

**ST. GEORGE CITY COUNCIL MINUTES
WORK MEETING
JUNE 24, 2021 4:00 P.M.
ADMINISTRATIVE CONFERENCE ROOM**

PRESENT:

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

EXCUSED:

Councilmember Vardell Curtis

OPENING:

Mayor Randall called the meeting to order and welcomed all in attendance. The invocation was offered Michael Stephenson with The Church of Jesus Christ of Latter-day Saints and The Pledge of Allegiance to the Flag was led by Mayor Randall.

DISCUSSION REGARDING A POSSIBLE ZONE CHANGE FROM R-1-10 to PD-R AS REQUESTED BY DAVIES DESIGN BUILD, ALSO KNOWN AS THE ASCESA AT DIVARIO. (Divario PA17):

Planner Dan Boles presented a PowerPoint presentation covering the following topics: Existing zoning map; Existing general plan map; Previously approved site plan (2008); Proposed site plan; Project data table; Hillside slope map; Elevations (3-Story and 2-story); Renderings; Materials; and Divario land use map.

Mark Teepen with Divario introduced Cimmaron Chacon who provided and outlined the Divario recreation trails plan and Divario site plan: Keyhole Wash Trail. Renderings of the trails and a video simulation of the hiking/bike trails were shown.

Jon Jensen with Divario presented a PowerPoint presentation covering the following topics: 2D renderings of the proposed project; and Renderings with and without buildings. They propose a wall to provide a buffer to the neighboring homes if needed.

Resident Theresa Osguthorpe commented the renderings are deceptive regarding height and distance.

Resident Tom Gwilliam stated that he hopes there is a swap between PA11 and PA17. He recognized the importance of multi-family housing but would like it to be moved to PA11. He commented that the renderings are very deceptive.

Rick Rosenberg explained the elevations depict what is going to be constructed, not what is currently on the property. The grades on the ground today are not what are proposed in the finished development. He explained the elevations are based on the graded elevations.

Mr. Gwilliam noted he sent an email to the Mayor and Council outlining why he would like the proposal to be moved to PA11.

Resident Helen Curry commented if the buildings are built on the current grade, they would sit above their homes; it would not look right. She inquired about a proposed trailhead parking.

Mr. Teepen outlined the proposed grade changes and the proposed trailhead parking.

City Manager Adam Lenhard explained the constraints the City is working with as there is a legally binding development agreement that has been in place for many years. He noted that PA17 has always been identified as a high-density pod, since before most of the existing homes were built. Per the agreement, the developer has the right to bring forth an application showing high density as it complies with the plan. There is a provision in the development agreement that the City and developer could agree to move the densities around. He asked Mr. Teepen if there is a willingness to move some of the density to a different pod.

Mr. Teepen explained the two pods mentioned earlier are on a major collector intersection and will be very busy with traffic. Single family homeowners will not want to be located there. They have been through this analysis and that is where they are going to stay.

Mr. Gwilliam commented this is the first time the developers have spoken to residents and gotten their feedback. There will be complaints regarding increase traffic no matter what is developed. Putting the high density where it is proposed will create arterial traffic coming from two different directions rather than one. In his opinion, the arguments he is making make a lot of sense to consider. He asked everyone involved to come up with a better plan and to move the density to a different pod, getting the same results. He requested to see similar renderings if the project was moved to PA11.

Mr. Teepen explained PA11 is even closer to PA12 than PA17 is to Sentieri Canyon. PA12 has single family homes being built now.

City Attorney Shawn Guzman advised there is a development agreement in place. The developer has come in according to the plan and development agreement that was put in place prior to any development in the area. He understands the request of the residents for asking the developers if they are willing to work with the City; however, the proposal shown shows the developer is working with the City. The development, as it stands right now, is not what is going to look like when complete. He noted that it will be at a collector and major roadway. Putting all of the high density in one area makes the area not as livable for those living in apartments, it is better to have them integrated into neighborhoods. He does not believe a wall should be used to separate classes of housing.

City Manager Adam Lenhard advised the Council is limited to responding to the application that has been submitted.

Councilmember Larkin commented that she and Mr. Gwilliam spoke about the proposal as he has a personal preference with regards to style. She is in favor of the look of what is being proposed. She then asked Mr. Teepen how far away the proposed commercial will be.

Mr. Teepen stated the proposed commercial is not within walking distance; however, they may move some of it closer.

Mr. Boles showed the Divario Land Use Map and Mr. Gwilliam argued that PA11 and PA12 is not as close as Mr. Teepen claims.

City Attorney Shawn Guzman reiterated the Council has to address what is before them. Additionally, he noted that the development agreement identifies the density in this area and the proposal is in line with the agreement. He appreciates that the developer is working with the City and has made some adjustments, showing a willingness to listen to concerns.

Richard Osguthorpe asked if the request can return to the Planning Commission to have it rezoned.

City Attorney Shawn Guzman stated the development agreement vests the developer in certain rights.

Mr. Osguthorpe noted the proposal has changed over time. It was zoned for townhouses, not high density and not 184 units.

Councilmember Larkin explained the City's holding zone is R-1-10. Every property that comes into the City is zoned R-1-10. The proposed plan has always been the plan; even before their homes were built.

Mr. Teepen stated that they provided disclosures to all of the builders for buyers to receive at closing. Ence Home has told him that every buyer has signed a disclosure which identifies this master plan. They will not move the high density to PA11.

Mayor Randall noted the neighbors have had their say; the Council is now looking at PA17. No action will be taken tonight.

Councilmember Hughes thanked the residents for voicing their opinions. They made some good points.

After being asked by City Attorney Shawn Guzman, Mr. Rosenberg stated they are reducing the height, only having 2-story buildings against Sentieri. Additionally, they propose to drop the side on the westside along Sentieri Canyon Drive, relocating the entrance.

Mr. Gwilliam commented he hopes that when the development is complete, there is not a regret of what has been developed.

DISCUSSION REGARDING DOWNTOWN IRRIGATION:

Water Services Director Scott Taylor provided a PowerPoint presentation covering the following topics: Open ditch irrigation system – inefficiency; Annual Water Use – 5 random irrigation users vs. neighbors. He noted that he has found records showing the City bought the water and leased it back to the residents since the 1930s; however, the users claim they own the water. He has asked users to provide documents showing they own the shares; however, they often bring in a deed from a property transfer that states they are purchasing the property with any interest in the irrigation company, but nothing ever states the users own the shares. He explained that the West City Springs irrigation water was culinary quality water which the shares were owned by the users. The City either bought their shares or provided the option to provide culinary water at a discounted rate. He proposes to do the same for the Cottonwood and East City Springs irrigation users for a specific period of time.

City Attorney Shawn Guzman commented that only a few still would qualify to receive the irrigation water with the terms currently in place.

Mr. Taylor added if the users want to keep their gardens or lawns, they would need to install sprinkler systems. He is not sure how many would want to do that.

Councilmember Hughes commented that most users use the irrigation water for gardens; therefore, they would most likely use a drip system.

Mr. Taylor noted the irrigation users are aware that the open ditch system is going away.

Councilmember Hughes stated the users are aware of the situation as there have been meetings. They will want to know what has been decided. He understands the inefficiency, however; the open ditch system is a big deal to some people.

After being asked by City Manager Adam Lenhard, Mr. Taylor explained inefficiency is the biggest issue as this is the worst use of the water. It would take infrastructure to capture the unused water. The estimate of lost irrigation water is approximately 15 million gallons per year.

Leisure Services Director Shane Moore stated it will cost a couple thousand dollars to install a sprinkler system.

A discussion took place regarding a reduced rate versus a buy-out option.

After being asked by Councilmember McArthur, City Recorder Christina Fernandez explained with Cottonwood, the irrigation water stays with the owner – if the user passes or sells the home, the water shares are forfeited back to the City. With East City Springs, the irrigation water stays with the home.

Councilmember McArthur commented the number one argument he hears is that these users have built this town, were here a long time and now have to give up irrigation because the City has grown so much.

Mr. Taylor explained staff proposes delivering irrigation water through their culinary tap at a reduced rate, by agreement for a specific amount of time or until the property changes hands, even if it is within the family.

Councilmember Hughes left the meeting.

Rick Rosenberg suggested limiting the amount of water provided to these users based on the drought action plan.

The consensus of the Council is to provide the irrigation water through the culinary tap at the current secondary irrigation rate, including the surcharge for high water users, for 12 years. An agreement would be in place that will include language pertaining to the requirement to switch over to secondary irrigation water as it becomes extended to them.

Mr. Taylor added the irrigation water is only available to users from March to October; however, the reduced culinary rate they would get all year.

UPDATE REGARDING THE NAMING OF A SOFTBALL FIELD IN MEMORY OF BILL AND MONA GIVEN:

City Manager Adam Lenhard explained staff has been asked to come up with a proposal for naming a softball field in memory of Bill and Mona Given.

Parks Planner Millie Cockerill showed a photo of field 4 at the Canyons Complex; Proposed Bill & Mona Given Legacy Field – concept plan; and Probable cost.

Councilmember Smethurst suggested putting in some sort of opening behind the dugout for families to have access to players.

After being asked by Councilmember Larkin, Councilmember Smethurst outlined the Given's contribution to softball and the Canyons Complex.

Deputy Director of Arts and Events Michelle Graves noted the Given's contributed to the Senior Games as well. She wondered if the Senior Games would be willing to assist with the cost as well.

The consensus of the Council is to have staff find funding options.

DISCUSSION REGARDING MURALS ON UTILITY BOXES IN THE DOWNTOWN AREA:

Community Arts Manager Emily Reed presented a PowerPoint presentation covering the following topics: Thrive125 grant; City utility boxes; Utility boxes with murals; Map of utility boxes in the downtown area; Cost and upkeep; Theme; Artists; Committee; and Timeline.

Deputy Director of Arts and Events Michelle Graves noted she would like to see a similar concept to Art Around the Corner and have the artwork be changed out periodically.

Councilmember McArthur mentioned he would like to see a policy in place for when the artwork fades and looks old; possibly have them changed out every three years.

DISCUSSION REGARDING THE BRIGHTER SIDE FOUNDATION:

Leisure Services Director Shane Moore provided an overview of the Brighter Side Foundation. The Foundation will be used to raise grant money for different programs throughout the City.

Assistant City Attorney Bryan Pack explained he would like to hear input from the Council what level of control they would like the City to have over the Foundation. As a government entity, the City can accept donations currently. The Foundation is not necessarily the mechanism needed to accept donations; however, it will send a message to donors that it is not quite so much the government because it is a separate entity. Staff has drafted documents allowing the Mayor to appoint the five Foundation Members; but can be amended to say the board members are specific positions – elected officials or staff of the City. Having elected officials or staff be Foundation Members starts to merge the Foundation with the City and kind of eliminates the point of the Foundation of separating it from the City. Another option is to have the Foundation Members be appointed by other board or commissions of the City.

City Manager Adam Lenhard noted donations could be significant.

A discussion took place regarding what the funds would be used for. The funds will be used for projects throughout the City, not just Leisure Services projects. After being asked by City Manager Adam Lenhard, Assistant Attorney Bryan Pack explained donors can err mark a donation for a specific project.

Assistant Attorney Bryan Pack stated his recommendation is to have the Mayor appoint the Foundation Members.

Deputy Director of Arts and Events Michelle Graves explained foundations like this opens the door for the City to receive donations for larger projects.

Councilmember McArthur believes Foundation Members should be high net worth individuals, but there should also be a steering committee who meets as needed.

Assistant Attorney Bryan Pack proposed the City Council serve as the steering committee.

The consensus of the council to move forward, with the City Council serving as the steering committee. The Foundation Members will be required to accept the recommendations of the steering committee.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Assistant City Manager Marc Mortenson mentioned the 4th of July concert and activities taking place.

Councilmember McArthur reported on the Water Conservancy District meeting he recently attended.

City Manager Adam Lenhard noted the City needs to know how much water the City will receive; the District is working towards a number. After being asked by Councilmember Larkin, Mr. Lenhard stated the City is contractually obligated to provide water to the Black Desert Golf Course.

Mayor Randall commented there needs to be an ordinance to not allow any more golf courses in the County.

Councilmember Smethurst mentioned the Southgate Golf Course clubhouse re-grand opening.

Mayor Randall reminded the Council about the all-employee meeting taking place tomorrow at 7:00 a.m.

The meeting adjourned at approximately 6:20 p.m.