

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
MARCH 18, 2021 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Michele Randall (present via zoom)
Mayor Pro Tempore Jimmie Hughes
Councilmember Bryan Smethurst
Councilmember Dannielle Larkin
Councilmember Gregg McArthur (present via zoom)
Councilmember Vardell Curtis
City Attorney Shawn Guzman
City Manager Adam Lenhard
Deputy City Recorder Annette Hansen**

OPENING:

Mayor Pro Tempore Hughes called the meeting to order and welcomed all in attendance. He excused Mayor Randall from being present at the meeting but would be present via Zoom to ask questions and put input. The invocation was offered by Carmel Fitzpatrick with the Unity Church of Positive Living and the Pledge of Allegiance was led by Boy Scout Troop 0509 lead by Dalton Fillman.

PROCLAMATIONS:

Mayor Pro Tempore Hughes presented the Proclamation Jackie Comeau Day to be observed Thursday, March 18, 2021 for her 38 years of service with the Boy Scouts of America program. Jackie thanked the Council and audience for their attendance and for the honor and was presented with the award by Mayor Pro tempore Hughes.

Councilmember Smethurst presented the Welcome Home Veterans Day Proclamation to be observed Monday, March 29, 2021 to recognize and honor those who served and sacrificed during the Vietnam War that lasted from November 1, 1955 – May 15, 1975. Mayor Randall remarked from zoom and thanked the veterans for their service. Bruce thanked council and mayor and for the honor and all the city has done to observe veterans. Patricia Moseman remarked that it will be framed and at the new reach across America exhibit at the Washington County Fair in April and expressed her appreciation for the recognition.

Recreation Manager Emerson Watanabe introduced Matthew Mizukawa Founder and President of the Get Outside Utah campaign who presented a PowerPoint introducing the "Get Outside" campaign that encourage youth to get outside and become active to improve physical as well as mental health.

Leisure Services Director Shane McAfee reminded the Council of the upcoming 42nd Annual St. George Arts Festival scheduled for Saturday April 2, 2021 at the Town Square and invited the Mayor and all Councilmembers to help judge the art contestants as they have done in previous years.

CONSENT CALENDAR:

Consider approval of a sole source contract with Qwest Communications Company, LLC DBA CenturyLink QCC for the Dispatch Center 911 phone maintenance.

Consider approval of the HIDTA ONDCP 2021 grant award.

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

SECOND: The motion was seconded by Councilmember Smethurst

VOTE: Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

PUBLIC HEARINGS:

Public hearing and approval of the Program Year 2020 Annual Action Plan (AAP) for the Community Development Block Grant (CDBG) program.

Economic and Housing Coordinator Genna Goodwin presented the 2020 AAP outline proposing projects by the City's CDBG program to address identified needs during PY2020 (FY2021), the second year of the City's 2019-2023 five-year Consolidated Plan. This item was previously heard on 12/17/2020 and 02/04/2021. Staff has addressed changes required by HUD and added prior year resources to the Public Facilities & Infrastructure funding. Staff has reviewed the action plan and recommends approval.

Mayor Pro Tempore Hughes opened the meeting for public input regarding this item, hearing no comments he then closed the public hearing.

- MOTION:** A motion was made by Councilmember Larkin to approve the Program Year 2020 Annual Action Plan (AAP) for the Community Development Block Grant (CDBG) program
- SECOND:** The motion was seconded by Councilmember Curtis
- VOTE:** Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

PUBLIC HEARING/SUBDIVISION AMENDMENT:

Public hearing and consideration of approval for a subdivision amendment for Anasazi Hills at Entrada Phase 2 Amending Lots 47 & 53 by adjusting the lot line and the public utility easement along the common lot line.

Assistant Public Works Director Wes Jenkins presented the request to consider a subdivision amendment for Anasazi Hills at Entrada Phase 2, amending Lots 47 & 53 by adjusting the lot line and the public utility easement along the common lot line. This is located at 2484 Moenavi Circle; zoning is PD-R. The Joint Utilities Commission recommended approval.

Mayor Pro Tempore Hughes opened the meeting for public input regarding this item, hearing no comments he then closed the public hearing.

- MOTION:** A motion was made by Councilmember Smethurst to approve a subdivision amendment for Anasazi Hills at Entrada Phase 2 Amending Lots 47 & 53 by adjusting the lot line and the public utility easement along the common lot line as presented.
- SECOND:** The motion was seconded by Councilmember Larkin.
- VOTE:** Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

EMINENT DOMAIN:

Consider whether to approve the acquisition through eminent domain property to be used for a roadway and temporary easement (SG-TC-8) to be used for widening River Road in the vicinity of 1230 East 1050 South.

City Attorney Shawn Guzman introduced this item and stated that William R. and Louise Seger have agreed and been very cooperative in selling this property to the City of St. George needed for the widening of River Road. Their mortgage company has been unresponsive to requests to execute a "partial deed of reconveyance." The City of St. George is seeking authorization to commence an eminent domain action and is following statutory procedures, including this public meeting, in preparation of filing such action. Notice of this meeting was sent directly to the owner.

Mayor Pro Tempore Hughes stated that although this is something the City does not do a lot, the mortgage company has been unresponsive and the owners have given consent so this is the next legal way to proceed.

MOTION: A motion was made by Councilmember Larkin to approve the acquisition through the acquisition of eminent domain property to be used for a roadway and temporary easement (SG-TC-8) to be used for widening River Road in the vicinity of 1230 East 1050 South.

SECOND: The motion was seconded by Councilmember Curtis

VOTE: Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance for a zone change amendment to The Ledges at St George PD (Planned Development) on 12.5 acres located at approximately 1550 West 5150 North. Case No 2021-ZCA-021.

City Planner Mike Hadley presented the Annex into the Ledges master plan of 12.5 acres located between the existing project boundary and the Lava Bluffs

Equestrian Center. The annexation property is currently zoned Mining and Grazing and designated on the General Plan map as Low Density Residential (LDR). The proposed annexation would incorporate the property into the Ledges PD residential zone and allow for a maximum density of three homes per acre. The Planning Commission recommended approval for the zone change amendment with comments and conditions outlined in the staff report.

Councilmember Curtis asked if this item contained two different requests and City Planner stated that yes, it is adding the acreage and the additional units.

MOTION: A motion was made by Councilmember Curtis to approve the Ordinance for a zone change to The Ledges at St George PD (Planned Development) on 12.5 acres located at approximately 1550 West 5150 North.

SECOND: The motion was seconded by Councilmember Smethurst.

DISCUSSION: City Attorney Shawn Guzman mentioned that by removing the golf course and adding in housing he wants to make sure there are no legal questions under the development agreement.

Councilmember Curtis withdrew his motion so that the City Attorney could speak with the applicant Stacy Young and review the original development agreement so that there is no conflict there.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zone from A-1 (Agriculture-40,000 sq. ft. minimum lot size) to RE 12.5 (Residential Estate 12,500 sq. ft. minimum lot size) on approximately 7.09 acres located at the corner of River Road and 2800 South. Case No 2021-ZC-022.

City Planner Mike Hadley presented the proposal for a zone change for the Laurel Canyon development, a residential development from A-1 (Agriculture – 40,000 sq. ft. minimum lot size) to RE-12.5 (Residential Estate 12,500 sq. ft. minimum lot size). He stated that there has been quite a bit of public comment of this issue but believed staff has addressed their concerns with storm drainage in the area. He also mentioned that there is a current application in to NRCS to address drainage from Fort Pierce to this area that will occur when that funding becomes available.

Councilmembers discussed the area and the existence of old canals there along with agricultural needs and possible future development of the area.

MOTION: A motion was made by Councilmember McArthur to approve the Ordinance for zone change from A-1 to RE 12.5 on approximately 7.09 acres located at the corner of River Road and 2800 South.

SECOND: The motion was seconded by Councilmember Smethurst.

VOTE: Mayor Pro Tempore Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance for a zone change amendment to The Ledges at St George PD (Planned Development) on 12.5 acres located at approximately 1550 West 5150 North. Case No 2021-ZCA-021.

City Attorney Guzman came back to Council with answers he received on researching this item. He stated that the only agreement in place is in regard to landscape and trails so there is no conflict in approving the ordinance as it was presented.

MOTION: A motion was made by Councilmember Curtis to approve the Ordinance for a zone change to The Ledges at St George PD (Planned Development) on 12.5 acres located at approximately 1550 West 5150 North as presented.

SECOND: The motion was seconded by Councilmember Larkin

VOTE: Mayor Pro Tempore Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

AMEND PD-C/ORDINANCE:

Consider approval of an ordinance amending the Snow Canyon Commercial Planned Development zone to add "grocery store" to the approved use list and review concept plans for a proposed grocery store on approximately 4.75 acres generally located on the southwest corner of Snow Canyon Parkway and 2000 North. The project is to be known as Snow Canyon Commercial Center. Case No. 2021-ZCA-020

City Planner Dan Boles presented the ordinance and explained that the property was rezoned to PD-C in December of 2018. The use list approved at that time listed retail uses but not specifically a grocery store. On February 23, 2021, the Planning Commission held a hearing to hear from the public. After taking public comment, the Planning Commission recommended approval with conditions which were outlined in the staff report. He explained the main concerns citizens have with this seems to be the possible increased traffic flow in the area, lighting, noise and signage.

Councilmembers discussed entrance/exit access and the impact it would have on the intersection there. They discussed the proposal of a traffic light at that intersection as well as a round-about and the cost prohibitions of that.

Applicant Neil Walker addressed the Council and discussed the changes they made to the landscaping and signage after meeting with the Planning Commission and listening to their concerns. He stated that he has been working with City Planner Jay Sandberg for a year to help with the traffic issue at 2000 N and believes the easements will provide additional relief with access to Dixie Drive.

Councilmember Larkin expressed concern with the lighting as proposed and suggested that the poles be lowered to reduce the lighting impact on neighboring houses. Councilmembers discussed the different options for reducing the lighting impact on the area. Mr. Walker stated that their current plan is compliant with current city ordinance and codes and felt they have been sensitive to the concerns there.

Councilmembers also inquired about noise and hours of operation. Mr. Walker stated the hours of the store are scheduled to be 7am to 11 pm, he was aware of noise concerns from deliveries and are working closely with vendors to be sensitive to those concerns. Councilmember Larkin had serious concerns with delivery trucks idling in the parking lot and delivery area late at night and the possible disruptions to neighboring houses that may occur. Councilmember Smethurst asked about the delivery truck access and what the schedules would be and if they could be coordinated with the other

Associated Foods stores in the area. Mr. Walker also noted that the delivery area is not the area adjacent to the homes furthering their commitment to keeping noise at a minimum impact to residents.

The visual impact of the proposed east elevation of the building was discussed at length and Councilmembers felt like the character of the building should be visually pleasing as well. Adding roof treatments and screening was also discussed and Council felt that all possible treatments in subtle earth tones should be used to provide the least visual impact there.

Councilmembers discussed at length issues with the applicant and upon conclusion felt that this area was zoned for commercial and this was a proper use of the commercial space with the suggested adjustments as discussed. They thanked the applicant for his willingness to address all the concerns of the Council as well as the citizens this would impact in the area.

MOTION: A motion was made by Councilmember Larkin to approve the ordinance amending the Snow Canyon Commercial Planned Development zone to add "grocery store" to the approved use list and review concept plans for a proposed grocery store on approximately 4.75 acres generally located on the southwest corner of Snow Canyon Parkway and 2000 North known as Snow Canyon Commercial Center with the following conditions:

1. Low impact lighting to be used – specifically 20 foot light posts with lumen output being addressed;
2. Improve the exterior on the south and east sides of the building to reflect that of the north and west sides
3. Roof treatment screens be implemented using earth tones on equipment as much as possible to have less visual impact
4. Proposed signage should be amended to 14.5 feet
5. Applicant should do as much as possible to reduce sound/noise created by delivery trucks

SECOND: The motion was seconded by Councilmember Smethurst

Discussion: Councilmember McArthur expressed a desire to have the intersection at this area evaluated and options for the best traffic flow be brought to the Council for consideration.

VOTE: Mayor Pro Tempore Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye

Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

AMEND PD-C/ORDINANCE:

Consider approval of an ordinance amending the Red Cliffs Mall Planned Development Commercial zone to modify their sign package and amend the site plan. The application is to be known as Red Cliffs Mall PD Amendment on approximately 39.37 acres located on the southwest intersection of Red Cliffs Drive and Mall Drive. Case No. 2020-ZCA-006

City Planner Dan Boles presented the proposal to allow construction of a plaza, update the mall sign package, and make other modifications to the mall site. The underlying general plan is COM (Commercial). The Planning Commission recommended approval with the following comments and conditions:

1. Any future building will be required to go through the zone change amendment process for approval prior to issuance of a building permit.
2. The City's participation in right-of-way and signal improvements is not guaranteed but will need to be worked out prior to any changes to the entryway being made.
3. Any further changes to the site or any element thereof will need to be reviewed and approved by the City prior to any changes occurring.

The Planning Commission discussed the realigned intersection and was satisfied with the change. There was also positive discussion regarding the sign package and the need for additional and updated signage on the site.

Councilmembers discussed the various changes and expressed positive comments about updating this area and improving it helps build the economy of the Mall which has struggled in previous years.

Applicant Nate Evans, managing partner of the mall addressed the council and answered questions they had regarding the design. He stated that great care was taken with the new design to create a good interaction with parking and provide a safe and inviting environment for patrons.

MOTION: A motion was made by Councilmember Curtis to approve and ordinance amending the Red Cliffs Mall Planned Development Commercial zone to modify their sign package and amend the

site plan on approximately 39.37 acres located on the southwest intersection of Red Cliffs Drive and Mall Drive.

SECOND: The motion was seconded by Councilmember Smethurst
VOTE: Mayor Pro Tempore Hughes called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

AMEND PD-R/ORDINANCE:

Consider approval of an ordinance amending the Desert Color Planned Development Residential (PD-R) zone to allow a new neighborhood development to be known as Sage Haven (Pod 6) Plat 'B' on approximately 58.58 acres generally located east of I-15, south of Southern Parkway, and south of Auburn Hills. Case No. 2021-ZCA-023

City Planner Dan Boles presented the request, the second of two plats, that will make up Pod 6 of the Desert Color development. This neighborhood is separate from the Desert Color Resort and Auburn Hills neighborhoods. Plat 'B' will have a total of 262 units. The general plan calls for primarily residential and the zoning is PD-R (Planned Development Residential). The Planning Commission recommended approval.

MOTION: A motion was made by Councilmember Larkin to approve an ordinance amending the Desert Color Planned Development Residential zone to allow a new neighborhood development to be known as Sage Haven (Pod 6) Plat B on approximately 58.58 acres generally located east of I-15, south of Southern Parkway, and south of Auburn Hills.

SECOND: The motion was seconded by Councilmember Curtis.
VOTE: Mayor Pro Tempore Hughes called for a Roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Desert Color Sage Haven Plat B, a 262-lot residential subdivision located in the Desert Color development south of Auburn Hills along the southerly extension of Carnelian Parkway.

Assistant Public Works Director Wes Jenkins presented this proposed preliminary plat is located in the Desert Color development south of Auburn Hills along the southerly extension of Carnelian Parkway. The Planning Commission recommended approval.

MOTION: A motion was made by Councilmember Smethurst to approve the preliminary plat for Desert Color Sage Haven Plat B, a 262-lot residential subdivision located in the Desert Color development south of Auburn Hills along the southerly extension of Carnelian Parkway.

SECOND: The motion was seconded by Councilmember Larkin

VOTE: Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

Mayor Pro Tempore Hughes called for a recess.

HILLSIDE DEVELOPMENT PERMIT:

Consider approval of a hillside permit to allow development on the site of a restaurant/multi-tenant commercial building within the hillside to be known as Commerce Point North on approximately 2.13 acres located at approximately 1276 S Black Ridge Drive/1190 S Bluff Street. Case No. 2020-HS-012

Assistant Public Works Director Wes Jenkins presented this item and noted that the Hillside Review Board (HSRB) held two meetings on the site to review the potential of hazards on the property and in general to the area. The HSRB recommended approval of the application. After holding a third-party review on the reports supplied by the applicant, the application was forwarded to the Planning Commission for their review. He stated that this area was not within

the landslide area, and the applicant will need to mitigate the slope with an 18in thick retaining wall adding the footing 4 ft below finished grade.

Councilmembers discussed the issue of the conflicting reports from the experts on the impact in the area and the recommendations of the Planning Commission as well as the Hillside Review Board.

MOTION: A motion was made by Councilmember Curtis to approve the hillside permit to allow development on the site of a restaurant/multi-tenant commercial building within the hillside to be known as Commerce Point North on approximately 2.13 acres located at approximately 1276 S Black Ridge Dr / 1190 S Bluff Street.

SECOND: The motion was seconded by Councilmember Smethurst

Discussion: Councilmember McArthur noted a conflict of interest he has with this item so would refrain from voting on this agenda item.

VOTE: Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – No Vote
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit to develop Commerce Point Bldg. 1200 on lot 3 in the Commerce Point Phase 1 commercial subdivision on approximately 16 acres located at the intersection of Bluff Street and Black Ridge Drive. Case No 2021-CUP-002.

City Planner Dan Boles presented the proposal for a conditional use permit. Buildings with a ground floor (footprint) area of 20,000 square feet or more, or a site with an aggregate ground floor (footprint) square footage of 20,000 square feet or more are required to obtain a conditional use permit. The Planning Commission recommended approval.

MOTION: A motion was made by Councilmember Smethurst to approve a conditional use permit to develop Commerce Point Building 1200 on lot 3 in the Commerce Point Phase 1 commercial subdivision

on approximately 16 acres located at the intersection of Bluff Street and Black Ridge Drive.

SECOND: The motion was seconded by Councilmember Curtis.

VOTE: Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

Consider approval of the preliminary plat for Fairway East Phases 1-4, a 76-lot residential subdivision located in the Ledges Development at approximately 1180 West and Ledges Parkway.

Assistant Public Works Director Wes Jenkins presented the proposed preliminary plat that is located in the Ledges Development at approximately 1180 West and Ledges Parkway. The Planning Commission recommended approval. 26 acres. Storm drain retention/detention issues were also discussed.

MOTION: A motion was made by Councilmember Larkin to approve the preliminary plat for Fairway East Phases 1-4, a 76-lot residential subdivision located in the Ledges Development at approximately 1180 West and Ledges Parkway.

SECOND: The motion was seconded by Councilmember Curtis

VOTE: Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Rosalia Ridge at Divario, 47-lot residential subdivision located in the Divario development south of the Varano Vista subdivision along Divario Canyon Drive at approximately 600 South.

Assistant Public Works Director Wes Jenkins presented the proposed preliminary that is located in the Divario development south of the Varano Vista subdivision along Divario Canyon Drive at approximately 600 South. The Planning Commission recommended approval.

MOTION: A motion was made by Councilmember Curtis to approve the preliminary plat for Rosalia Ridge at Divario, 47-lot residential subdivision located in the Divario development south of the Varano Vista subdivision along Divario Canyon Drive at approximately 600 South.

SECOND: The motion was seconded by Councilmember Smethurst
VOTE: Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

APPOINTMENTS TO BOARDS AND COMMISSIONS OF THE CITY:

Mayor Randall requested that the Council formally appoint Councilmember Vardell Curtis to the Shade Tree Board.

MOTION: A motion was made by Councilmember McArthur to appoint Councilmember Vardell Curtis to the Shade Tree Board

SECOND: The motion was seconded by Councilmember Larkin

VOTE: Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

STAFF REPORTS:

Councilmember Larkin presented each councilmember with tickets to attend the St. George Dance Company's program to be held at the Electric Theatre this weekend.

Councilmember Smethurst reported on the training he attended with the Police Department and highly recommended that other Councilmembers attend the upcoming one on the 31st as it was very informative and well done.

Councilmember Vardell Curtis reported that for Arbor day service project they would be planting trees at the Tonaquint Cemetery's recently opened area. Mayor Randall reminded Council of the City Cleanup scheduled for tomorrow morning at 7 am and they would be meeting at Pioneer Park.

ADJOURN MEETING:

MOTION: A motion was made by Councilmember Curtis to adjourn the meeting.

SECOND: The motion was seconded by Councilmember Smethurst

VOTE: Mayor Pro Tempore Hughes called for a vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember Larkin – aye
Councilmember McArthur – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

Annette Hansen, Deputy City Recorder