

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
APRIL 4, 2019, 5:00 PM
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Jon Pike
Councilmember Jimmie Hughes
Councilmember Michele Randall
Councilmember Joe Bowcutt
Councilmember Bette Arial
Councilmember Ed Baca
City Manager Adam Lenhard
City Attorney Shawn Guzman
City Recorder Christina Fernandez**

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The invocation was offered by Rush Cashin with the Free Spirit Community and The Pledge of Allegiance was led by Scouts.

Leisure Services Director Shane McAfee mentioned the St. George Arts Festival taking place April 19th and 20th.

Mayor Pike other arts events taking place this weekend.

City Manager Adam Lenhard stated item 2g will be pulled off the consent calendar for discussion.

COMMENTS FROM THE PUBLIC:

Resident Judy Bozeman thanked the Council and staff for the neighborhood meeting that took place at the Sun River Community Center last Thursday.

CONSENT CALENDAR:

- a. Consider approval of a Purchase and Sale Agreement with Dominion Energy.**
- b. Consider approval of a property purchase from Sunroc Corporation.**
- c. Consider approval of the financial report for February, 2019.**
- d. Consider approval of an agreement between the City of St. George and Convergent Technologies to replace the security cameras at the Sand Hollow Aquatic Center.**
- e. Consider approval of a Landscape Maintenance Agreement with UDOT for the Bluff Street / Sunset intersection area.**
- f. Consider approval of an agreement with Harmony Public Involvement for Airport Closure Public Relations.**

City Manager Adam Lenhard noted items a and b are still being reviewed by the Legal Department.

MOTION: A motion was made by Councilmember Randall to approve the consent calendar, items a-f, subject to approval by the Legal Department on items a and b.

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.

AWARD OF BID:

Consider award of a bid to Geneva Rock Products for the Micro Surfacing project.

Public Works Director Cameron Cutler advised the award of bid for this project was approved on November 15, 2018; however, it was awarded to the incorrect bidder. The amount is \$298,250.

City Attorney Shawn Guzman suggested the motion be to nullify the bid previously awarded to Intermountain Slurry Seal and award the bid to Geneva Rock Products for the Micro Surfacing project in the amount of \$298,250.

MOTION: A motion was made by Councilmember Arial to nullify the bid previously awarded to Intermountain Slurry Seal and award the bid to Geneva Rock Products for the Micro Surfacing project in the amount of \$298,250.

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.

AMEND DEVELOPMENT AGREEMENT:

Consider amending an existing development agreement recorded against two (2) unplatted lots along 1400 East, south of Tamarack Ridge Estates Phase 4 and north of Painted Desert Estates Phase 9.

Assistant Public Works Director Wes Jenkins explained in 2005, a development agreement was recorded against two (2) lots: parcel SG-5-3-5-2306 and SG-5-3-5-23031 to restrict the buildable pad on each lot. He provided a PowerPoint covering the following topics: aerial map; record map of survey; proposed amendment; and title.

MOTION: A motion was made by Councilmember Randall to amend an existing development agreement recorded against two (2) unplatted lots along 1400 East, south of Tamarack Ridge Estates Phase 4 and north of Painted Desert Estates Phase 9.

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.

ORDINANCE AMENDING AND ENACTING TITLE 9, CHAPTER 14, SECTION 2, 3.A, 7.B.2-5 and 8.C-E OF CITY CODE:

Consider approval of an ordinance amending and enacting Title 9, Chapter 14, Section 2, 3.A, 7.B.2-5, and 8.C-E, of City code pertaining to Stormwater Management.

City Engineer Jay Sandberg explained the federal government has established criteria for control of the introduction of pollutants into local municipal storm sewer systems and has mandated that each municipality adopt regulations to require compliance from pre-construction operations and for the long-term maintenance of post construction Storm Water Facilities.

Deputy City Attorney Paula Houston outlined the proposed amendments.

City Attorney Shawn Guzman pointed out the reason staff is proposing fines for Stormwater deficiencies is because the City can be fined for not enforcing this regulation.

MOTION: A motion was made by Councilmember Arial to approve the ordinance amending and enacting Title 9, Chapter 14, Section 2, 3.A, 7.B.2-5, and 8.C-E, of City code pertaining to Stormwater Management.

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.

ORDINANCE ENACTING A FEE SCHEDULE FOR CIVIL PENALTIES FOR STORMWATER DEFICIENCIES:

Consider approval of an ordinance enacting a fee schedule for civil penalties for stormwater deficiencies.

Deputy City Attorney Paula Houston explained this ordinance is to adopt the fee schedule for violations of the stormwater ordinance.

MOTION: A motion was made by Councilmember Bowcutt to approve the ordinance enacting a fee schedule for civil penalties for stormwater deficiencies.

SECOND: The motion was seconded by Councilmember Randall.
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.

FINAL PLAT:

Consider approval of a final plat for the 1140 South Street Church Subdivision.

Assistant Public Works Director Wes Jenkins presented the final subdivision plat for 1140 South Street Church Subdivision, a 1-lot subdivision located at 1140 South Street and 3210 East Street; zoning is A-1 (Agricultural 40,000 SQ/FT minimum lot size). He showed and outlined the final plat after which he spoke about the dedication of 1140 South and work the future extension of the road.

MOTION: A motion was made by Councilmember Arial to approve the final plat for the 1140 South Street Church Subdivision.

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.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to allow construction of an approximate 21' high RV Garage on Lot 65 in the Red Butte Phase 4 subdivision located at 2588 South 2310 East.

Planner Ray Snyder presented the request for a conditional use permit to allow construction of an approximate 21' high RV Garage on Lot 65 in the Red Butte Phase 4 subdivision located at 2588 South 2310 East. He provided a PowerPoint presentation covering the following topics: aerial map; site plan; RV garage setbacks; east elevation; west elevation; height; north elevation; floor plan; cross section and photos of the home. The Planning Commission recommended approval with standard conditions and findings.

MOTION: A motion was made by Councilmember Randall to approve the conditional use permit to allow construction of an approximate 21' high RV garage on lot 65 in the Red Butte Phase 4 subdivision.

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.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit for a Historic District Bar Establishment in the Advenire Hotel located at the southwest corner of Main Street and St. George Boulevard.

Planner Ray Snyder presented the request for a conditional use permit for a Historic District Bar Establishment in the Advenire Hotel located at the southwest corner of Main Street and St. George Boulevard. He provided a PowerPoint presentation covering the following topics: aerial map; concept; general plan and zoning maps; conceptual rendering; first floor level; restaurant & bar area; east side; and 4th floor outside patio area. He mentioned four (4) letters received in opposition. The

Planning Commission recommended approval with the following conditions and findings pertaining to:

1. The applicant shall comply with all State of Utah requirements for a liquor license
2. The applicant shall comply with all local requirements for operation of a brewery and bar
3. The applicant shall comply with any findings set for a conditional use permit by the City Council to mitigate the site and project
4. The patio area shall not have access to Main Street

After being asked by the Council, Mr. Snyder spoke about the sidewalk near the patio. Additionally, he showed the bar in proximity to the Tabernacle.

City Attorney Shawn Guzman noted that staff measured from the lobby area to the Tabernacle; enough distance is provided. The State will have the final decision on whether or not distance requirements are met. Further, the liquor license is regulated by the State. He explained what state law allows with regards to liquor licenses.

Councilmember Randall commented that although there are several restaurants with liquor licenses, she has never seen any issues with excessive drinking; however, she does understand there are concerns. She does not feel this type of upscale, boutique hotel will see these issues.

After being asked by Councilmember Baca, applicants Matt Hansen and Jason Healy explained they are not providing a bar atmosphere as they operate restaurants. They are very aware of the concerns and will be considerate of the community and will do their best to control the situation. They have been in this business for over twenty (20) years and have never had to ask a person who was drunk to leave an establishment. He has an extensive alcohol service program that is required of all persons who serve alcohol.

MOTION: A motion was made by Councilmember Randall to approve the conditional use permit for a Historic District Bar Establishment in the Advenire Hotel.

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.

FINAL PLAT:

Consider approval of the final plat for Amira at Green Valley.

Assistant Public Works Director Wes Jenkins presented the final subdivision plat for Amira at Green Valley, a 47-unit residential condominium subdivision located at 1999 West Canyon View Drive; zoning is PD-R (Planned Development Residential 5,000 SQ/FT minimum lot size). He showed and outlined the final plat.

MOTION: A motion was made by Councilmember Randall to approve the final plat for Amira at Green Valley.

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.

FINAL PLAT:

Consider approval of the final plat for the Residence at Four Fifty.

Assistant Public Works Director Wes Jenkins presented the final subdivision plat for the Residences at Four Fifty, a 38-lot residential subdivision located at 450 North Street and 2720 East Street; zoning is PD-R (Planned Development Residential 5,000 SQ/FT minimum lot size). He showed and outlined the final plat.

MOTION: A motion was made by Councilmember Arial to approve the final plat for the Residence at Four Fifty.

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.

ROADWAY DEDICATION PLAT:

Consider approval of a roadway dedication plat for 750 North and 3050 East.

Assistant Public Works Director Wes Jenkins presented the roadway dedication plat that for 750 North and 3050 East Street; zoning is M-1 (Manufacturing with no

minimum or maximum lot size). He showed and outlined the roadway dedication plat.

MOTION: A motion was made by Councilmember Randall to approve the roadway dedication plat for 750 North and 3050 East.

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.

PUBLIC HEARING/ORDINANCE/AMEND FINAL PLAT:

Public Hearing and consideration of an ordinance for an amended final subdivision plat for Lot 34 & 35 in the Colony Park Subdivision Phase 2 by vacating the public utilities and drainage easement between said lots and to merge a portion of Lot 34 into Lot 35.

Assistant Public Works Director Wes Jenkins presented the request is to consider an Amended Final Subdivision Plat to merge a portion of Lot 34 into Lot 35, Colony Park Subdivision Phase 2 and vacate the public utilities and drainage easement located between said lots. This request has been approved by City staff and Joint Utilities Committee (JUC). This is located at 916 S. 800 E. Circle; zoning is R-1-10 (Single-Family Residential 10,000 SQ/FT minimum lot size). The JUC has requested not to establish a new public utility easement between the lots.

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

MOTION: A motion was made by Councilmember Arial to approve the amended final subdivision plat for Lot 34 & 35 in the Colony Park Subdivision Phase 2 by vacating the public utilities and drainage easement between said lots and to merge a portion of Lot 34 into Lot 35.

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.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Mayor Pike mentioned the RAM Company grand opening that took place earlier in the day.

ADJOURN:

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

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.