

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
NOVEMBER 21, 2019, 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

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

EXCUSED:

Councilmember Bryan Smethurst

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The invocation was offered by Pastor Jimi Kestin and the Pledge of Allegiance to the Flag was led by Girl Scouts.

Kyle Case with the Huntsman World Senior Games presented a PowerPoint presentation covering the following topics: statistics; total numbers; first year athletes; economic impact; oldest and youngest athlete; earned medals; pickleball; softball; volleyball; shooting – handgun; trail running; bocce; men's soccer; indoor rowing; opening ceremonies; concert & celebration; health screening; friendship project; global cup; 2021 World Masters Games Friendship Tour; Today Show; and photos of athletes. He then presented Mayor Pike with a sponsorship plaque.

Councilmember Randall mentioned that Councilmember Smethurst is in Hawaii with his brother in law who has been deployed; they will be coming home on a naval ship.

CONSENT CALENDAR:

- a. Consider award of bid to Instrument Control Company for Bloomington Substation Upgrade relay racks.**
- b. Consider award of bid to Nichols Building for the Vernon Worthen Pickleball Court Renovation.**
- c. Consider award of bid to VanCon for the Ledges Wells Cathodic Protection Project.**
- d. Consider award of bid to Western Rock Products for the Re-Use Center Crushing operation.**
- e. Consider the approval of a franchise agreement with Intech LLC for fiber infrastructure installation within the boundaries of the City of St. George.**
- f. Consider a third amendment to the City View development agreement for phasing of the hotel site.**

g. Consider approval of the minutes from the meetings held on September 26, 2019; September 30, 2019; October 3, 2019; October 10, 2019; October 17, 2019; and October 24, 2019.

MOTION: A motion was made by Councilmember Randall to approve the consent calendar as presented.

SECOND: The motion was seconded by Councilmember Hughes.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

EMINENT DOMAIN:

Public meeting per Section 78B-6-504 of the Utah Code to consider whether to approve the acquisition through eminent domain of two parcels of property (SG-6-2-36-232 and SG-6-2-36-233) to be used for road access to Tech Ridge on the southeast side of the Tech Ridge mesa.

City Attorney Shawn Guzman explained that this item is regarding an eminent domain for property to be used for the Tech Ridge connector road on the east side of the Black Ridge. The City approached the property owner a number of years ago regarding negotiating for the purchase of the property and the property owner has not been responsive regarding negotiating a price. Notifications have been sent as required by Utah code. The property owner is allowed to speak or be represented at the meeting.

Michael Christensen, attorney representing the property owner, was in attendance and explained the subject property is on the east side of Tech Ridge. The City has proposed to purchase a portion of the property for a road. His client is not intending to fight the City's right to take the property; however, one of the issues is that it is a narrow piece of property, it will be the road servicing his client's property as there is not another way to bring in a road. The proposed road is going to impact his client's remaining property substantially. The appraisal received from the City mentioned it will be a limited access road and there will be a need for access to his client's remaining parcels. He met with City Attorney Shawn Guzman, Public Works Director Cameron Cutler and Assistant City Attorney Bryan Pack just prior to tonight's meeting to discuss these items. They intend to be good neighbors, but these are items that need to be resolved. He noted his client would like to negotiate with the City and that they need assurances on what accesses they will be given. If there will not be access, the severance damage will be a lot higher to this property.

Councilmember Jimmie Hughes asked if there is access currently.

Mr. Christensen stated there is one access off 250 West.

City Attorney Shawn Guzman pointed out that the access referred to by Mr. Christensen would not meet legal requirements to develop or access the property; therefore, the

answer is technically that no current access exists. It is currently zoned R-1-10, the general plan shows the hillside as Open Space. Without knowing what type of development would be there, it is hard to say where the access would be. Staff can talk with the owner regarding possible access and proposed use. Staff has worked a number of years on trying to resolve things with the property owner. The City needs to move forward with this action because of the development on Tech Ridge. Staff will work with the property owner and hold off on asking for immediate occupancy in court while working towards a resolution. He would like to wrap this up within the next six (6) months as Tech Ridge will be constructing the road on the west side and would like to move on the east side road immediately after to take advantage of the reduced mobilization costs.

Mayor Pike commented that it would have been nice if the property owner was interested in working with the City sooner. He explained this is the preferred and needed roadway. It would be nice to construct the west side road and this east side road consecutively or concurrently. As time is of the essence, he believes the City needs to move forward with this item to be able to make sure there is access when the first two buildings are finished.

City Attorney Shawn Guzman noted that Mr. Christensen recognizes there are some soils issues. This will also affect what they can construct or develop on the property. Mr. Christensen's client is aware of the situation.

Mr. Christensen recognizes the City's position. If the City moves forward, he hopes not to go to court. He looks forward to working out the issues.

Mayor Pike stated he City's history has been to work with property owners. He believes this road will be helpful to Mr. Christensen's property. After studies and engineering, this is the only way to get the road to the top of the ridge on the east side without violating the City's hillside ordinance.

MOTION: A motion was made by Councilmember Baca to authorize the City to proceed with the eminent domain process for the two (2) parcels for use as a public roadway.

SECOND: The motion was seconded by Councilmember Randall.

Councilmember Hughes commented this is not easy; this is the first time he has had an item like this come before him. Mayor Pike and Councilmember Randall agreed. Generally, the Council likes to see these types of things worked out. He truly believes in property rights. He noted this is not the first discussion regarding the property; there has been talk of this road for quite some time. Staff has tried to engage the property owner in the past. He would like to see staff attempt to work with a property owner as a first resort.

City Attorney Shawn Guzman noted, since being employed at the City, he has been involved in two other cases of this type – the courthouse and airport properties. Staff was able to work out both cases and not resort to condemnation. After years of trying to work something out with the property owner, if this cannot be resolved, the City will have to move forward with that process.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

GENERAL PLAN AMENDMENT/ORDINANCE:

Consider approval of an ordinance changing the general plan from 1) COM (Commercial) to MDR (Medium Density Residential) on approximately 24.5 acres, 2) to change COM to HDR (High Density Residential) on approximately 4.3 acres, 3) to change COM to LDR (Low Density Residential) on approximately 0.6 acres, and 4) to change HDR to COM on approximately 5.0 acres generally located north of the Southern Parkway and east of River Road on the north and south side of White Dome Drive.

Community Development Director John Willis presented the request for a general plan amendment for the Southern Hills development. He provided a PowerPoint presentation covering the following topics: map of area; map of existing general plan shown at Planning Commission; map of proposed amendment shown at Planning Commission; revised map of existing general plan; revised map of proposed general plan; and zoning map. After much discussion, the Planning Commission recommended approval and advocating placing commercial land on the north side at the intersection of River Road.

MOTION: A motion was made by Councilmember Randall to approve the ordinance changing the general plan from: 1) COM to MDR on approximately 24.5 acres; 2) COM to HDR on approximately 4.3 acres; 3) COM to LDR on approximately 0.6 acres; and 4) HDR to COM on approximately 5.0 acres generally located north of the Southern Parkway and east of River Road based on the modified proposal.

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

AMEND PD-R/ORDINANCE:

Consider approval of an ordinance amending the PD-R (Planned Development Residential) zone in order to update the site plan, elevations, and other modifications to 1) Brookfield Apartments, 2) Woodland Townhomes, and 3) Woodland Patio Homes located south of Mall Drive and west of 3000 East Street.

Community Development Director John Willis presented the request to amend a PD-R zone. He explained the PD was originally approved September 6, 2018; however, the applicant is now requesting to amend the PD with various changes to the site plan, elevations, and amenities. He provided a PowerPoint presentation covering the following topics: overview; amended zone change; general plan map; zoning map; plan of the three (3) projects; proposed and current plans; amenities – apartments; conceptual elevations for Brookfield Apartments; amenities – townhomes; conceptual elevations for Woodland Townhomes; conceptual elevations for Twin Homes; amenities – patio homes; site plan for Brookfield Apartments; site plan for Woodland Patio Homes; and site plan for Woodland Townhomes. The Planning Commission recommended approval as presented. He mentioned there are comments on the staff report and asked the Council to include them if approved.

Applicant Mr. Stewart spoke about the size and cost of the apartments and townhomes.

Mayor Pike noted some concerns from neighbors; the density is not changing. He believes this is good planning.

MOTION: A motion was made by Councilmember Baca to approve the ordinance amending the PD-R zone in order to update the site plan, elevations, and other modifications to: 1) Brookfield Apartments; 2) Woodland Townhomes; and 3) Woodland Patio Homes located south of Mall Drive and west of 3000 East Street with the conditions of the Planning Commission.

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 Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

ZONE CHANGE AMENDMENT / ORDINANCE:

Consider approval of an ordinance for a zone change amendment to the Dinosaur Crossing commercial center (Smith's) to amend the PD-C (Planned Development Commercial) zone on Lot 9, pads J-1 & J-2 to develop two (2) multi-tenant commercial retail buildings on approx. 1.58 acres generally located along Mall Drive (generally south of the Fuel Center and near ACE hardware).

Community Development Director John Willis presented the request to review the site plan, landscape plan, elevations, renderings, colors and materials for two (2) proposed multi-tenant commercial retail buildings on approximately 1.58 acres. He provided a PowerPoint presentation covering the following topics: original conceptual layout; overall site plan; elevations; and colors and materials board. The Planning Commission recommended approval.

The Council discussed concerns with parking on this side of the property. They want to make sure there is enough parking for the existing businesses as well as the proposed businesses.

Cameron Drummond, representative for Woodbury, noted there are over 100 overflow parking stalls. In order to make it all work, they provided a color-coded map outlining the best scenario - to split the parking for each tenant. They have not seen the parking lot reach its capacity yet. The parking will always be treated as first come, first served. He has spoken with Ace Hardware; realistically, they have not heard a valuable argument as Ace does not own the parking lot. He understands their concerns; however, the parking lot is shared parking. They have always told their tenants that the empty pads would be developed.

Mr. Willis commented the stacking of the drive thru is appropriate for the site.

MOTION: A motion was made by Councilmember Hughes to approve the ordinance for a zone change amendment to the Dinosaur Crossing commercial center (Smith's) to amend the PD-C as recommended by the Planning Commission

SECOND: The motion was seconded by Councilmember Arial.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Arial – aye
Councilmember Baca – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Auburn Hills Phase 3, a 57-lot residential subdivision located within the Desert Color development.

Assistant Public Works Director Wes Jenkins presented the preliminary plat for Auburn Hills Phase 3, a 57-lot residential subdivision located within the Desert Colors development; zoning is PD-R. He showed and outlined the preliminary plat. One condition is that the improvements for phase 2 would need to be completed and approved by staff prior to the final plat recording for phase 3.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat for Auburn Hills Phase 3.

SECOND: The motion was seconded by Councilmember Arial.

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

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

The vote was unanimous and the motion carried.

ADJOURN TO NEIGHBORHOOD REDEVELOPMENT AGENCY MEETING:

MOTION: A motion was made by Councilmember Arial to adjourn to the Neighborhood Redevelopment Agency meeting.
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 Arial – aye
Councilmember Baca - aye

The vote was unanimous and the motion carried.

The meeting reconvened following the Neighborhood Redevelopment Agency meeting.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

City Manager Adam Lenhard reviewed upcoming meeting schedule – there will be a meeting on December 11 at 4:00; it will be a regular meeting.

Mayor Pike mentioned having a social gathering that evening also. There may be a need to change the date; but he will confirm and let the Council know. He then reported that the MPO is taking over the transportation expo which will take place on February 11th.

Councilmember Baca reported that the Hillside Review Board met recently to discuss a development at Webb Hill.

Mayor Pike commented he and staff have met with those planning the new LDS Temple.

ADJOURN:

MOTION: A motion was made by Councilmember Randall to adjourn.
SECOND: The motion was seconded by Councilmember Arial.
VOTE: Mayor Pike called for a vote, as follows:

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

The vote was unanimous and the motion carried.