

**ST. GEORGE CITY COUNCIL MINUTES
REGULAR MEETING
AUGUST 5, 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
Deputy City Recorder Annette Hansen**

Mayor Randall stated that the invocation was offered and The Pledge of Allegiance to The Flag was said at the work meeting. She mentioned that Councilmember McArthur became a dad yesterday. She then spoke about Police Officer Adam Ashworth's funeral. She thanked the Police Department and all who helped after which she played his last call.

Representatives with TDS presented a check for the Gold Star Memorial.

Mayor Randall read a proclamation proclaiming September 13-19, 2021 Ironman Volunteer Week.

CONSENT CALENDAR:

- a. Consider approval of a Donation Agreement for several paintings.**
- b. Consider approval of a Donation Agreement for a bronze sculpture of Daniel D. McArthur.**
- c. Consider approval of a Donation Agreement for a bronze sculpture of William Carter.**
- d. Consider sponsorship of the Dixie Round Up Rodeo event organized by St. George Lions Club on September 16-18, 2021.**
- e. Consider approval of a bid from JP Excavation for the Entrada Irrigation Transmission Pipeline.**

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

SECOND: The motion was seconded by Councilmember Larkin.

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 TO AUTHORIZE THE CITY MANAGER TO EXECUTE PRIVATE HANGAR AGREEMENTS:

Consider approval of a resolution to authorize the city manager to execute private hangar agreements.

City Manager Adam Lenhard explained these agreements are administrative in nature and he was not aware of any that were not approved. Staff proposes the agreements be sent to the City Manager for approval to simplify the amount of work being approved by the Council.

MOTION: A motion was made by Councilmember Curtis to approve the resolution authorizing the city manager to execute private hangar agreements.

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 TITLE 7, CHAPTER 5 OF CITY CODE/ORDINANCE:

Consider approval of an ordinance amending Title 7, Chapter 5 of City code regarding cemetery policies and abandonment of cemetery burial lots due to passage of time.

Leisure Services Director Shane Moore highlighted the proposed amendments to Title 7, Chapter 5 of City code pertaining to cemetery policies. If a person who owns a burial right would like someone other than themselves to be buried in the lot, the owner would sell it back to the City and have that other person purchase the lot. If the person who owns a burial passes away, their lot(s) can be transferred to a surviving spouse or child.

City Attorney Shawn Guzman noted it has been difficult to determine who has the right to lots that were purchased many years ago. These changes will simplify the process.

Mr. Moore noted the ordinance will keep the abandonment of burial lots after sixty years. There would be no reimbursement of these lots as they would be deemed abandoned.

MOTION: A motion was made by Councilmember Gregg McArthur to approve the ordinance amending Title 7, Chapter 5 of City code regarding cemetery policies and abandonment of cemetery burial lots due to passage of time.

SECOND: The motion was seconded by Councilmember Bryan 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 zone from R-2 (Residential Multi-Family) to RE-20 (Residential Estate, 20,000 sq ft minimum lot size) on approximately 17.51 acres and OS (Open Space) on approximately 15.38 acres located generally at the southeast intersection of Riverside Drive and Foremaster Drive to be known as Knetta's Knoll. Case No. 2021-ZC-042

Planner Dan Boles presented the request to change the zone from R-2 to RE-20 on approximately 17.51 acres and OS on approximately 15.38 acres located generally at the southeast intersection of Riverside Drive and Foremaster Drive to be known as Knetta's Knoll. He provided a PowerPoint presentation covering the following topics: Aerial map; Existing zoning map; and Existing general plan map. The Planning Commission recommended approval.

After being asked by Councilmembers McArthur and Larkin, applicant Adam Allen explained they will be terracing. The preliminary plat and hillside development permit will be brought before the Council at the next meeting. They have done extensive soils research and testing regarding the stability of the slopes.

Councilmember Larkin mentioned a letter received from Todd Prince, an archaeologist regarding petroglyphs.

Mr. Allen noted he met with Greg Woodall who is an archeologist as well. They have hired Dale Gorley who did an archaeological survey who has identified the petroglyphs on site. Some of them will be moved to the open space while others will be left in place. There is an area at the north end of the property that has not been disturbed. The archeologist recommended this area not be disturbed and advised to test the area for burials before grading.

MOTION: A motion was made by Councilmember Larkin to approve the ordinance changing the zone from R-2 to RE-20 on approximately 17.51 acres and OS on approximately 15.38 acres located generally at the southeast intersection of Riverside Drive and Foremaster 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.

ZONE CHANGE/ORDINANCE:

Consider approval of an ordinance changing the zone from R-1-10 (Single Family Residential, minimum lot size 10,000 square feet) to M-1 (Manufacturing) on approximately 12.30 acres located approximately west of River Road and south of Enterprise Drive to be known as Fort Pierce Ph. 8 Case No. 2021-ZC-046

Planner Mike Hadley presented the request to change the zone from R-1-10 M-1 on approximately 12.30 acres located approximately west of River Road and south of Enterprise Drive to be known as Fort Pierce Ph. 8. He provided a PowerPoint presentation covering the following topics: Aerial map; General plan map; Zoning map; and Site plan.

Councilmember Larkin recused herself from voting on this item.

After being asked by Councilmember McArthur, Mr. Hadley explained the City does not have a zone for business park specifically; however, business park has been an M-1 designation in the past. He explained what is being done with the open space in the area.

MOTION: A motion was made by Councilmember Smethurst to approve the ordinance changing the zone from R-1-10 M-1 on approximately 12.30 acres located approximately west of River Road and south of Enterprise Drive to be known as Fort Pierce Ph. 8.

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 – recused
Councilmember Curtis – aye

The motion carried.

GENERAL PLAN AMENDMENT/ORDINANCE:

Consider approval of an ordinance changing the general plan future land-use map from LDR (Low Density Residential) to COM (Commercial) on approximately 8.83 acres located at the southeast corner of the intersection of 900 South Street and River Road to be known as 900 South Properties. Case No. 2021-GPA-009

Planner Carol Davidson presented the request to change the general plan future land-use map from LDR to COM on approximately 8.83 acres located at the southeast corner of the intersection of 900 South Street and River Road to be known as 900 South Properties. She provided a PowerPoint presentation covering the following topics: Aerial map; Zoning map; General plan map; Purpose: professional office, medical offices, and mixed use; Clear all existing structures; General plan map; and Possible motion.

Councilmember McArthur noted a letter was received regarding concerns with selling their property and not having access to the property if it changed to commercial. Ms. Davidson stated the issue has been addressed.

MOTION: A motion was made by Councilmember Smethurst to approve the ordinance changing the general plan future land-use map from LDR to COM on approximately 8.83 acres located at the southeast corner of the intersection of 900 South Street and River Road to be known as 900 South Properties.

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.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit for the short-term rental of a local landmark to be known as the Thomas Cottam Home on approximately .20 acres located at 464 East 500 South Street. Case No. 2021-CUP-010

Planner Carol Davidson presented the request for a conditional use permit for the short-term rental of a local landmark to be known as the Thomas Cottam Home on approximately .20 acres located at 464 East 500 South Street. She provided a PowerPoint presentation covering the following topics: Zoning map; Site plans; 10-13E-4B – conditions: 1) Low impact, 2) Substantial investment, 3) Renovations maintain historic features, 4) Minimal traffic or parking demand, 5) Additional condition; and Possible motion. She mentioned letters received from neighbors who had concerns.

Councilmember Larkin comment that she has not seen an accessory dwelling unit (ADU) with short-term rental. She asked if this request brings up any issues with City code.

Ms. Davidson explained staff discussed this item, concluding that having the owner living on the property is an excellent way to make sure the renters are not creating issues. When the ADU is finished, the deed will need to be changed stating that the owner will live on the property at all times.

City Manager Adam Lenhard noted enforcement would be problematic.

Councilmember McArthur suggested looking at the City's landmark preservation code. When this came before the Council a while back, he appreciated the research that had gone into declaring the home a landmark; however, he was not aware there would be an accessory dwelling bigger than home itself. This no longer feels like a local landmark, rather making it a great rental property. He noted that this request has met all of the City codes but he doesn't know if this were something he would like to continue moving forward.

Councilmember Larkin agreed and commented that the Council should discuss the code with the Historic Preservation Commission. She is not opposed to a home owner building an ADU; however, she asked if the architecture should match the existing historic home.

Ms. Davidson noted the City's regulations require the ADU to match the main unit. This particular unit does match the existing home.

Councilmember Hughes added the point of easing up on the ADU regulation is to provide additional housing; nightly rentals do not help the situation.

Councilmember Larkin mentioned the City does not allow short term rentals in the downtown area other than in the historic homes to be able to make enough revenue to keep up the historic home or they tear it down and build a new home.

Councilmember McArthur commented that he does not think this condition works for the area. He would like to visit the local landmark code in the future.

Councilmember Larkin stated as far as short-term rentals go, it does help to know that the owner will be required to live in the home and that the ADU has to match architecturally.

MOTION: A motion was made by Councilmember Larkin to approve the conditional use permit for the short-term rental of a local landmark to be known as the Thomas Cottam Home on approximately .20 acres located at 464 East 500 South Street.

SECOND: The motion was seconded by Councilmember Curtis.

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

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

The motion carried.

CONDITIONAL USE PERMIT:

Consider approval of a conditional use permit for LongHorn Steakhouse to be built at Commerce Point on approximately .49 acres located south on Auto Mall Drive, south of Black Ridge Drive. Case No. 2021-CUP-010

Planner Carol Davidson presented the request for a conditional use permit for LongHorn Steakhouse to be built at Commerce Point on approximately .49 acres located south on Auto Mall Drive, south of Black Ridge Drive. She provided a PowerPoint presentation covering the following topics: Aerial map; Zoning map; General plan map; Site plan; Pedestrian access; Landscape plan; Elevations; Materials board; and Recommendation. The Planning Commission recommended approval.

MOTION: A motion was made by Councilmember Curtis to approve the conditional use permit for LongHorn Steakhouse to be built at Commerce Point on approximately .49 acres located south on Auto Mall Drive, south of Black Ridge Drive **with the condition that meets zoning regulations in 10-17B.**

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.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for South Desert Townhomes, a 132-lot residential subdivision located at approximately White Dome Drive and 2500 East in the Southern Hills development.

Mayor Randall asked for a motion to table the next two items.

MOTION: A motion was made by Councilmember Larkin to table item 9.

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.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Southern View PD, a 123-lot residential subdivision located on the south side of White Dome Drive at approximately 2500 East.

MOTION: A motion was made by Councilmember Larkin to table item 10.
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.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Thorn Tree Court Yards at the Ledges, a 24-lot residential subdivision located at approximately 1500 West Ledges Parkway on the north side of the parkway adjacent to Winchester Hills.

Public Works Cameron Cutler presented the preliminary plat for Thorn Tree Court Yards at the Ledges, a 24-lot residential subdivision located at approximately 1500 West Ledges Parkway on the north side of the parkway adjacent to Winchester Hills. He showed and outlined the preliminary plat, noting staff doubled the density from what was presented at the Planning Commission meeting to account for the lockout ability for each unit. The plat is the same as presented to the Planning Commission.

City Attorney Shawn Guzman reminded staff about the lockouts in Entrada. He asked if the lockouts change the parking on this plat.

Ms. Davidson noted she does not believe this plat has been through a site plan approval. Each time units similar to this are done, if it can be lockout out staff typically adds it as another unit, requiring an additional parking space.

City Attorney Shawn Guzman advised the Council if they approved, they could add a requirement that it meets the parking requirements as articulated by staff. After

being asked by Councilmember Curtis, City Attorney Shawn Guzman explained a lockout is when a unit has a separate unit that could be used and rented separately. Most of the time there is no kitchen area, similar to a hotel room. If the owner wishes to rent the entire unit, they can unlock the lockout.

MOTION: A motion was made by Councilmember Hughes to approve the preliminary plat for Thorn Tree Court Yards at the Ledges with the condition that the plat meets parking requirements as articulated by staff.

SECOND: The motion was seconded by Councilmember Larkin.

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.

PRELIMINARY PLAT:

Consider approval of the preliminary plat for Willow Bend Townhomes, an 81-lot residential subdivision located on the northeast corner of the intersection of Judy Lane and Riverside Drive.

Public Works Director Cameron Cutler presented the preliminary plat for Willow Bend Townhomes, an 81-lot residential subdivision located on the northeast corner of the intersection of Judy Lane and Riverside Drive. He showed and outlined the preliminary plat. After being asked by Councilmember Larkin, he explained public vs. private road. Fire code has to be met with private roads as well.

City Manager Adam Lenhard advised staff would oppose these being public streets. He noted this property has not been developed as soils are not good. Typically, staff would prefer roads to be public; however, in the case of this item as well as the previous one, staff would prefer the roads remain private with recorded notices on each lot that advise the buyers that the roads are and will always remain private, the City has no intention of taking them over or maintaining them. He noted he would prefer it would be all of the streets.

MOTION: A motion was made by Councilmember McArthur to approve the preliminary plat for Willow Bend Townhomes with the stipulation that all roads within development be private roads.

SECOND: The motion was seconded by Councilmember Larkin.

Applicant Dave Nasal stated that the plat was initially proposed as private; however, staff insisted that they be public so they rearranged things to accommodate that.

City Attorney Shawn Guzman noted the City has a policy for encouraging public streets throughout the City. This is a unique project – after reviewing, the executive staff determined it does not make sense.

Mr. Nasal commented he is not opposed to private roads. He also noted that there has not been a soils issue other than on the north end of the property. They will build to the geotechnical recommendations.

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.

APPOINTMENTS TO BOARDS AND COMMISSIONS OF THE CITY:

Mayor Randall recommended appointing John Kessler to be Chairman of the Arts Commission.

MOTION: A motion was made by Councilmember Larkin to appoint John Kessler to be Chairman of the Arts Commission.

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.

REPORTS FROM MAYOR, COUNCILMEMBERS, AND CITY MANAGER:

Councilmember Larkin mentioned the Children's Museum has a new director as well as the Doctors Volunteer Clinic Gala.

Councilmember McArthur reported that the Dinosaur Museum is doing great as is the Red Hills Desert Reserve.

ADJOURN TO A CLOSED SESSION:

MOTION: A motion was made by Councilmember Larkin to adjourn to a closed session to discuss the deployment of security personnel, devices, or systems and investigative of proceedings regarding allegations of criminal conduct.

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.

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

The vote was unanimous and the motion carried.