

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
FEBRUARY 4, 2016, 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Jon Pike
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
Councilmember Ed Baca
City Manager Gary Esplin
City Attorney Shawn Guzman
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 Scouts Braden Jones and the invocation was offered by Jim Hetrick with the Community of Christ.

Mayor Pike introduced members of the Youth City Council.

Isaac Gines, with the Youth City Council, presented a PowerPoint presentation covering the following topics: An Annual Tradition; Tour with Reps. Snow and Stanard; Mock Committee and Bill Debate; Meeting with Rep. Last; Luncheon with the Legislature; Education Committee Hearing; and An Incredibly Valuable Experience.

Mayor Pike introduced Paul White. He then read a letter written by Mr. White.

Mr. White mentioned that he was born on March 1, 1966 and now.... "adapting and living".

Mayor Pike mentioned and thanked City staff who attended the State of the City presentation that took place yesterday. The booklet outlining the five year plan is available at City Hall as well as on the City's website. Additionally, he mentioned the George Streetfest that will take place tomorrow, the On Stage production Miss Saigon at the Electric Theater and the St. George Musical Theater production The Wedding Singer at the Opera House.

COMMENTS FROM THE PUBLIC:

Mayor Pike explained that later in the meeting, a 3-member review board will be appointed to review appeals based upon undue hardship or extraordinary circumstances. He outlined the opt out period and mentioned the \$3.12 fee for the recycling program. Notifications in the utility bills, as well as through other means, were given during two months prior to the opt out period. Although staff tried hard to let all customers know about the program, some were not aware of the opt out period.

Resident John James said that he emailed in an appeal about a month ago and has not received a reply. He mentioned that he called to have the can picked up yesterday; however, he will still have to pay the fee. Although he is in favor of recycling, he is opposed to have to be a part of the program. He feels that he was not notified and asked to be allowed to opt out of the program as he lives on Social Security and has not received an increase.

Mayor Pike stated that no plan is perfect. What was done, staff felt was most cost efficient. He mentioned ways customers were notified. If Mr. James would like to apply for an appeal based upon an undue hardship, he is welcome to do so. The longer the life of the landfill can be extended the better.

Councilmember Hughes commented that some residents were upset that the program was not mandatory.

AWARD OF BID:

Consider award of bid for a 125 kW natural gas powered generator for Energy Services.

City Manager Gary Esplin advised that this generator is to provide backup power at the new operations building.

Purchasing Manager Connie Hood stated that three bids were received. Cummins Rocky Mountain was the low bidder at \$52,845.

MOTION: A motion was made by Councilmember Arial to award the bid to Cummins Rocky Mountain for a natural gas powered generator in the amount of \$52,845.

SECOND: The motion was seconded by Councilmember Baca.

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

Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye
Councilmember Baca - aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for the Flood Street transmission line structure foundations.

City Manager Gary Esplin stated that this item was discussed in last City Council meeting. This project would be to perform foundation work at the bottom of Flood Street next to the freeway.

Purchasing Manager Connie Hood advised that the low bidder was Grand Mesa Electric in the amount of \$87,200.

MOTION: A motion was made by Councilmember Hughes to award the bid to Grand Mesa Electric in the amount

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye
Councilmember Baca - aye

The vote was unanimous and the motion carried.

AWARD OF BID:

Consider award of bid for the 700 East Cemetery roadway replacement project.

City Manager Gary Esplin explained this project replaces the road at the City Cemetery and is included in the current budget. Progressive Contracting is the low bidder at \$71,000.

MOTION: A motion was made by Councilmember Randall to award the bid to Progressive Contracting for the 700 East Cemetery roadway replacement project in the amount of \$71,000.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/ZONE CHANGE/ORDINANCE:

Public hearing to consider rezoning approximately 0.176 acres from PDR (Planned Development Residential) to RE-12 (Residential Estate 12,500 sq. ft. minimum lot size) on property located on the south side of Colorado Drive and generally between 2050 East and Colorado Circle. S&S Homes, applicant.

Planning and Zoning Manager John Willis presented a PowerPoint presentation covering the following topics: Aerial map of the subject property; zoning map; general plan map; site plan; and photos of the area. The Planning Commission recommended approval.

Mayor Pike opened the public hearing.

Loraine Perkins, resident and representative of their HOA, stated that they are concerned with construction on that property as the parcel is mostly rock. There has been blasting on another subdivision in the area which damaged a number of homes. She noted that there are only two streets that lead out of the area. She would like the Council to be aware of what is going on. There needs to be accountability of how they are going not build the homes on the rock as there have been issues in the past. They would like to have assurance that if their homes, the City is aware that they have concerns. She outlined some of the damage that they have seen. Mr. Sullivan told them that the proposed subdivision will not damage the road, but if it does, they will pay.

Dane Burton, resident, explained that his home is one of the homes that was damaged. If this is approved, his home will be structurally damaged again. He added that this subdivision will share access with two existing subdivisions.

Mayor Pike mentioned that blasting requires a permit. He asked if neighbors are notified.

City Manager Gary Esplin replied that the contractor should be notifying the neighbors and explained the blasting permit process.

Ms. Perkins mentioned there were three major blasts last year. One was so strong that her husband was almost knocked out of his chair. They were not informed of those blasts.

City Manager Gary Esplin stated that he will have the Fire Chief review the application that was submitted and noted that it is the contractor's responsibility to inspect the hole when it is loaded.

Mayor Pike closed the public hearing.

Councilmember Baca mentioned that he lives on rock and although you may not see effects immediately, you may see damage in the future. Contractors should get a permit and have a seismic monitor to measure the impact. The request conforms to what is currently in the area.

MOTION: A motion was made by Councilmember Baca to approve the zone change request.

SECOND: The motion was seconded by Councilmember Hughes.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – nay
Councilmember Baca – aye

The motion carried.

PUBLIC HEARING/AMEND PLANNED DEVELOPMENT/ORDINANCE:

Public hearing to consider amending the Gordon Palmer/Southgate area Planned Development to create a master sign plan. Stephen Wade Auto Group, applicant.

Planning and Zoning Manager John Willis presented a PowerPoint presentation covering the following topics: Aerial map of subject properties; plan of the proposed Mercedes Benz sign; site plan for the proposed Mercedes Benz sing; plan of the proposed Toyota sign; map of the Toyota sign location; and a chart of what is being proposed. The Planning Commission recommended approval.

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

MOTION: A motion was made by Councilmember Arial to approve the ordinance amending the Gordon Palmer/Southgate area Planned Development to create a master sign plan subject to findings of the staff report.

SECOND: The motion was seconded by Councilmember Baca.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:

Public hearing to consider amending the General Plan from LDR (Low Density Residential) to MDR (Medium Density Residential) on 20.43 acres generally located on Tonaquint Drive. Bush & Gudgell, Inc, applicant.

Planner Ray Snyder presented a PowerPoint presentation covering the following topics: aerial map and general plan map; zoning map; site plan; and map of the area.

City Manager Gary Esplin mentioned that this request went through a previous zone change hearing to change the density; however, they didn't change the land use on the General Plan.

Mr. Snyder stated that the Planning Commission recommended approval.

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

MOTION: A motion was made by Councilmember Randall to approve the ordinance amending the General Plan from LDR (Low Density Residential) to MDR (Medium Density Residential) on 20.43 acres on Tonaquint Drive.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/GENERAL PLAN AMENDMENT/ORDINANCE:

Public hearing to consider amending the General Plan from LDR (Low Density Residential) to COM (Commercial) on 10.43 acres generally located at the intersection of Sugar Leo Road and Pioneer Road. Denis Lyman, applicant.

Planning and Zoning Manager John Willis presented a PowerPoint presentation covering the following topics: aerial map of the subject site; general plan map; zoning map; site plan; and photos of the area. He mentioned letters included in the agenda packet. The Planning Commission recommended approval.

Mayor Pike opened the public hearing.

Resident Susan Yaden stated she received a letter about the proposal approximately a week ago. A petition has been started as neighbors are opposed to the proposal. She asked the Council to wait until the petition is submitted and stated that she does not feel that is the best place for RV storage.

Councilmember Hughes stepped out.

City Attorney Shawn Guzman commented that the petition should not have an influence on the Council's decision; rather the points and/or concerns that are made should be considered.

Resident Richard Miles stated that he is concerned with noise. The hills absorb a lot of the freeway noise; he asked if a sound wall can be installed. Additionally, he is concerned with traffic and drainage as this is a vital drainage area.

Resident Jason Haslam mentioned that he is concerned with signage, especially with large billboards or electronic signs.

City Attorney Shawn Guzman explained that the commercial designation could potentially allow for billboards; however, tonight's item is a request to amend the General Plan. If a Planned Development is applied for, the Council will have control over what is allowed on

the parcel, including the signage. City code limits the ability of putting up a billboard on site.

Resident Dennis Craft stated that he was not aware of the Planning Commission meeting. Looking at the big picture, he is worried about crime. He mentioned that a truck stop and gas station are being built in the area as well. Most neighbors moved to the area because it is serene. He believes there will be 300,000 residents by 2020.

Mayor Pike clarified that max build-out for St. George is approximately 160,000, maybe 200,000.

Councilmember Hughes returned.

Reid Pope, representative for the applicant, mentioned that the road is not entirely improved. It will be widened, especially around the corner. He stated that there is a lot of drainage. They are aware of noise concerns and did decibel measurements; most of the noise comes from Pioneer Road. He explained that there will be security cameras on site and traffic will be low because of the type of storage proposed. Other types of commercial uses would generate more traffic. With the development of SunRiver, the traffic volume has increase substantially.

Councilmember Bowcutt asked if that road will ever be a four lane road.

City Manager Gary Esplin explained that it is an 80' road with limited access. Additionally, he believes this is an arterial street.

Mr. Pope explained that most of the hills will have to be taken down and the face elevation will be higher than Pioneer Road. He mentioned the drainage plans for the area. The developer will have to widen the road and pipe all the way down. If the hills are higher than the freeway - they would block the noise. Since they aren't, the noise is not buffered.

City Manager Gary Esplin asked who currently owns the property.

Mr. Willis replied that the property is owned by a private individual and clarified that Pioneer Road a 90'.

City Manager Gary Esplin explained the Council will have to decide what zone best fits on that property and that area. What is the best use for this parcel? In his opinion, a Planned Development commercial may be better than a high density residential.

Councilmember Arial commented that she has seen storage units that are quite nice. She asked if there would be a fence to protect the integrity of the neighborhood.

City Manager Gary Esplin explained that the applicant will return for a zone change if the General Plan amendment is approved.

Councilmember Baca noted this is a General Plan amendment. He asked if low density residential can be built on this property.

Mr. Willis replied that the property is currently zoned Open Space. Low Density Residential would allow for up to four units per acre.

City Manager Gary Esplin explained that the Council can require a Planned Development. He stated that a lot of property was brought in as Open Space when Bloomington was annexed into St. George.

Diane Lyman, developer, explained that she and her husband built Monster Storage, with a canopy covered RV storage. They build nice, neat and clean units with UV screens.

Those driving on Pioneer Road, will not see a variety of recreational vehicles, rather they will see the UV screens. Regarding sound concerns, they intend to build a very nice fence along Pioneer Road and add to the Mondale Pines along the road. With a nice storage facility such as theirs, traffic is equal to a cemetery. Egress and ingress would be on the property, not on Pioneer Road. She mentioned an anonymous email she received tonight outlining concerns with what might be built and stated they do not have crime at their current facility.

Mr. Craft asked if anyone in attendance lives in their neighborhood. He believes crime will come and stated he would like to see the property remain as is.

Councilmember Hughes explained that he believes in private property rights. He commented that the impact may be less with the proposed project than with residential zoning.

Mr. Miles commented that he is now award of what is proposed. He wanted to make sure the concerns will be addressed - Mrs. Lyman did address his concerns.

Mayor Pike closed the public hearing.

MOTION: A motion was made by Councilmember Baca to approve to amend the General Plan from Low Density Residential to Commercial on 10.3 acres.

SECOND: The motion was seconded by Councilmember Arial.

Councilmember Hughes clarified that this does not change the zoning; rather it allows for a zone change in the future.

Councilmember Arial added the residential integrity of the area needs to be protected.

City Manager Gary Esplin noted the Council can request that it come in as Planned Development Commercial.

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

Councilmember Hughes - aye
Councilmember Randall - aye
Councilmember Bowcutt - aye
Councilmember Arial - aye
Councilmember Baca - aye

The vote was unanimous and the motion carried.

SET PUBLIC HEARINGS:

Planner Ray Snyder advised at its meetings held on January 26, 2016, the Planning Commission recommended setting public hearings on February 18, 2016 to consider: 1) a General Plan amendment to amend the General Plan from Low Density Residential and Flood Plain to Commercial on approximately 6.30 acres of property generally located west of the intersection of 1450 South and River Road; 2) a General Plan amendment to amend the General Plan from Medium Density Residential, Low Density Residential and Commercial to Professional Office on approximately 4 acres generally located at the northwest corner of the intersection of 1450 South Street and 3000 East Street; 3) a zone change request to rezone approximately 20 acres generally located north of the logical extension of Crimson Ridge Drive from Agricultural to Single Family Residential 8,000 sq. ft. minimum lot size; and 4) a zone change request to rezone approximately 2.52 acres generally located southwest of the intersection of Deserts Edge Drive and Broken Mesa

Drive from Planned Development Residential to Single Family Residential 10,000 sq. ft. minimum lot size.

MOTION: A motion was made by Councilmember Randall to set the public hearings for February 18, 2016.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

HILLSIDE PERMIT:

Planner Ray Snyder presented the request for a hillside development permit to allow removal of isolated noncontiguous and insignificant slopes to allow development of a single family residential subdivision. The proposed subdivision is located near Plantations Drive and Sunbrook Drive and is approximately 45 acres; zoning is Single Family Residential 10,000 sq. ft. minimum lot size. He presented a PowerPoint presentation covering the following topics: summary; aerial – vicinity map; site(s) – aerial; zoning map; general plan map; contour map – PA-14 & PA-16; overall slope analysis exhibit; and photos of the area; and grading & drainage plans. He read the Hillside Review Board motion and conditions as follows:

It is recommended to approve PA 14&16 as presented with the removal of isolated and insignificant slopes on the contour map and to work with staff during the construction plan process to address drainage and sediment issues. And to apply the following conditions and comments:

1. PA 16 Wash – In PA-16 where fill was shown going into wash areas, that practice will be eliminated and no fill material will be pushed into those wash areas by re-grading or by the installation of rock retaining walls or other structure so the washes shall remain pristine.
2. Pa 14 Wash – In PA-14 where there are no visually appealing areas, fill may be applied.
3. Protective Fencing - In order to facilitate not disturbing areas designated as open space and to protect them, the developer shall have installed an orange mesh fence to delineate areas not be encroached upon or accidentally disturbed or damaged.
4. Wash Aesthetics – The wash area proposed to be diverted shall be looked at from an aesthetic standpoint by either using stacked rock or sod rock to keep visually appealing and not be graded simply at a 2:1 slope as shown.
5. Drainage – The drainage between the rock walls and walk out basement areas shall be piped solid to the street or a storm drain system. The developer shall adhere to the drainage report.
6. Flow Direction – Along the edges of the wash areas the drainage shall be directed towards the street and not back into any wash area.

7. Rock Walls – The rock walls shall be constructed as shown as part of the initial development such that the pads and walls can be certified together.
8. Soils – Generally there is near surface bedrock with a thin layer of sand and gravel over the bedrock throughout the majority of the site. Mudstone (blue clay) was encountered on the northwest corner of PA-16 (within boring B-3), but the developer shall work with staff to mitigate.
9. Geological – AGEC has looked at various geological hazards for the site. Potential hazards consist of shallow bedrock and potentially limited expansive bedrock and soil. The majority of PA-14 and PA-16 will consist of near surface bedrock and blasting and the use of heavy duty excavation equipment will be required. Testing and lab results will determine specific required mitigations for foundations.
10. Grading – The entire site will be graded with the exception of the designated open space areas. The majority of the cuts and fills will be less than 10', with specific areas up to approximately 15'.

The Planning Commission recommended approval with the comments from the Hillside Review Board.

Ray Alton, with Rosenberg Associates explained that he does not know how long it will take to remove the slopes. Any excess materials will be moved over to areas with blue clay on the other side of the valley. Once approved, they will return for a preliminary plat request.

City Manager Gary Esplin commented that this is a beautiful area.

Mr. Alton explained that the request originally went to Hillside Review Board in 2006. The developer took approximately two years identifying what areas were going to be left open.

Mr. Snyder noted that tonight is just looking at PA 14 & 16 – there may be additional requests in the future.

City Attorney Shawn Guzman added that this entire area is subject to a development agreement.

MOTION: A motion was made by Councilmember Hughes to approve the hillside development permit for The Lakes PA 14 & 16 for the removal of isolated noncontiguous and insignificant slopes with the conditions and comments as outlined by the Hillside Review Board.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

LOT MERGER/FINAL PLAT AMENDMENT:

Planning and Zoning Manager John Willis presented the request for a lot merger/final plat amendment for Dixie Downs RV Resort Phase 1; zoning is Mobile Home. The purpose of

the amendment is to merge lots 80 and 81. He presented and outlined the final plat amendment. The Planning Commission recommended approval.

MOTION: A motion was made by Councilmember Arial to approve the lot merger and final plat amendment.

SECOND: The motion was seconded by Councilmember Baca.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

SPECIAL EVENTS FEE SCHEDULE/RESOLUTION:

Consider approval of a resolution establishing a fee schedule for special events.

City Manager Gary Esplin advised that this item was discussed that the last City Council work meeting. He mentioned that the new process is working well.

MOTION: A motion was made by Councilmember Baca to approve the resolution establishing a fee schedule for special events.

SECOND: The motion was seconded by Councilmember Bowcutt.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

SET DATE AND TIME FOR AN EMPLOYEE APPEAL:

City Manager Gary Esplin advised under City policy, if an employee has been terminated, they have the right to appeal the decisions to the Mayor and City Council. It is recommended the hearing be set on February 11th at 4:00 p.m.

MOTION: A motion was made by Councilmember Randall to set the employee appeal on February 11th at 4:00 p.m.

SECOND: The motion was seconded by Councilmember Hughes.

City Manager Gary Esplin noted the appeal will be held in the City Council Chambers.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

Councilmember Randall mentioned that City Manager Gary Esplin was recently awarded the Public Servant of the Year award from the Chamber of Commerce.

APPOINTMENTS:

Mayor Pike recommended appointing Monty Thurber in Public Works, Rene Fleming in Energy Services and Kevin Empey in Finance to the BluCan Recycling Review Board.

MOTION: A motion was made by Councilmember Arial to accept the Mayor's recommendation to the BluCan Committee.

SECOND: The motion was seconded by Councilmember Randall.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

APPOINTMENTS:

Mayor Pike recommended appointing Brent Hall and Nancy Reid to the Sign Review Board. There is still a need for three members.

City Attorney Shawn Guzman will review the terms.

MOTION: A motion was made by Councilmember Randall to appoint the members as recommended.

SECOND: The motion was seconded by Councilmember Hughes.

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

Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

REPORTS FROM COUNCILMEMBERS, MAYOR AND CITY MANAGER:

Mayor Pike mentioned the Flood Control Board meeting and the upcoming Solid Waste Board meeting. He then reported that the Water District would like to present updates to the Council.

City Manager Gary Esplin suggested someone from the Parks Department attend The Mosquito Abatement meeting; however, not as a voting member at this time.

ADJOURN:

MOTION: A motion was made by Councilmember Bowcutt.

SECOND: The motion was seconded by Councilmember Baca.

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

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Councilmember Hughes – aye
Councilmember Randall - aye
Councilmember Bowcutt – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder