

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
APRIL 15, 2021 5:00 P.M.
CITY COUNCIL CHAMBERS**

PRESENT:

**Mayor Michele Randall
Councilmember Jimmie Hughes
Councilmember Bryan Smethurst
Councilmember Gregg McArthur
Councilmember Dannielle Larkin
Councilmember Vardell Curtis
City Manager Adam Lenhard
City Attorney Shawn Guzman
City Recorder Christina Fernandez**

OPENING:

Mayor Randall 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 Judy Bozeman.

Mayor Randall read a proclamation proclaiming April 30, 2021 as Arbor Day.

Councilmember McArthur arrived.

Parks Manager Shane Moore mentioned Arbor Day events taking place later this month.

City Manager Adam Lenhard advised item 5 has been removed from the agenda per the applicant's request.

CONSENT CALENDAR:

- a. Consider approval of an amendment to the January 16, 2020 Interlocal Agreement with Washington County for Ironman.**
- b. Consider approval to award bid to Watts Construction for Dixie Sunbowl improvements.**
- c. Consider approval to award bid to Skyline Creations, Inc. for Thunder Junction Pavilion & Seating Area.**
- d. Consider approval of an Agreement to Purchase Real Property from the Lynne Godfrey Trust.**
- e. Consider approval of a cost-share/reimbursement agreement for the construction of a traffic signal at Riverbend Drive and Riverside Drive.**
- f. Consider approval of a new Hangar Lease with Delta Bravo, LLC on Lot 55F at the Airport.**
- g. Consider approval of a SASO Agreement with Axiom Aviation SGU, LLC at the Airport.**

- h. Consider approval and acceptance of the FAA AIP 39 Grant for \$21,909.**
- i. Consider approval and acceptance of the FAA AIP 38 Grant for \$1,346,696.**
- j. Consider approval to continue sponsorship of the Downtown Farmer's Market event for Modern Farm & Artisan Co-op on Saturday mornings beginning May 22, 2021, through October 30, 2021, with a holiday market on December 11, 2021.**

Councilmember Larkin mentioned what a good job the planners of the Farmer's Market do.

Mayor Randall noted that with regards to item b, all upgrades will be completed before the rodeo held in September.

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

SECOND: The motion was seconded by Councilmember Hughes.

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

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

The vote was unanimous and the motion carried.

PUBLIC HEARING/BUDGET AMENDMENTS/RESOLUTION:

Public hearing and consideration of a resolution to review and approve amendments to the Fiscal Year 2020-21 Budget.

Budget and Financial Planning Manager Deanna Brklacich asked the Council if they had any questions regarding the proposed amendments as outlined in the agenda packet.

Mayor Randall opened the public hearing. There being no comment, she closed the public hearing.

MOTION: A motion was made by Councilmember Smethurst to approve the resolution approving amendments to the Fiscal Year 2020-21 Budget.

SECOND: The motion was seconded by Councilmember Larkin.

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

Councilmember Hughes – aye
Councilmember Smethurst – aye
Councilmember McArthur – aye

Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

DAYTIME IRRIGATION RESTRICTIONS:

Consider approval of daytime irrigation restrictions for those that irrigate with culinary water.

Water and Energy Conservationist Rene Fleming explained generally, this request is made annually in May. However, given the drought conditions the state is in, the levels of the local reservoirs, the Water Service Department is requesting daytime water restrictions for those that irrigate with culinary water. Staff is requesting that irrigation using culinary water be done between the hours of 8:00 pm - 8:00 am. It is recommended that customers complete watering before 4:00 am - 6:00 am as this is the time of day the system sees the highest demand. She noted that City and School District facilities irrigate with irrigation quality water; they will continue to water as the resources are available.

Mayor Randall reiterated if the sprinklers at those facilities are on during the day, it is because irrigation quality water is being used. She encouraged residents to kindly let their neighbors know about the restrictions when they are watering during the day.

Ms. Fleming added that parks and golf course staff have done a lot to improve their irrigation efficiency. She noted that residents use four times the amount of water outdoors as they do indoors. She then mentioned the Water District offers several rebate programs and provides suggestions on water conservation.

MOTION: A motion was made by Councilmember McArthur to approve the daytime irrigation restrictions for those that irrigate with culinary water.

SECOND: The motion was seconded by Councilmember Curtis.

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

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

The vote was unanimous and the motion carried.

**RESOLUTION ACCEPTING THE MUNICIPAL WASTEWATER PLANNING PROGRAM
SELF-ASSESSMENT:**

Consider approval of a resolution accepting the Municipal Wastewater Planning Program Self-Assessment.

Water Services Director Scott Taylor explained the Utah Water Quality Board administers the Municipal Wastewater Planning Program. As part of the program, each wastewater treatment and collections entity is required to conduct a self-assessment of the condition of the wastewater system and the systems planning efforts. The self-assessment report is required to be adopted by the City Council through a resolution.

MOTION: A motion was made by Councilmember Curtis to approve the resolution accepting the Municipal Wastewater Planning Program Self-Assessment.

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

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

The vote was unanimous and the motion carried.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zoning from R-1-10 (Single Family Residential, 10,000 sq ft lot size) to PD-R (Planned Development Residential) on approximately 24.11 acres located on the west side of the intersection of Canyon View Drive and Gap Canyon Parkway known as Rilassante at Divario (PA 3). Case No. 2020-ZC-040

Planner Dan Boles presented the request to change the zone from R-1-10 to PD-R on approximately 24.11 acres located on the west side of the intersection of Canyon View Drive and Gap Canyon Parkway known as Rilassante at Divario (PA 3). He provided a PowerPoint presentation covering the following topics: vicinity map; zoning map; general plan map; original conceptual site plan; original landscape plan; original elevations; townhome concept; updated site plan (04/2021); updated elevations (apartments); elevations (townhomes); and renderings. He outlined the proposed parking.

Councilmember Larkin noted she and Councilmember McArthur toured the property and she feels much better about this proposed layout.

Mayor Randall commented that some of the letters received spoke about traffic on Canyon View Drive. The City's Public Works Director noted the traffic signal on Canyon View and Dixie Drive will be designed in the next fiscal year.

Councilmember Larkin pointed out when property is annexed into the City, it is zoned at a placeholder of R-1-10.

City Attorney Shawn Guzman advised there have been issues with hillsides being R-1-10 when annexed into the City. Currently, if property is annexed into the City, it comes in as agriculture unless there is a development agreement to zone it differently.

MOTION: A motion was made by Councilmember Curtis to approve the ordinance changing the zoning from R-1-10 (Single Family Residential, 10,000 sq ft lot size) to PD-R (Planned Development Residential) on approximately 24.11 acres located on the west side of the intersection of Canyon View Drive and Gap Canyon Parkway known as Rilassante at Divario (PA 3).

SECOND: The motion was seconded by Councilmember McArthur.
VOTE: Mayor Randall called for a roll call vote, as follows:

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

The vote was unanimous and the motion carried.

AMEND PLANNED DEVELOPMENT ZONE/ORDINANCE:

Consider approval of an ordinance amending the Desert Color Planned Development Residential zone for a new phase in the Desert Color Resort area to be known as Desert Color Resort Phase 5 on approximately 12.03 acres located north-west of the existing community center and west of the lagoon. Case No. 2021-ZCA-025

Planner Dan Boles presented the request to amend the Desert Color Planned Development Residential zone for a new phase in the Desert Color Resort area to be known as Desert Color Resort Phase 5 on approximately 12.03 acres located north-west of the existing community center and west of the lagoon. He provided a PowerPoint presentation covering the following topics: existing zoning map; site plan; 3-plex elevations; 4-plex elevations; and 4-plex rendering. He outlined proposed parking. The Planning Commission recommended approval of the application.

MOTION: A motion was made by Councilmember Hughes to approve the ordinance amending the Desert Color Planned Development Residential zone for a new phase in the Desert Color Resort area to be known as Desert Color Resort Phase 5 on approximately 12.03 acres located north-west of the existing community center and west of the lagoon.

SECOND: The motion was seconded by Councilmember Larkin.
VOTE: Mayor Randall called for a roll call vote, as follows:

Councilmember Hughes – aye
Councilmember Smethurst – aye

Councilmember McArthur – aye
Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

AMEND PLANNED DEVELOPMENT ZONE/ORDINANCE:

Consider approval of an ordinance amending the Dinosaur Crossing Planned Development Commercial zone in order to amend the master sign plan. The project is known as Dinosaur Crossing PD master sign plan amendment on approximately 26.89 acres located at approximately 639 South Mall Drive. Case No. 2021-ZCA-026

Planner Dan Boles presented the request to amend the Dinosaur Crossing Planned Development Commercial zone in order to amend the master sign plan. The project is known as Dinosaur Crossing PD master sign plan amendment on approximately 26.89 acres located at approximately 639 South Mall Drive. He provided a PowerPoint presentation covering the following topics: existing zoning map; site plan; and proposed elevations. The Planning Commission held a public hearing and recommended approval. The sign proposed to be eliminated has not been constructed yet.

MOTION: A motion was made by Councilmember Smethurst to approve the ordinance amending the Dinosaur Crossing Planned Development Commercial zone in order to amend the master sign plan. The project is known as Dinosaur Crossing PD master sign plan amendment on approximately 26.89 acres located at approximately 639 South Mall Drive.

SECOND: The motion was seconded by Councilmember Curtis.
VOTE: Mayor Randall called for a roll call vote, as follows:

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

The vote was unanimous and the motion carried.

PETITION FOR ANNEXATION/RESOLUTION:

Consideration of a resolution to either accept or deny a Petition for Annexation for approximately 174 acres located west of Dixie Drive on the former Burt Burgess property.

City Attorney Shawn Guzman presented the Petition for Annexation for approximately 174 acres located west of Dixie Drive on the former Burt Burgess property. This property is west of the recent annexations at approximately 1600 South Dixie Drive. From the beginning, staff has insisted on the condition that the right of way for Gap Canyon Drive be dedicated; some of the roadway is on this

property. This item is the beginning of the annexation process. One of the conditions of approval that the full width of Gap Canyon Drive be dedicated to the City as well as a power easement. Staff has met with Matt Ence who represents the applicants. He recommended approval on the condition pertaining to the roadway and utility easement.

Mr. Ence explained he represents Husky Partners, LLC. He explained the Burgess properties are under contract to purchase with the intention of developing the properties. The applicants have gotten consent from the property owners to move forward with the annexation process. Once the roadway dedication plat is ready, the owners will sign it. He and staff are discussing what the property will be zoned as when annexed into the City.

City Attorney Shawn Guzman asked if the applicants have been in contact SITLA to determine if they wanted to annex their property to the west. He would like all of the property annexed at the same time.

Mr. Ence stated he will follow up with his clients to see if they were in contact with SITLA.

MOTION: A motion was made by Councilmember Curtis to accept the Petition for Annexation for approximately 174 acres located west of Dixie Drive on the former Burt Burgess property with the conditions there be a dedicated roadway and a utility corridor for Gap Canyon Drive.

SECOND: The motion was seconded by Councilmember Smethurst.

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

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

The vote was unanimous and the motion carried.

INTERLOCAL AGREEMENT/RESOLUTION:

Consider approval of a resolution to waive the notice requirement and terminating the Interlocal Cooperation Agreement with Washington County regarding the 2019 election services.

AND

INTERLOCAL AGREEMENT/RESOLUTION:

Consider approval of a resolution entering into an Interlocal Agreement with Washington County regarding election services.

City Attorney Shawn Guzman explained that on May 2, 2019, the City of St. George and Washington County entered into an agreement titled: Interlocal Cooperation Agreement Regarding Election Services. The County and City have agreed to waive

the notice requirement for terminating the Interlocal Cooperation Agreement Regarding Election Services signed in 2019 and approve a new Interlocal Agreement for election services in its place. Since the previous election, the County has decided to change some of the terms of the interlocal agreement; however, they did not provide the proper notification. Rather than amending the original agreement, the County provided a new one. For this reason, he recommended waiving the notice requirements and to terminate the 2019 agreement and then adopt a new one.

MOTION: A motion was made by Councilmember Larkin to approve the resolution to waive the notice requirement and terminating the Interlocal Cooperation Agreement with Washington County regarding the 2019 election services.

SECOND: The motion was seconded by Councilmember Curtis.
VOTE: Mayor Randall called for a roll call vote, as follows:

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

The vote was unanimous and the motion carried.

MOTION: A motion was made by Councilmember Hughes to approve the resolution entering into an Interlocal Agreement with Washington County regarding election services for 2021.

SECOND: The motion was seconded by Councilmember Larkin.
VOTE: Mayor Randall called for a roll call vote, as follows:

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

The vote was unanimous and the motion carried.

INTERLOCAL AGREEMENT/RESOLUTION:

Consider approval of a resolution adopting the first amended interlocal agreement supporting the renewed Desert Tortoise Incidental Take Permit issued to Washington County.

City Attorney Shawn Guzman explained Washington County applied to renew the 1996 Permit in 2018 and the USFWS is in the final stages of processing the renewal application. He noted the former agreement expired. If issued, the renewal permit (2021 Permit) will last for 25 years unless renewed or amended. He explained that one change the Council approved at a recent meeting was the \$250 per acre fee for final plats.

MOTION: A motion was made by Councilmember Smethurst to approve the resolution adopting the first amended interlocal agreement supporting the renewed Desert Tortoise Incidental Take Permit issued to Washington County.

SECOND: The motion was seconded by Councilmember Larkin.

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

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

The vote was unanimous and the motion carried.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Councilmember Larkin mentioned there will be a sexual assault awareness march taking place on April 24th.

Councilmember Hughes reported on the Switchpoint Board meeting he recently attended. He mentioned an in-line fundraiser taking place on April 27th.

Councilmember Smethurst congratulated Andy Mickelson with the Police Department who retired today after 25 years of service. Additionally, he mentioned an event for the Korean War veterans he and Councilmember Curtis attended.

Councilmember McArthur reported he took a tour with Myron Lee on where the proposed northern corridor will be. He stated the majority of the corridor is right along development. Seeing where it is proposed to be helps to see how functional it will be.

Councilmember Curtis commented about a shareholders meeting for Councilmember McArthur's development group; it was exciting to hear and see their thoughts for Southern Utah.

Mayor Randall mentioned the ULCT midyear conference will take place next week. Additionally, she mentioned the Catholic Church's thrift store 40TH anniversary celebration she attended; there were approximately 120 people in attendance.

Councilmember Hughes noted the Dixie Junior Livestock show will take place next week. He then left the meeting.

ADJOURN:

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

SECOND: The motion was seconded by Councilmember Curtis.

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

Councilmember Smethurst – aye
Councilmember McArthur – aye

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Councilmember Larkin – aye
Councilmember Curtis – aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder