

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
SEPTEMBER 3, 2020 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Jon Pike
Councilmember Jimmie Hughes
Councilmember Michele Randall – via ZOOM
Councilmember Bryan Smethurst
Councilmember Gregg McArthur
Councilmember Dannielle Larkin
City Manager Adam Lenhard
Deputy City Attorney Paula Houston
City Recorder Christina Fernandez**

OPENING:

Mayor Pike called the meeting to order and welcomed all in attendance. The invocation was offered by Reverend Alex Wilkie and the Pledge of Allegiance to the Flag was led by Mayor Pike.

A resident by the name of Austin stated for the past week or so, he has been on the side of the road sharing love and happiness. He is trying to be the change he would like to see. Residents by the name of Katie and Kim joined him. Together, they presented a poster they have been holding, sharing words of hope, to the City. Citizens can find humanity within ourselves, be kinder than we were yesterday, love a little more than we have before, and forgive those who have wronged us is the message that he would like to share.

Mayor Pike read a proclamation proclaiming the week of September 17 – September as Constitution Week.

Karen Shuman spoke about the Constitution, Constitution Week, and the Daughters of the American Revolution.

Valerie King presented a plaque to the Mayor and Council thanking them for supporting the Daughters of the American Revolution.

COMMENTS FROM THE PUBLIC:

Resident Lois Pearson and her son Doug Pearson explained they own a business on Red Rock Road and get flood damage every year. Mr. Pearson provided pictures showing how their property was affected due to the recent storm. He believes this is due to poor engineering. The solution is to concrete the entire ditch, enlarge the drain and improve the maintenance. Ms. Pearson commented they are paying \$229.50 a month in drainage taxes and not one time has anyone come out to clean the culvert. She asked for copies of the maintenance records for the culvert and a copy of the plans to concrete the culvert. They are here tonight because they were advised by their attorney to speak to the Council about making this right.

Public Works Director Cameron Cutler noted that Assistant Public Works Director Wes Jenkins has been in contact with the Pearson's. He then stated there are plans for the industrial park. The ultimate plan is to get a large detention basin on the north

side of the industrial park. During this last storm, the Pioneer Park detention basin fared very well. Because of this, the NRCS has indicated that this will help get additional funding to install the detention basin. The Streets Department has the maintenance records. He is not sure if the plans show the culvert being concreted in. The recent storm was a very large storm; from 25-year to 1,000-year storm. The City storm drain system is designed to a 10-year storm, the roadway and drainage ways handle a 100-year storm. He was unsure when this pipe was installed and what it was designed to.

Ms. Pearson stated the area was develop in the late 80s.

Mayor Pike commented that staff will stay in contact with the Pearson's. He noted there are a number of issued related to the recent storm; there are a lot of things to work though.

CONSENT CALENDAR:

- a. Consider approval of a Professional Services Agreement with Alpha Engineering for the pre-design of the sewer outfall line replacement.**
- b. Consider approval of an Exclusive Agreement with Skinny Labs (dba Spin) to provide micromobility services in St. George.**
- c. Consider approval of a purchase agreement between the City and WICO Site Management, LLC to purchase property located at 845 West Red Hills Parkway.**
- d. Consider approval of a lease agreement between the City and Infowest for a 20' x 20' property located at 845 East Red Hills Parkway.**
- e. Consider approval of an agreement to sell real property to Commerce Point LC to remedy encroachment on Hilton Drive.**
- f. Consider approval to purchase replacement instruments for Millcreek gas turbines.**
- g. Consider approval of the purchase of LM 6000 gas turbine controls replacement.**
- h. Consider approval of the maintenance agreement with GE Packaged Power and Tier 2 Remote Monitoring Diagnostics (RMD) for the Millcreek Generation Facility gas turbine.**

MOTION: A motion was made by Councilmember Hughes to approve the consent calendar.

SECOND: The motion was seconded by Councilmember Larkin.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/AMENDED FINAL PLAT:

Public hearing and consideration of an amended final subdivision plat for Rink Estates Subdivision by adjusting the lot line between lots 1 & 2 and vacating a portion of its associated public utility and drainage easement.

Assistant Public Works Director Wes Jenkins presented the request to amend the final subdivision plat for Rink Estates subdivision by adjusting the lot line between lots 1 & 2 and vacating a portion of its associated public utility and drainage easement. He showed the final plat and outlined the proposed amendments.

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

MOTION: A motion was made by Councilmember Larkin to approve the amended final subdivision plat for Rink Estates Subdivision by adjusting the lot line between lots 1 & 2 and vacating a portion of its associated public utility and drainage easement.

SECOND: The motion was seconded by Councilmember Smethurst.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye

The vote was unanimous and the motion carried.

CHANGE RESTRICTIONS/ORDINANCE:

Consider an ordinance to allow a change to restrictions placed on the South Bridge (fka Boulder Creek Commons) Planned Development as it relates to drive-thru facilities on property located east of the intersection of River Road and 1450 South.

Planner Dan Boles presented the request to allow a change to restrictions placed on the South Bridge (fka Boulder Creek Commons) Planned Development as it relates to drive-thru facilities on property located east of the intersection of River Road and 1450 South. He provided a PowerPoint presentation covering the following topics: vicinity map; zoning map; approved conceptual site plan; drive-thru standards; and photos of other restaurants with a drive-thru in the area.

Councilmember McArthur commented that it is hard to design for more cars than the required stacking.

After being asked by Councilmember McArthur, Mr. Boles explained the limit on drive thrus was specific to restaurants only and any changes approved tonight would apply only to this development.

Mayor Pike commented that this project cannot have issues the other such as Fizz have had with regards to stacking.

Councilmember Larkin noted it would be better to regulate the stacking at the Planned Development level than to have a specific number allowed.

Councilmember McArthur agreed.

Councilmember Hughes spoke about Dinosaur Crossing and the number of drive thrus they have. All of them do well with regards to stacking.

Spencer Hymus, representative for the applicant, pointed out this project has an internal road system. None of the drive thrus will have a direct access from any of the roads. They too are concerned with cars backing onto the street. He feels they can work within the proposed standards; five is what they can design around with the size of the current pads. He asked for an option in the event of a need during the PD-C process to have some leeway that if they cannot meet the standards.

MOTION: A motion was made by Councilmember McArthur to allow a change to restrictions placed on the South Bridge (fka Boulder Creek Commons) Planned Development as it relates to drive-thru facilities on property located east of the intersection of River Road and 1450 South with adjustment of a minimum of five (5) stacking.

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 Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Desert Canyons Town Center West Commercial, a 5-lot commercial subdivision located at the intersection of Desert Canyons Parkway and Desert Resort Court.

Assistant Public Works Director Wes Jenkins presented the preliminary plat for Desert Canyons Town Center Commercial located at the intersection of Desert

Canyons Parkway and Desert Resort Court. He showed and outlined the preliminary plat. The City is working with the applicant to purchase lot 102 for a future fire station. A trail is proposed along the Ft. Pierce Wash on the south side; the applicant has provided a 15' easements for the trail. The subdivision is outside of the flood plain. An erosion hazard study will be required. A change from the preliminary plat provided in the agenda packet is the proposed road will be a 66' road. Originally, the traffic study included exit 5, but due to the uncertainty of the exit, this becomes more of a frontage road. It has been agreed to build and dedicate Town Center West Drive as a 66' road and for the developer to develop the frontage along the fire station. He showed the portion that would be dedicated as a 66' road. If and when exit 5 happens, it will then become a 60' road.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat for Desert Canyons Town Center West Commercial.

SECOND: The motion was seconded by Councilmember Larkin.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a Conditional Use Permit (CUP) to operate a bar establishment in the arts district overlay zone located at 61 West St. George Boulevard.

Planner Genna Goodwin presented the request for a conditional use permit to operate a bar establishment in the arts district overlay zone at 61 West St. George Boulevard. She provided a PowerPoint presentation covering the following topics: arts district overlay zone; bar establishments in arts district; site plan; exterior façade; and floor plan.

Applicants Cameron and Kelli Payne outlined their plan. They will serve local beers and wine, making this a local event, with a fun and upscale clientele. The communal seating is to for everyone to sit and chat together and make new friends. After being asked by Councilmember Randall Mr. Payne explained upscale bar food includes frechettas, upscale craft burgers, tacos, etc, similar to what they serve at Twisted Noodle. There will not be any patio seating.

Councilmember McArthur inquired about the food also. He asked if it would be similar to Red Rock Brewery where he visits for the food and drinks root beer.

Mr. Payne replied yes, it will be a similar atmosphere. He commented they will serve Dave Moody's root beer. They want this to be community friendly and fun to visit.

Councilmember Randall asked about parking and mentioned the concerns from neighbors who are concerned with having several bars in the same area. The Council does want another bar such as the one down the street.

Mr. Payne stated he does not want to be like that bar either. He explained that he and his wife travel a lot and go out and have a fun time in different areas; they want to bring a synergy downtown. As for the parking, there are parking garages in the downtown area. They want the bar to be an adult place; there are a number of family-oriented business in the area, but there is not a lot of places for adults to socialize.

Councilmember Randall mentioned the Council approved the updated ordinance recently; however, she would like to revisit that as she believes the arts district is too small for six bars.

Mayor Pike commented the Council could have that discussion/

Mr. Payne noted operating hours would be noon – 10:00 p.m. on Sunday through Thursday and from noon – 12:00 p.m. on Friday and Saturday.

Deputy City Attorney Paula Houston commented this is a CUP, this is already allowed in an ordinance. With a CUP, what needs to be looked at are the standards in City Code, such as parking and if it would create a negative impact on the neighborhood and is there any way to mitigate the negative impacts. Staff feels like it meets all requirements and that no special conditions that need to be imposed for this item. This request is no different than that of the similar business in the Advenire. would have a similar impact.

Councilmember Smethurst stated he is concerned with the parking in the garage area. A number of tenants are having trouble finding a parking spot.

Community Development Director John Willis explained all of the floors have an occupancy permit. The first two or three levels are for the businesses while the others are for tenants of the building.

Councilmember McArthur commented that he heard from a number of residents. They are concerned with the amount of these types of establishments in the area. He would like to revisit the ordinance.

Councilmember Hughes stated it is okay to take a step back and look at the overall community values. This isn't a Utah thing, there are dry counties where you cannot purchase alcohol in other states. He commented that he does not think the Council has ever denied a local consent. The question is what is the Council striving to do with the downtown area. He asked if families are going to avoid the area because of a bar establishment and noted there are 700 deaths a year in Utah due to alcohol.

The County has been shut down for less with the current pandemic. He is okay with people who want to drink responsibly. He has mixed feelings on this request because he knows the Payne's are upstanding and want to run a class act establishment. There are legitimate concerns with alcohol consumption and it is okay for the Council to be standoffish.

Councilmember Larkin commented his is a challenging space to market. She agrees with what has been said so far. A business such as this, providing upscale services to adults, it seems like a good location. They have already shown the community the Twisted Noodle.

Councilmember McArthur reiterated what was said. The Payne's' are great operators and can make this work. He too believes there needs to be further discussion regarding the number of bars allowed.

MOTION: A motion was made by Councilmember Larkin to approve the conditional use permit to operate a bar establishment in the arts district overlay zone located at 61 West St. George Boulevard with the findings.

SECOND: The motion was seconded by Councilmember Smethurst.

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

Councilmember Hughes – nay
Councilmember Randall – nay
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye

The motion carried.

RESOLUTION SUPPORTING THE PREFERRED ALTERNATIVE FOR THE NORTHERN CORRIDOR:

Consider approval of a resolution supporting the preferred alternative for the Northern Corridor.

Mayor Pike explained the BLM is currently in the comment period for alternatives. The resolution states that the City supports the preferred alternative described in the Northern Corridor Highway Right of Way and Renewal of an Incidental Take Permit Draft Environmental Impact Statement.

Councilmember Larkin commented she is fully aware there is a need for an efficient roadway from east to west. She is not prepared to support this route as she is concerned this is not the best route.

Councilmember Hughes agrees that the route may be too far to the south; however, in the interest of compromise, this route may be more amiable. Congressional hearings took place for this item.

Councilmember McArthur commented southern Utah has done a good job of managing the turtle population and preserving it.

Mayor Pike noted the proposal would include a new Zone 6 on the west side of town. There are pros and cons to multiple people. They found a large number tortoise in the Zone 6 area which sees heavy use.

MOTION: A motion was made by Councilmember Hughes to approve the resolution supporting the preferred alternative for the Northern Corridor.

SECOND: The motion was seconded by Councilmember Smethurst.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – nay

The motion carried.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

No reports were given.

ADJOURN TO A CLOSED SESSION:

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

SECOND: The motion was seconded by Councilmember Smethurst.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye
Councilmember Larkin – aye

The vote was unanimous and the motion carried.

Mayor Pike left the meeting during the closed meeting.

ADJOURN:

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

SECOND: The motion was seconded by Councilmember Larkin.

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

Councilmember Hughes – aye
Councilmember Randall – aye
Councilmember Smethurst – aye

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Councilmember McArthur – aye
Councilmember Larkin – aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder