for this project allowing for a cluster development. Each of the lots are under 40,000 sq. ft.; however, the density of the entire property meets the R-1-40 density. The density will be 0.94 dwelling units per acre, which meets the density requirements.

MOTION: A motion was made by Councilmember Randall to approve the Tonaquint Heights Phase 3 preliminary plat.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist - aye

Councilmember Randall - aye

Councilmember Bowcutt - aye

Councilmember Arial - aye

The vote was unanimous and the motion carried.

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PUBLIC HEARING/FRANCHISE TAX REVENUE BONDS:

PUBLIC HEARING REGARDING THE ISSUANCE AND SALE OF NOT TO EXCEED AMOUNT OF \$9,000,000 AGGREGATE PRINCIPAL AMOUNT OF FRANCHISE TAX REVENUE BONDS, SERIES 2015 AND REGARDING ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT TO BE FINANCED WITH THE PROCEEDS OF THE SERIES 2015 BONDS MAY HAVE ON THE PRIVATE SECTOR AND RELATED MATTERS.

City Manager Gary Esplin advised that under the procedures for issuing franchise tax revenue bonds, a public hearing is required.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

Mayor Pike called for a five minute recess.

ENERGY PERFORMANCE CONTRACT:

Consider approval of the McKinstry Energy Performance contract.

City Manager Gary Esplin explained this is the agreement to move forward with the energy improvements, primarily the new air handlers at the SHAC and controls for some of the City buildings to control heating and cooling and lighting. Total contact is \$2,064,307 which covers all of the projects mentioned and a construction management fee. McKinstry guarantees a savings of \$158,000 per year making these changes.

Support Services Director Marc Mortensen explained that the focused was narrowed down to 14 buildings. He and Deputy City Attorney Paula Houston have been working on the contract closely with McKinstry. There a few minor changes that need to be made; therefore, it should be approved subject to review by the Legal Department.

MOTION: A motion was made by Councilmember Almquist to approve the performance contract with McKinstry Energy in the amount of \$2,064,307, subject to review by the Legal Department.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

City Manager Gary Esplin explained that state law allows for bonding for energy saving programs. Staff recommends financing the funds through the Energy Services Department, using the annual savings to reimburse the cost.

MEMORANDUM OF UNDERSTANDING:

Consider approval of a memorandum of understanding between the City of St. George and the Drug Enforcement Agency regarding the use of the City Commons building.

City Manager Gary Esplin advised the MOU allows the DEA to use the City Commons Building, charging them a rental fee. The Police Department works closely with this agency.

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MOTION: A motion was made by Councilmember Randall to approve the MOU between the City of St. George and the DEA.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

APPOINTMENT OF ELECTION WORKERS:

MOTION: A motion was made by Councilmember Arial to appoint the poll workers and managers as listed.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

MINUTES:

Consider approval of the minutes from the meeting held on October 1, 2015.

MOTION: A motion was made by Councilmember Almquist to approve the minutes from October 1, 2015.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Almquist – aye

Councilmember Randall – aye

Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.

REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:

Councilmember Arial reported that the Art Around the Corner Board is starting to meet again after a hiatus.

Councilmember Almquist mentioned the Flood Control Authority moved their meeting date to November 2, 2015.

Councilmember Arial commented that the BLM has extended their comment period by 30 days.

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Mayor Pike encouraged the Council to send letters individually and stated that the City Manager Gary Esplin will prepare a letter on behalf of the Council. He mentioned a meeting he attended at the Water Conservancy District in Kanab regarding the Lake Powell Pipeline; they have done a lot of work. He would like to have Rene Fleming and a representative from the District work on a conservation plan through 2060 and present it at a work meeting in the near future.

Councilmember Arial suggested John Willis update the Council on the Residential Central City.

City Manager Gary Esplin reported that staff is almost ready to present the draft build out plan.

Councilmember Randall explained what the Veteran's Stand Down is and stated that it will be taking place on Saturday at SwitchPoint.

Councilmember Arial mentioned an ideas and solutions seminar that Senator Lee and the Utah Manufacturing Association attended in Salt Lake City; Carol Hollowell and SwitchPoint were discussed.

Mayor Pike mentioned that he met the new Director of the Salvation Army, whose office is located at SwitchPoint.

ADJOURN:

MOTION: A motion was made by Councilmember Bowcutt to adjourn.

SECOND: The motion was seconded by Councilmember Almquist.

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

Councilmember Almquist – aye

Councilmember Randall – aye




Councilmember Bowcutt – aye

Councilmember Arial – aye

The vote was unanimous and the motion carried.


Christina Fernandez, City Recorder

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