



NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN TO THE HILDALE CITY COUNCIL AND THE PUBLIC, THAT THE HILDALE CITY COUNCIL WILL HOLD A SPECIAL COUNCIL MEETING AND WORK MEETING ON WEDNESDAY THE 11TH DAY OF DECEMBER 2019 AT HILDALE CITY HALL, 320 EAST, NEWEL AVENUE, WHICH MEETING SHALL BEGIN AT 6:30 P.M. MDT.

THE AGENDA SHALL BE AS FOLLOWS:

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS
2. PLEDGE OF ALLEGIANCE
3. CONFLICT OF INTEREST DISCLOSURES
4. PUBLIC COMMENT
5. INFORMATIONAL SUMMARIES
 - A. FLL INNOVATION PROJECT (PRESENTED BY TEAM NASA)
6. COUNCIL COMMENTS
7. SPECIAL MEETING
 - A. RE-ZONE REQUEST FOR LOTS HD-SHCR-3-36 & 39 (845 N ELM ST. & 840 N MAPLE ST.)
8. WORK SESSION
 - A. ANIMAL CONTROL
 - B. CURFEW ORDINANCE
 - C. PROCESSING OF UTILITY BOARD ACTION ITEMS
9. ADJOURNMENT

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. Council Members may be attending by telephone. Agenda is subject to change up to 24 hours prior to the meeting. Individuals needing special accommodations should notify the City Recorder at 435-874-2323 at least three days prior to the meeting.

ZONE CHANGE APPLICATION

City of Hildale
320 East Newel Avenue
Hildale, UT 84784
(435) 874-1160
FAX (435) 874-2603

Fee: \$100

For Office Use Only:

File No. _____

Receipt No. 1046594

Angelina 10/07/19

Name: Mills Gary Lake Trust Telephone: 435 703 0453

Address: Po Box 1051 Storage 84771 Fax No. _____

Agent (If Applicable): _____ Telephone: _____

Email: tookede@gmail.com

Address/Location of Subject Property: 840 N. Elm, Hildale UT

Tax ID of Subject Property: 0926932/092690 Existing Zone District: RA1
#39 #30

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

No zoning prior to approval of project.

Request change to correspond w/project - GC

Submittal Requirements: The zone change application shall provide the following:

- a. The name and address of every person or company the applicant represents;
- b. An accurate property map showing the existing and proposed zoning classifications;
- c. All abutting properties showing present zoning classifications;
- d. An accurate legal description of the property to be rezoned;
- e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second Thursday and fourth Wednesday of each month at 6:00 p.m. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

Date Received: 10/7/19 Application Complete: YES NO

Date application deemed to be complete: 10/8/19 Completion determination made by: KTL

a. List of persons/company represented in application:

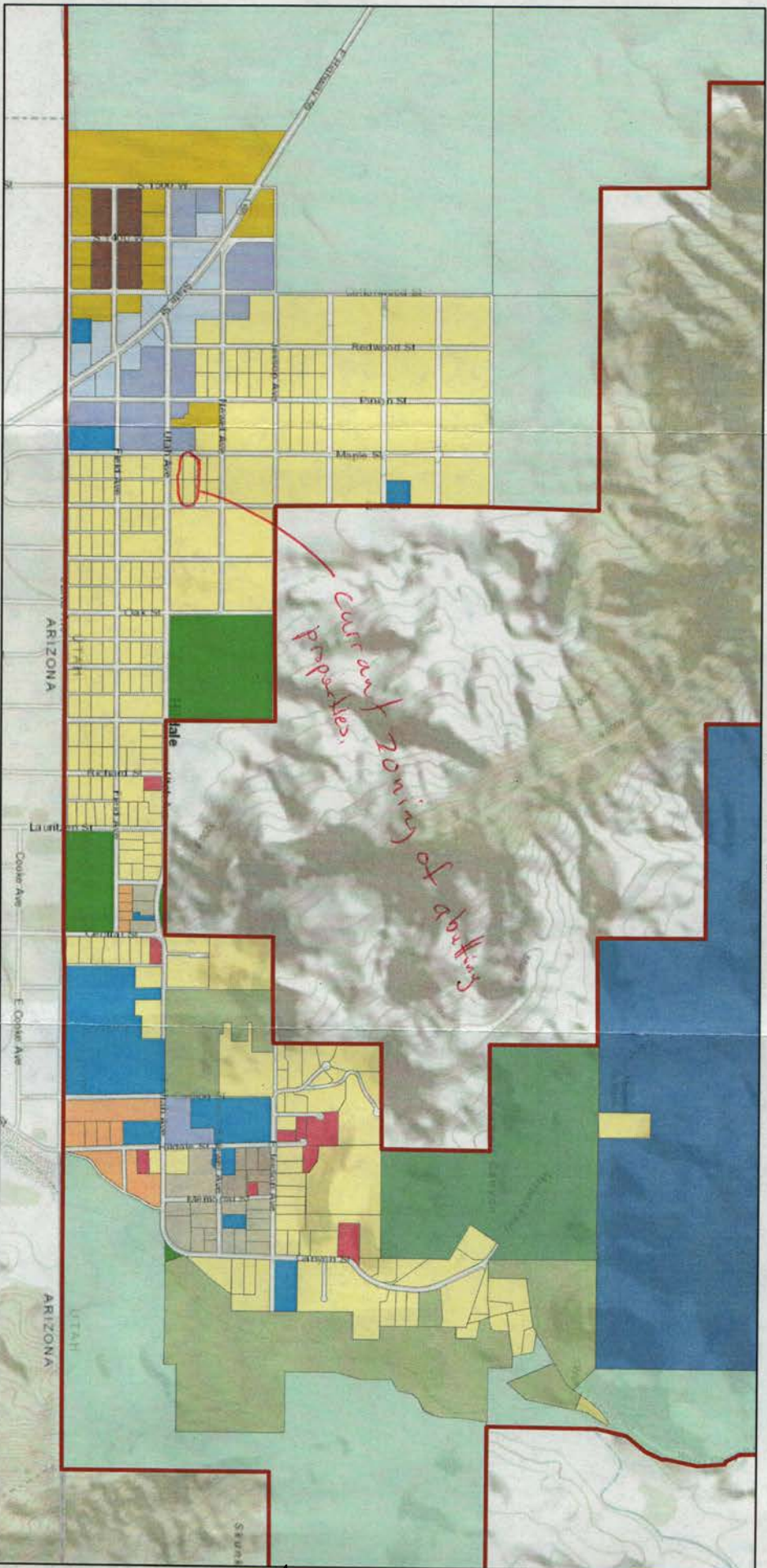
-Gary Tooke

-Shane Tooke

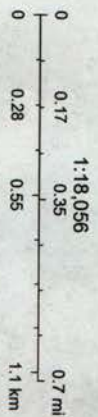
-Tooke Development

PO Box 651, St. George Utah 84771

Hildale City Zoning Editor



- 10/29/2018, 2:40:30 PM
- Municipal Boundary
 - RA-1 - Residential-agricultural 1
 - GC - General commercial
 - Zoning Districts
 - R1-10 - Single-family residential 10
 - HC - Highway commercial
 - A-20 - Agricultural 20
 - R1-8 - Single-family residential 8
 - M-1 - Light industrial
 - A-10 - Agricultural 10
 - RM-1 - Multiple-family residential 1
 - M-2 - Heavy industrial
 - A-5 - Agricultural 5
 - NC - Neighborhood commercial
 - OS - Open space
 - PF - Public facilities
 - RR - Recreation resort
 - Zoning District Overlays
 - APO - Agriculture protection overlay



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, © OpenStreetMap contributors, and the GIS User

HD-SHCR-3-36

0926901

Legal Description

BEGINNING AT THE CENTER OF SAID SECTION 33 AND RUNNING THENCE N 89°59'86" W A DISTANCE OF 658.51 FEET TO A FOUND BOLT; THENCE N 89°57'40" W A DISTANCE OF 1319.64 FEET TO A FOUND PK NAIL; THENCE N 0°03'55" W A DISTANCE OF 1321.79 FEET TO A POINT ON THE NORTH 1/16TH LINE; THENCE N 89°58'11" E A DISTANCE OF 659.49 FEET ALONG THE NORTH 1/16TH LINE OF SECTION 83, TO THE NORTHWEST 1/16TH CORNER OF SAID SECTION 33; THENCE N 89°59'06" E ALONG THE 1/16TH LINE A DISTANCE OF 1318.30 FEET TO THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 33; THENCE S 0°04'51" E 1323.45 FEET TO THE POINT OF BEGINNING.

HD-SCHR-3-39

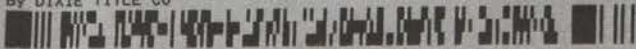
0926932

Legal Description

BEGINNING AT THE CENTER OF SAID SECTION 33 AND RUNNING THENCE N 89°59'86" W A DISTANCE OF 658.51 FEET TO A FOUND BOLT; THENCE N 89°57'40" W A DISTANCE OF 1319.64 FEET TO A FOUND PK NAIL; THENCE N 0°03'55" W A DISTANCE OF 1321.79 FEET TO A POINT ON THE NORTH 1/16TH LINE; THENCE N 89°58'11" E A DISTANCE OF 659.49 FEET ALONG THE NORTH 1/16TH LINE OF SECTION 83, TO THE NORTHWEST 1/16TH CORNER OF SAID SECTION 33; THENCE N 89°59'06" E ALONG THE 1/16TH LINE A DISTANCE OF 1318.30 FEET TO THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 33; THENCE S 0°04'51" E 1323.45 FEET TO THE POINT OF BEGINNING.

DOC # 20180017431

Warranty Deed Page 1 of 1
Russell Shirts Washington County Recorder
04/30/2018 10:29:25 AM Fee \$ 11.00
By DIXIE TITLE CO



WHEN RECORDED MAIL TO:
Mills Gary Tooke, Trustee
P.O. BOX 651
ST. GEORGE UT. 84771

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY
RECORDED AT THE REQUEST OF DIXIE TITLE COMPANY ORDER # 4-18-15C
MAIL TAX NOTICE TO: SAME AS ABOVE
TAX ID NO: HD-SHCR-3-36 and HD-SHCR-3-39

WARRANTY DEED

Patrick Allen Zitting

GRANTOR(S)
STATE OF ARIZONA

OF COLORADO CITY, COUNTY OF
HEREBY CONVEY AND WARRANT TO

Mills Gary Tooke, Trustee of The Mills Gary Tooke Trust created under agreement dated the First Day of May, 2002

GRANTEE(S)

OF ST GEORGE, COUNTY OF WASHINGTON, STATE OF UTAH
FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION,
THE FOLLOWING DESCRIBED TRACT OF LAND IN WASHINGTON COUNTY, STATE OF UTAH:

All of Lots 36 and 39, Short Creek Subdivision #3, according to the Official Plat thereof on file and of Record in the Office of the Washington County Recorder, State of Utah.

TOGETHER with all improvements and appurtenances thereunto belonging but being SUBJECT to Easements, Rights of Way and Restrictions of Record.

WITNESS, THE HAND(S) OF SAID GRANTOR(S), THIS 25 DAY OF APRIL, 2018.

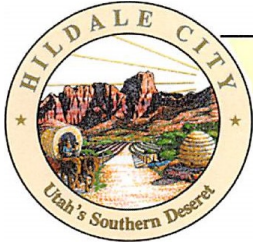
Patrick Allen Zitting

STATE OF UTAH)
 :SS
COUNTY OF WASHINGTON)

ON APRIL 25, 2018, PERSONALLY APPEARED BEFORE ME, Patrick Allen Zitting, THE SIGNER OF THE WITHIN INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC





October 9, 2019

RE: Notice of Public Hearing — Re-zone Request

Parcel Numbers: HD-SHCR-3-36 & 39

Address: 845 N ELM ST. & 840 N MAPLE ST.

To Whom it May Concern:

You are invited to a public hearing to give any input you may have, as a neighboring property owner, regarding a request to re-zone the above-listed parcel(s) from Residential Agricultural to General Commercial for the purpose of more closely corresponding with its current use. The regulations, prohibitions, and permitted uses that the property will be subject to, if the zoning map amendment is adopted, can be found in the Hildale City Land Use Ordinance, available in the City Recorder's office or at <http://hildalecity.com/wp-content/uploads/2018/11/LU-Ordinance-V2.pdf>. The hearing will be held October 21st at 6:30 PM. MDT, at Hildale City Hall, which is located at 320 East Newel Avenue, Hildale, Utah.

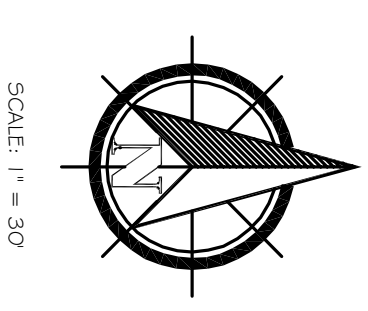
Any objections, questions or comments can be directed by mail to the City of Hildale, Attn: Planning and Zoning Administrator, P.O. Box 840490, Hildale, Utah 84784, or in person at the Hildale City Hall. The Planning and Zoning Administrator can be reached by phone at (435) 874-2323, or by email at kylel@hildalecity.com. Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of the owner's property in the proposed zoning map amendment, not later than 10 days after day of the first public hearing. Each written objection filed with the municipality will be provided to the Hildale City Council.

Sincerely,

Kyle Layton
Planning and Zoning Director
Tel: (435) 819-0128



CITY OF HILDALE
P.O. Box 840490 • 320 E. NEWEL AVE.
HILDALE, UT 84784

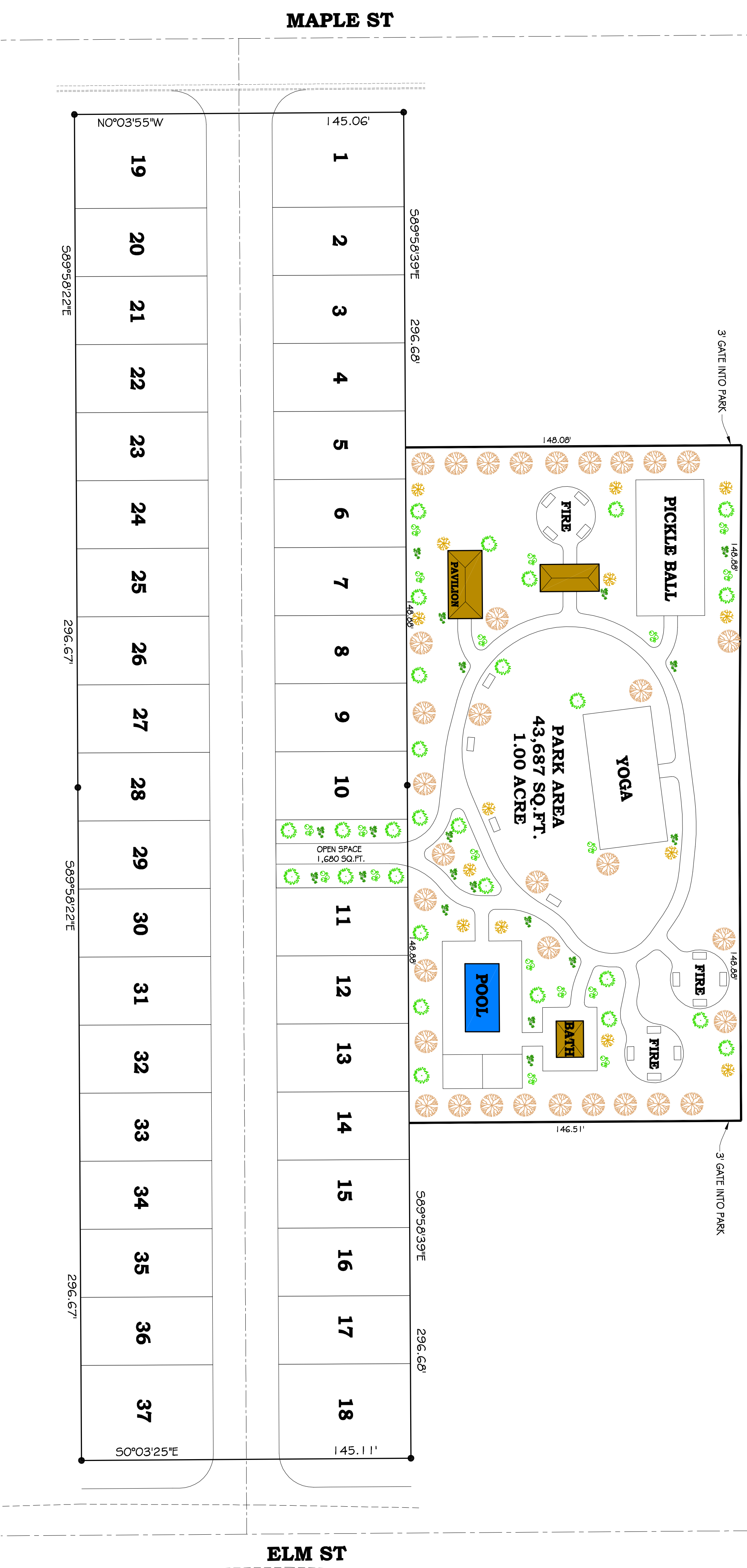


SCALE: 1" = 30'

PARK AREA ADDITION
 TOOKE LODGING PARK
 BETWEEN MAPLE & ELM STREET
 HILDALE, UTAH 84784



SHEET
 SP



PROPERTY INFO

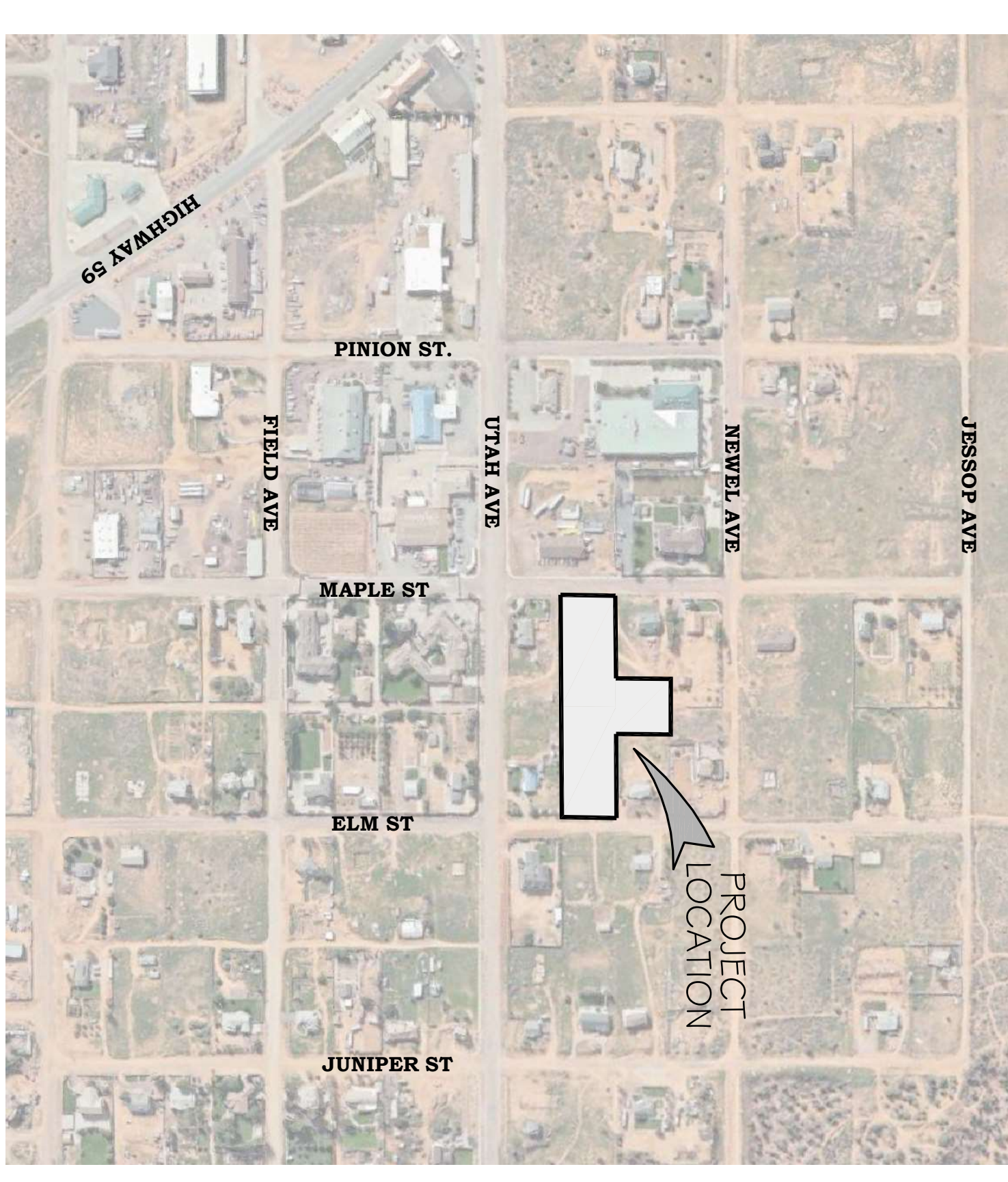
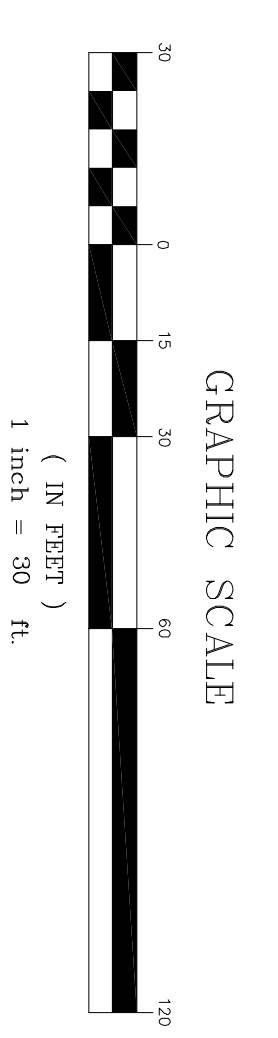
PROPERTY ADDRESS = HD-SHCR-13-39 & HD-SHCR-13-36
 MAPLE STREET & ELM STREET
 HILDALE, UTAH 84784

LEGAL DESCRIPTION = ALL OF LOT 39 & 36 OF THE SHORT CREEK SUBDIVISION #3,
 AS RECORDED AND ON FILE IN THE OFFICE OF THE WASHINGTON
 COUNTY RECORDER LOCATED IN ST. GEORGE, UTAH
 AREA = 1.99 ACRES

ZONING = RESIDENTIAL

OWNER / DEVELOPER:

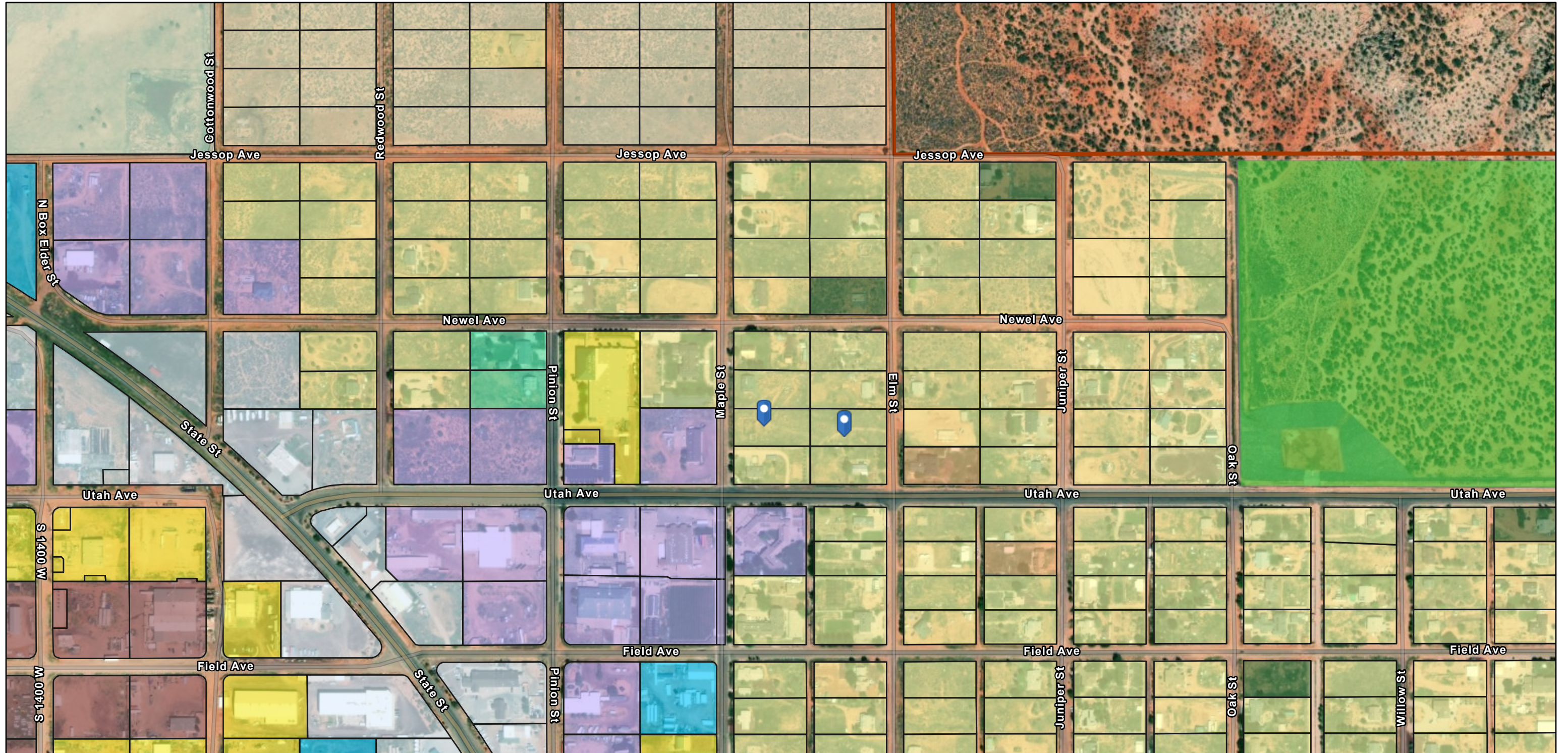
GARY TOOKE
 P.O. BOX 651
 ST. GEORGE, UT 84771
 (435) 703-0453



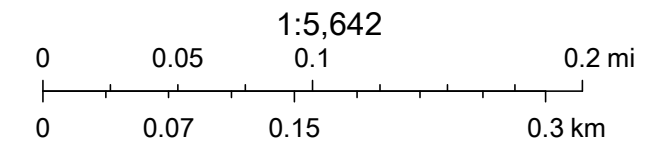
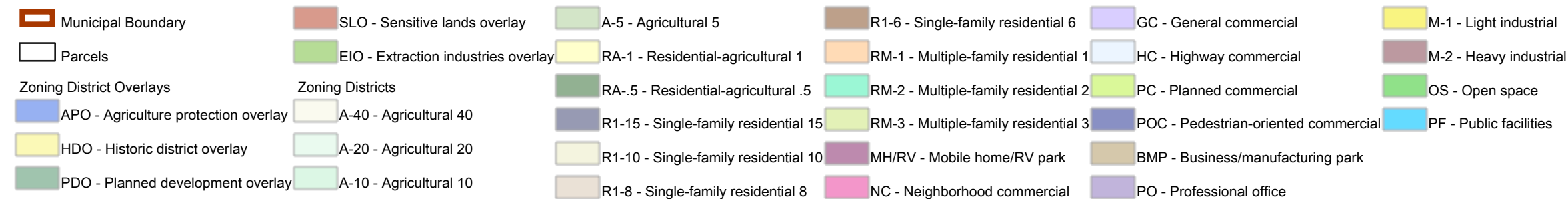
VICINITY MAP

N.T.S.

Hildale City Zoning districts



11/19/2019, 2:58:59 PM



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sunrise Cloud SMART GIS®, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and

HILDALE CITY PLANNING COMMISSION APPLICATION STAFF REPORT

Project/Applicant Name: Mills Gary Tooke Trust

Project Address: 840 N Maple St. & 845 N Elm St.

Current Zoning: RA-1

Proposed Zoning: GC

Summary of Application

The Applicant is requesting an amendment to the zoning map to change 2 lot(s) located on Maple St. and Elm St. from RA-1 (Residential Agricultural 1 acre) to GC (General Commercial) zoning, for the stated purpose to match more closely the use that is taking place on the lot.

Background

The property was given RA-1 Zoning during the original creation of the zoning map. The applicants are currently using the property for a commercial purpose under an allowed non-conforming use. A considerable financial investment has been put into these properties placing cabins for nightly rentals.

General Plan and Zoning

The property is surrounded by RA-1 properties on the north and east. It has general commercial to the West as well as south. The general map shows this area as low density residential

Analysis

This property is located closely to residential properties, however it is in close proximity to other general commercial properties as well. The property is also located just off Utah Ave. which is the major entrance into Hildale City. Because of this it may be a good location for a general commercial property. One item for discussion may be whether the Planning Commission feels that Utah Ave. will remain the main entrance into the city. If so it would be worth considering creating an environment that encourages the properties along that road to become more adapted to a commercial corridor.

Another Item to consider would be the fact that the applicant already has a non conforming use for this property and has invested a considerable amount into making this property commercial.

Planning Commission Meeting Summary

Public Hearing: There were comments made about wanting to make sure that they were not doing this in order to put in more cabins. The individual that spoke was fine with the applicant putting in a park.

Commissioner Discussion: There was a little discussion from commissioner Barlow about the responsibility to put in off site improvements. There was also a question of the necessity for a site plan to be submitted, staff informed the commission that the applicant would be required to submit a new site plan.

Planning Commission Recommendation

The planning commission recommended that, because the application was already being used for commercial purposes and because the applicant is close to a commercial zone, the application be approved for the change to general commercial.

Sample Motions

1. (Approve without conditions) **I move we approve the zoning map amendment requested for lot(s) HD-SHCR-3-36 and HD-SHCR-3-39 based on the findings set forth in the staff report.**
2. (Approve with conditions) **I move we approve the zoning map amendment requested for lot(s) HD-SHCR-3-36 and HD-SHCR-3-39 with the following conditions: [list conditions].**
3. (Deny) **I move we deny the zoning map amendment requested for lot(s) HD-SHCR-3-36 and HD-SHCR-3-39 based on the findings set forth in the staff report.**

HILDALE CITY ORDINANCE No. 2019-021

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HILDALE, UTAH,
ADOPTING AMENDMENTS TO HILDALE CITY ZONING MAP.**

WHEREAS, the City of Hildale is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah Law, and is authorized pursuant to the Municipal Land Use Development and Management Act, Utah Code Annotated, Title 10, Chapter 9a to enact and amend its zoning map;

WHEREAS, Applicant has requested a zone change for two lot(s), comprising approximately 1.98 acre(s) located on Maple St and Elm Street, one lot north from Utah Avenue, from RA-1 (Residential Agricultural 1) to GC (General Commercial) zoning, for the stated purpose of conforming the zoning to the existing use;

WHEREAS, on October 21, 2019, the Hildale City Planning Commission held a duly convened public hearing for the purpose of obtaining public input on the proposed Zoning Map amendment, and considered each written objection filed prior to the public hearing;

WHEREAS, the Planning Commission has recommended approval of the application by the City Council, and has forwarded to the City Council all objections that the Commission received;

WHEREAS, the City Council has considered the Planning Commission's recommendations, has provided notice and held a public meeting on the date set forth below, and hereby adopts amendments to the Zoning Map after making revisions, if any, that the Council considers appropriate; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety and welfare of the inhabitants of Hildale to grant the Zoning Map amendment requested by the Applicant.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF HILDALE, UTAH:

Section 1. The Hildale City Zoning Map is hereby amended to change the following described property from RA-1 (Residential Agricultural 1) to GC (General Commercial):

ALL OF LOTS 36 AND 39, SHORT CREEK SUBDIVISION #3, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER, STATE OF UTAH. (A.P.N. HD-SHCR-2-30)

Section 2. This ordinance shall become effective immediately after publication or posting as required by law.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL, STATE OF UTAH, ON THIS 11TH DAY OF DECEMBER 2019.

HILDALE CITY ORDINANCE No. 2019-021

		YES	NO	ABSTAIN	ABSENT
Lawrence Barlow	Council Member				
Stacy Seay	Council Member				
Jared Nicol	Council Member				
JVar Dutson	Council Member				
Maha Layton	Council Member				

Donia Jessop, Mayor

Attest:

(seal)
City Recorder



HILDALE CITY

P.O. BOX 840490 320 E. NEWEL AVE. HILDALE, UTAH 84784 PHONE: 435-874-2323 FAX: 435-874-2603

To: Hildale City Council and Mayor
From: Christian Kesselring, Acting Hildale City Manager
Date: May 31, 2019
Subject: Hildale City Animals Ordinance

Following a serious dog bite incident in the City last month, the Council decided to begin evaluating options for strengthening Hildale’s animal ordinance, as well as enforcement of the ordinance as it currently exists. To aid the Council in that deliberation, I have put together the following summary of the current ordinance.

The Animals Ordinance is found at Chapter 90 of the Hildale Code of Ordinances. A copy is attached. It was adopted by the City Council in 2016 and contains approximately 45 sections. The following table is not comprehensive, but it provides the highlights.

Section	Summary
90-1 to 90-2	The Marshal’s Office is responsible for animal control
90-4	The Marshal’s Office is authorized to go on private property when pursuing a “fierce, dangerous or vicious” animal
90-6	Any animal in violation of the Animals Ordinance can be impounded or destroyed if reasonable under the circumstances
90-33	Licensing and vaccination are required for any dog that is four months or older
90-35	Licenses must be renewed after a year
90-61	Before an impounded animal will be released, the owner must pay an impound fee plus any costs incurred for medical care, sterilization or vaccination. The City can also require a deposit to secure the owner’s compliance with licensing requirements, which is forfeited after 30 days if the owner does not become compliant.

Section	Summary
90-62	If not claimed after five business days, the animal may be humanely destroyed, adopted out, or donated to a charitable organization. If the animal is sick or wounded, it can be destroyed immediately. Livestock may be sold at public auction if left unclaimed.
90-84	Animal bites must be immediately reported to animal control
90-85	Animal control may quarantine an animal for observation following a bite, at the owner's expense
90-86	Animal control may euthanize an animal for rabies testing, but domesticated animals must first be held for five days to attempt to locate the owner
90-118	Owners are required to restrain/confine their animals and treat them humanely
90-120	Dogs and livestock must be kept on leash or in a pen, and must not be allowed to bite or to interfere with any person's enjoyment of their property
90-121	Animal control may kill any dangerous animal, if necessary for the protection of any person, animal or property
90-122	Dogs must be on leash at all times while in a public park
90-123	<p>Dogs must not be allowed to bark continuously longer than five minutes, or between the hours of 10:00pm and 6:00am</p> <p>Destruction by an animal of another person's property (this would include fowl, rabbits or livestock) is automatically considered a disturbance of the peace.</p>
90-127	Any driver who hits a domestic animal is required to stop and render assistance, and to immediately report the accident to the animal's owner or to law enforcement
90-129	Anyone who has care, custody or control of an animal that is at large in the City will be criminally liable, and civilly liable for any damage the animal causes, regardless of any measures they took to keep the animal confined, and regardless of whether they were aware the animal was out
90-131	Maliciously killing, maiming, torturing, injuring or harassing any animal is a misdemeanor

Section	Summary	
90-135	Animal control can take action to destroy a dangerous pack of animals, if unable to bring them under control within a “reasonable time”	
90-136	Owners are responsible to remove excrement from public spaces and from others’ private property	
90-156	Anyone desiring to keep more than four dogs must first obtain a kennel license	
90-190	Any violation of the Animal Ordinance is a class C misdemeanor or infraction, subject to a fine of up to \$750 and/or up to 90 days jail (fine can be converted to community service at \$10/hr)	
Schedule of Rates and Fees	Dog License: Small Animal Impound Fee (First Time): Small Animal Impound Fee (Second Time): Small Animal Impound Fee (Third Time or More): Small Animal Impound Daily Care Fee: Livestock Impound Fee: Livestock Daily Care Fee:	\$5.00 \$20.00 \$60.00 \$120.00 \$20.00 \$40.00 \$20.00

As with many of the City’s ordinances, the Animals Ordinance is in some need of clean-up. There are several sections that are redundant or ambiguous, and some that may not be consistent with state law. It merits discussion whether this clean-up should be taken on now, or whether it should be included as part of a larger, overall ordinance clean-up.

Sec. 130-154. - Curfew specifications.

It is unlawful for any person under 18 years of age (hereafter referred to as a "minor") to idle or loiter upon the streets or public places of the town between the hours of 9:30 p.m. and 5:00 a.m.. It is unlawful for any parent, guardian or other adult person having the care and custody of such minor to encourage or allow such minor to idle or loiter upon the streets or public place between the hours specified in this section unless accompanied by such parent or guardian. It shall be a defense to prosecution under this section that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency errand;
- (6) Attending an official school, religious or recreational activity supervised by adults and sponsored by a governmental, educational or religious institution, civic organization or other similar entity that takes responsibility for the minor; or going to or returning home from, without any detour or stop, any such official government, school, religious or recreational activity supervised by adults and sponsored by a governmental, educational or religious institution, civic organization or other similar entity that takes responsibility for the minor;
- (7) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) Married or had been married or had disabilities of minority removed in accordance with law.

(Ord. No. 091685-1, § 1, 9-16-1985)