

Minutes of the Hurricane City Council meeting held on August 3, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:30 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Assistant Chief Kurt Yates, Chief Excell, Power Superintendent Scott Hughes, Water Superintendent Ken Richins, Sewer Superintendent Mike Chandler, Public Works Director Mike Vercimack, Planning Director Gary Cupp, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Building Official Larry Palmer, Finance Manager Paige Chapmen, and Human Resource Director Sel Lovell

AGENDA

3:30 p.m. Closed Meeting

Kevin Thomas motioned to go into a closed meeting. Seconded by Doug Heideman. Motion carried unanimously.

Adjournment: 4:35 p.m. without a motion by unanimous consent.

4:30 p.m. Training regarding budget/fiscal year

Mayor Billings provided a document on infrastructure replacement planning. She asked the City Council and Staff to provide input.

Paige Chapman explained that the primary responsibility of local elected officials is to appropriate funds. She reviewed the four budget funds. Every City maintains a General fund in which all revenues belong to the general fund unless marked explicitly for another fund. Enterprise funds are used for services that are charged for a fee, such as power, water, and golf. Capital project funds are temporary funds that should be eliminated when the capital project is completed. Special revenue accounts for resources legally restricted for specific expenses. Mrs. Chapman reviewed the budget process. The majority of revenues come from sales tax, property tax, franchise tax, and other taxes. Other tax pertains to grants and fees. Kaden DeMille expressed his concerns when the fund is heavily dependent on sales tax. Property tax is a more reliable tax. Sales tax has increased twenty-five percent in the last several years, and property tax is only three to five percent. Mrs. Chapman reported that the impact fee fund is less than expected due to the lack of building this year. She discussed impact fees and how often they should be reviewed. The City's most significant expense in the general fund is public safety, followed by public works. Overall, sixty-four percent of the City budget is dedicated to salaries. Thirty-two percent is operating costs, and the remaining percentage is capital improvements. The City Council's job in the budget process is reviewing financial statements, providing Staff with a vision of priorities and focus, and ensuring that the City's limited resources can be used to cover needs.

Mayor Billings asked Mrs. Chapman to review the progress of specific items in the budget.

5:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports

Weston Walker reported that the project on 650 South is finished, and the road is open. 2800 West is open, but rocks are trickling down, and the fencing will not go in until September. There was some flooding this week due to the wash overflowing and a drainage plug in the downtown area. The Jiffy Lube oil spill was cleaned up today. The crosswalks were striped on 700 West and 1300 South, and they hope to have the pavement and striping completed on 100 North before the start of the school year. He expressed gratitude for the other departments that helped with the storm drain problems.

Larry Palmer reviewed the twenty-two building permits submitted.

Mayor Billings reported that the City Council meeting is canceled for September 7, 2023, while the Council attends a conference.

Mike Chandler reported that the biggest project is 2800 West. They are working in coordination with four property owners. They signed off on Quail Lake Industrial Park phase five. They have passed their sixty percent deadline for the Confluence Park Treatment Plant. They are submitting an applicant for reuse water with the Water Conservancy District and St. George City.

Chief Excell commented there is a lot of movement in the department. Kurt Yates was promoted to Deputy Chief, and they are working to replace his patrol position. The department has an open position and they received forty-five applications for the last opening. The current officer in Policy Academy is graduating in October, and a fully certified Officer was recently hired. There was a tragic drowning at Sand Hollow today. He thanked the Streets Department for their quick response and cleanup of the oil spill.

Scott Hughes stated the crews are working very hard on the substation, and the department received a letter of resignation effective tomorrow.

Ken Richins reported that the bid for the waterline replacement on Dixie Springs Drive opens on August 10th. The irrigation expansion project is moving well, and plans will be submitted to the JUC next week.

Tiffani Wright reported that the department has an open position for a custodian. Most programs started this week, and sports programs start the week before Peach Days. She received a call from Drew Durrant seeking permission to host his show in the old cafeteria. He wants to run every night except Sunday from late November to December 23rd.

Mike Vercimack reported that the department is staying very busy.

Arthur LeBaron reported that several parcels were closed on the 1100 West corridor. Meetings were held to discuss improving the parade and fireworks. Parking for the equestrian park is

staked and will be delineated for the Peach Days Rodeo. Mike Vercimack set up meetings to streamline the parking process and handling of stock trailers and stock. Mr. LeBaron reported that there is a service project to revamp the H on the hill. They have received strong encouragement to light the H. Dayton Hall advised the Staff to ensure the lights meet the lighting ordinance. Councilman Prete asked if this would replace the fire and if it would be bright enough. Mr. LeBaron reported that solar with a battery will be used to light the H. He is unsure if the lighting project will be ready for homecoming. Mayor Billings reported that clean up along SR-7 and SR-9 starts September 11th, at 10:00 a.m.

Gary Cupp introduced himself as the new Planning Director.

Fred Resch III is happy to have a new Planning Director. Short-term rental fines were sent out last week. He submitted the Moderate Income Housing Plan report, and the State has ninety days to review the report.

Dayton Hall explained that the City provides a monthly report to the Water District on the number of buildable lots. There are 7,000 households in Hurricane City. 2,100 approved lots in subdivision have not pulled a building permit. There were 5,800 approved preliminary plats in the last year. There are 9,000 areas subject to a development agreement. 7,627 lots are not platted within a PID annexation area.

Kaden DeMille reported that gym buildings are moving quickly. Construction drawings are underway, and bidding should be open by the end of the month. Work is scheduled to start on September 29th.

Cindy Beteag reported that early voting in person will be held at the community center on August 22nd through August 24th. The Dixie Convention Center August 29th through September 1st. Election Day is September 5th.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Ben Holmes.

Arthur LeBaron introduced Ben Holmes as the new GIS coordinator.

Mayor Billings met with citizens to start the Veteran's Memorial Park by January 1st. She encouraged everyone in the community to vote.

Chief Excell introduced Kurt Yate as the new Deputy Chief. He was an excellent Sargent and will lead the department into the future.

Declaration of any conflicts of interest

Joseph Prete declared a conflict on New Business item 10 and will not be voting. He also declared a conflict on New Business item 7.

Presentation of Washington County Water Conservancy District's 20-year water supply plan

Zach Renstrom provided a presentation of the twenty-year water supply plan. He explained that the Conservancy District has been placing a lot of focus on the Lake Powell Pipeline. However, due to the extreme drought and unresolved agreements on the Colorado River, they are now focusing on other projects. They are focused on a twenty-year plan because bonding agencies look at the water viability to ensure economic growth. They analyzed the growth and water supplies and reported that between all the communities in Washington County, there are approximately 72,000 approved planned units. The proposed new water sources are water conservation, reuse water, new water projects, and utilizing municipal groundwater. Water conservation is an effort to reach out to existing users to reduce water usage. The grass rebate and the use of AMI meters are a big part of the conservation effort, and lawn removal is an incentive, not mandatory. There are multiple different areas used for groundwater. The agriculture conversion will continue. He stated that if this plan is done correctly, there will be a safe, viable water supply for twenty years. However, a steep spike in growth will exceed the limit. The cost to implement this plan is 1.8 billion dollars.

Councilman Thomas commented that Hurricane is one of the first Cities to use AMI meters. However, the residents cannot qualify for the rebate program. Mr. Renstrom reported that State funding guidelines are stringent. However, they made some changes in the last legislation to give more power back to the Counties. Mr. Hall reported that the issues were discussed in multiple meetings, and they are working to close the gap.

Minutes of special meeting July 25, 2023

Joseph Prete motioned to approve the July 25, 2023, minutes with a correction to add the motion to go into the closed session. Seconded by Dave Sanders. Motion carried unanimously.

Public Forum – Comments From Public

OLD BUSINESS

1. Consideration and possible approval or denial of a proposed letter of support to Washington County School District regarding a tax initiative

Mayor Billings presented the letter supporting the Washington County School District tax initiative. Councilman Prete asked if anyone had concerns about giving the power to the District. Mayor Billings feels it takes power from the taxpayers and gives it to the board to decide. Councilman Thomas disagrees with a letter because it takes away from the truth and taxation process. On those grounds, he completely disagrees with the letter. Dayton Hall explained that the School District asked for the City's support. However, this letter is not necessary for approval. Kaden DeMille reported that the Geo Bond was voted down by the citizens a few years ago because it would have increased taxes. This tax initiative is similar, and he is not comfortable with the proposed initiative.

Councilman Thomas reported that property taxes will drop this year because a bond is being paid off. He also noted that implementing this change will not immediately fund a new school. He feels the School District should have to ask for approval when it needs to borrow money. Councilman Heideman initially felt this was a great initiative. It is the same principle as paying off a car loan early, and he likes saving the citizens money. However, an extensive account of money creates a burden. He questioned who would decide what the funds are used for. He feels a vote is a way to protect the Superintendent and Staff. Mayor Billings reported that the School Board will vote on this on August 7th. Councilman Sanders understands that people are worried about the check and balances, but we can elect good leaders to monitor them. This saves the taxpayers money, and he supports the initiative. Councilman Prete believes in efficiency and is against other people managing things without accountability and transparency. Mayor Billings is concerned because they can use the money for administration instead of saving it for buildings. Councilman Heideman reported that State law would not allow that. Councilman Prete's understanding was that the funds would be restricted.

Kevin Thomas motioned to deny sending a letter of support to Washington County School District regarding a tax initiative. Seconded by Doug Heideman. Joseph Prete, Kevin Thomas, and Doug Heideman – aye. Dave Sanders – nay. Motion carried.

2. Resolution 2023-30: Consideration and possible approval of a General Plan Amendment to adopt a Downtown Master Plan.

Councilman Thomas has not reviewed this amendment and is not ready to make a decision.

Kevin Thomas motioned to continue Resolution 2023-30: Consideration and possible approval of a General Plan Amendment to adopt a Downtown Master Plan. Seconded by Doug Heideman.

Fred Resch III reported that the consultant's contract has ended, and he asked for direction from the City Council. Councilman Thomas does not think there is enough support for mixed-use zoning downtown. He would like that to be excluded. Mayor Billings reported that Councilman Hirschi also asked for the item to be continued. Councilman Thomas suggested holding a work meeting. The City Council scheduled a work meeting on August 29th at 7 p.m. Joseph Prete, David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

3. Consideration and possible approval of an Asset Purchase Agreement Between Rocky Mountain Power and Hurricane City. -Scott Hughes

Mayor Billings reviewed the summary provided in the packet. Dayton Hall reported that Rocky Mountain Power modified the dates to November 1st. Councilman Prete explained that in his profession as an attorney, liability is always a question. This is an old system, and the contract is as is. He asked if the Power Department was confident in this purchase. Mr. Hall reported that the depreciation had been factored into the purchase price. Councilman Prete asked if there were any existing claims or litigation. Mr. Hall reported that it is listed in the agreement that

there are no claims or litigation. Kaden DeMille asked if discussions have taken place for residents who need to sign up for utilities through Hurricane City and if solar systems have been considered. Scott Hughes confirmed that there is a plan in place. He reported that Hurricane City Solar Policy is less beneficial to customers than Rocky Mountain Powers policy. Councilman Prete asked how this is beneficial to the City. Mr. Hughes explained that this would better define service territory and billing points. Mr. Hall reported that it provides the City control of demand on circuit one. Mayor Billings reported that she was contacted by citizens reporting that Sky Ranch was not notified, and they are worried they will be required to annex. Mr. Hughes stated that he had not received direction to take over the power for the purpose of requiring annexation. Councilman Prete asked if the City has complied with notification requirements. Mr. Hall explained that Rocky Mountain must notify them, and they will work with them to ensure proper notification. Councilman Prete asked if the department would utilize this infrastructure for future buildout. Mr. Hughes confirmed that Councilman Prete is correct. Kaden DeMille reported finances have been complicated for the Power Department in the past few years. However, this is a good opportunity for the City.

Doug Heideman motioned to approve the Asset Purchase Agreement Between Rocky Mountain Power and Hurricane City contract. Seconded by Kevin Thomas. Roll call vote. Dave Sanders, Joseph Prete, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

4. Consideration and possible approval of a disconnection request for parcels H-3403-C-2, H-3403-B-2, and adjacent roads-Sky Ranch Ph 6 L.C. applicant, Doug Durbano agent

Mayor Billings reported that the applicant has asked for the item to be tabled.

Dave Sanders motioned to table the consideration and possible approval of a disconnection request for parcels H-3403-C-2, H-3403-B-2, and adjacent roads-Sky Ranch Ph 6 L.C. Seconded by Kevin Thomas. Joseph Prete, David Hirschi, Doug Heideman, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

5. Consideration and possible approval of Resolution 2023-32 adopting a policy governing commercial electric vehicle charging stations. -Scott Hughes

Mayor Billings reviewed the summary provided in the packet. The City needs a policy for companies that want to install charging stations. Hurricane City is proposing the same base rate as St. George City. However, the demand and kilowatt-hour charges are higher. Dayton Hall has reviewed and approved the document. Councilman Prete stated that the City needs to decide how to move forward with EV charging stations. Is the plan to encourage or discourage them? He is concerned about large power grabs and can see ways to manipulate the policy. Scott Hughes reported that a specific percentage per circuit could be added to the policy. Councilman Thomas would prefer that the charging stations use wind or solar power.

Joseph Prete motioned to approve resolution 2023-32 adopting a policy governing commercial electric vehicle charging stations. Seconded by Doug Heideman. Dave Sanders, Kevin Thomas,

David Hirschi, Joseph Prete, and Doug Heideman – aye. Joseph Prete would like to revisit this to ensure the policy properly governs the EV charging stations.

6. Consideration and possible approval of Resolution 2023-33 adopting a new rate for commercial electric vehicle charging stations. -Scott Hughes

Joseph Prete motioned to approve resolution 2023-33 adopting a new rate for commercial electric vehicle charging stations. Seconded by Dave Sanders. Roll call vote. Kevin Thomas, Doug Heideman, David Hirschi, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

7. Consideration and possible approval on cost adjustments for the 2800 West project- Arthur LeBaron

Kevin Thomas motioned to table consideration and possible approval on cost adjustments for the 2800 West project due to a lack of information from the property owners. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of a local match for a Development Solutions Study on SR-9 with UDOT and DMPO.

Arthur Lebaron reported that the modeling for the region shows SR-9 being widened to three lanes. This is very problematic between 300 W and LaVerkin. The group wants to do more studies to see other options. He reported that the Utah Department of Transportation (UDOT) had pledged substantial funds, and Dixie Metropolitan Planning Organization approved \$40,000 for the study. UDOT has requested that the City provides \$5,000 for the study. Chris Hansen reported that UDOT focuses on solution development by reviewing the community's vision and proposing solutions to meet those needs. They will look to SR-7, but they have more concerns with the downtown area because the buildings are closer to the road.

Kevin Thomas motioned to approve a local match for a Development Solutions Study on SR-9 with UDOT and DMPO in the amount of \$5,000. Seconded by Joseph Prete. Roll call vote. Doug Heideman, David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

2. Consideration and possible approval of Resolution 2023-26 updating Hurricane City power standards and specifications. -Scott Hughes

Scott Hughes reported that the Power Department has been operating under the belief that they could make minor changes to the standards without City Council approval. He was unable to find a resolution confirming that permission. The presented resolution includes the changes made to the standards over the past ten years and permission for the Power Board to approve future changes. Dayton Hall noted that these are minor changes to keep up with the industry standards. Councilman Prete reported that language was added to require reporting the

changes to the City Council. Mayor Billings reviewed portions of the standards and specifications. Mayor Billings would like a report emailed to the City Council so the Council can add any concerns to the agenda.

Joseph Prete motioned to approve Resolution 2023-26 updating Hurricane City power standards and specifications, subject to an amendment requiring all perspective changes to be reported to the City Council within thirty days. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, David Hirschi, Joseph Prete, and Dave Sanders – aye.

3. Consideration and possible approval of Resolution 2023-35 in opposition to EMS sales tax

Mayor Billings reviewed the summary provided in the packet. Dayton Hall explained that this is a proposed resolution opposing enacting the one percent sales tax to provide emergency medical services (EMS) for the Hurricane Valley Fire District Special Services District. Mr. Hall read the proposed resolution. Councilman Thomas read the letter he drafted today, which he intended to send privately. However, he feels the Council might want to sign the letter.

Councilman Sanders reported that the funding is restricted to emergency medical services. Mayor Billings reported that the funds could not be used for fire supplies per the resolution. Councilman Prete feels part of the challenge is due to the overlap of fire personnel who are also EMTs. Councilman Prete asked why Hurricane City only has one vote. Mayor Billings reported that Hurricane City had three votes until other cities were added to the agreement. Bill Hoster reported that he was not part of the board when that decision was made and is unsure how that took place. He explained that it is supposed to be fair and balanced. Chief Joe Decker is also unsure how that took place. Mr. Decker reported that based on call volume Hurricane Valley populous uses much of the funding. Based on the studies conducted, this will decrease the taxes citizens pay. Councilman Thomas reported that only a tiny populous was present during the meeting when this was voted on. Mr. Hoster reported that St. George and Washington are not interested in this, but all other communities have provided letters of recommendation.

Mayor Billings reported that the County Commission opposed the District's proposed eighty-nine-cent tax increase. The board then approved a budget for one-time use of money. She voiced her concerns regarding the use of savings for one-time use. She reviewed her property taxes versus what she would pay on sales tax, noting that this would affect all families. Mr. Hoster reviewed the current budget and explained that the District is trying to facilitate the budget they need to function.

Councilman Prete asked if this tax could be used for more than EMS. Mr. Hoster reported that a fire truck being used for EMS purposes is supported by this tax. Councilman Prete is concerned because the questions of what is needed are subjective. Mayor Billings asked Joe Decker what would occur if this tax was not approved. He explained that they would have to cut their budget. Mr. Hoster reported that he researched every department throughout Utah to

determine whether the District is overstaffed. Every department he spoke to confirmed that they are adequately staffed. However, it is essential not to be understaffed. Councilman Prete feels that Hurricane City residents do not want to pay for a station in Kolob. Mr. Hoster explained that the services need to be equal, and they need to share resources.

Councilman Thomas stated that other jurisdictions in the county are pushing for this, and the amount Hurricane City will pay is more than one percent. He reported that two fire trucks, an ambulance, and three police officers responded to an overdose, and the citizen ultimately refused service. He feels that the service is being heavily overused. Councilman Prete feels Hurricane City would currently have a recreation center if the City had been more modest in the bonding request. He believes asking for one percent versus asking for additional increases over time will be voted down.

Kevin Thomas motioned to approve Resolution 2023-35 in opposition to EMS sales tax, including his letter. Councilman Heideman has asked the fire district to meet twice for a work meeting, which has not happened. The City is a large enough entity that a work meeting should be granted. He noted that he was unable to review the information he received. Mayor Billings feels this has been pushed to the last minute. This was approved in April, but the data has not been available until now. She analyzed the information and could not find where it is a decrease for anyone. Councilman Prete does not like the one percent increase but wants to find a solution. Motioned died for lack of a second.

Dave Sanders motioned to deny Resolution 2023-35 in opposition to the EMS sales tax. Motion died for lack of a second.

Joseph Prete can support a motion to approve the resolution, recommending that they reconsider the increase. The safety of the citizens is more important than infrastructure. Mayor Billings reported that forty-six percent of the City's budget goes to the police department. She feels the District should live within its budget. Mr. Decker reported that if they eliminated three million from their budget, they would have to cut twenty-eight employees. He reported that they are updating the dispatch protocol to eliminate unnecessary vehicles responding to calls. They are working diligently to save money, but he does not want to lower the level of service.

Kevin Thomas motioned to approve Resolution 2023-35 in opposition to EMS sales tax, along with his letter and whoever wants to sign it. Seconded by Joseph Prete. Dave Sanders and Doug Heideman – nay. Mayor Billings, Joseph Prete, and Kevin Thomas – aye. Motion carried.

**4. Ordinance ZC23-20: Consideration and possible approval of a Zone Change
Amendment request located at 560 N 1380 W from R1-10, residential one unit per
10,000 square feet, to NC, neighborhood commercial. Parcel number H-3-1-33-1142.
Roger and Leslie Coleman Applicant. April Gates and Marcia Pierce Rasmussen Agent.**

Mayor Billings reviewed the summary provided in the packet, noting that the Planning Commission recommended approval. April Gates reported that the applicant is not proposing a development. They are just trying to sell the property. It is currently zoned residential but

shows general commercial on the General Plan. The applicant feels neighborhood commercial is a better fit.

Councilman Thomas is not in favor of changing a zone to increase the value of a property. Councilman Prete agrees with Councilman Thomas. Ms. Gates noted that the General Plan shows General Commercial; therefore, they are asking for less, they already gave up land for the road, and residential is not a good fit. Fred Resch III explained that neighborhood commercial is designed for compatibility with neighboring residential uses. Councilman Prete reviewed the allowed uses in neighborhood commercial. Councilman Heideman noted that those uses match the surrounding uses. Dayton Hall explained that the general plan is advisory only.

Kevin Thomas motioned to deny the Zone Change Amendment request located at 560 N 1380 W from R1-10, residential one unit per 10,000 square feet, to NC, neighborhood commercial explaining that the surrounding properties are not commercial. Seconded by Joseph Prete. Dave Sanders, David Hirschi, Kevin Thomas, and Joseph Prete – aye. Doug Heideman – nay. Motion carried.

5. Consideration and possible approval of a final site plan for Coral Junction RV Resort, an RV park with 120 RV spots and 51 trailer spots located at 201 N Foothills Canyon Dr. Derek Rowley Applicant. Deloss Hammon Agent.

Mayor Billings reviewed the summary provided in the packet, noting that the Planning Commission recommended approval subject to Staff and JUC comments and an application with a new landscape plan. Derek Rowley explained that this project was approved in 2020. The only changes to the site plan were the width of the interior roads. They have been working with a landscaper to submit an updated plan. Landscaping is important to their development and will exceed the landscape requirements. Mr. Rowley reported that there will be no interior lawn, trees, or green space. The landscaping is primarily outside of the development for sound barriers and beautification. Fred Resch III reported that RV Parks must have ten percent open space, and each pad must have room for one parking space. He believes they meet those requirements. Staff is okay with approving the site plan with the condition that there will be no construction meeting or notice to proceed until a landscaping plan is approved.

Kevin Thomas motioned to approve the final site plan for Coral Junction RV Resort, an RV park with 120 RV spots and 51 trailer spots located at 201 N Foothills Canyon Dr, subject to Staff and JUC comments, including a new landscape plan is provided before notice to proceed is given. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas and Dave Sanders – aye. Motion carried unanimously.

6. Ordinance 2023-12: Consideration and possible approval of a Land Use Code Amendment to adopt Title 10 Chapter 52 and amend Title 1 Chapter 4 with regards to inclusionary zoning and affordable housing. Hurricane City Planning.

Mayor Billings summarized the new chapter. She explained that the City Attorney made significant changes to the draft. The changes were primarily rewording the draft to clarify and reorganize the proposed code section without changing the intent of the code. Fred Resch III wants the City Council to review this further and does not expect it to be approved tonight. Mr. Resch III explained that inclusionary zoning refers to a series of incentives that allow for units to be built by developers that meet affordable goals and requirements. Inclusionary zoning also disperses affordable housing throughout the community. Home prices in Hurricane City have risen dramatically, and studies have shown that a well-designed inclusionary zoning policy can decrease housing prices. He reviewed the definition of affordable housing, housing development, the median area income, and what is considered affordable for each median income level. He reported that the density bonus provided in the incentive counters the loss that developers incur from affordable units. This proposal includes changes to the setbacks and a discount on impact fees for affordable units. The minimum lot size for affordable units in single-family zones has been lowered in the proposal. Rental units and owned units must be affordable for twenty-five years. Managers and landowners are required to submit annual reports. He reiterated that the Planning Commission recommended approval and the City Attorney has reviewed the proposal.

Councilman Thomas feels deed-restricted homes prevent owners from selling the home for profit like other property owners. This restricts them from improving their situations. He feels deed restrictions are too strict and creates unsightly homes. Mayor Billings agrees with Councilman Thomas, but she likes the deed-restricted rentals. Councilman Prete asked how these deed-restricted rentals compare to section eight vouchers. Mr. Resch III reported that section eight is a voucher program, and property owners can decide whether to accept it.

Kevin Thomas motioned to continue consideration and possible approval of a Land Use Code Amendment to adopt Title 10 Chapter 52 and amend Title 1 Chapter 4 with regards to inclusionary zoning and affordable housing. Seconded by Doug Heideman. Joseph Prete would like to change the terms to have a higher deed restriction percentage and a lower density bonus percentage. Dayton Hall asked if the Council likes the name “Inclusionary Zoning” The City Council would prefer to change the name to “Affordability Options” or something similar. Dave Sanders, David Hirschi, Joseph Prete, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

7. Consideration and possible approval for 501C3 Ignite Volleyball Club (Club) located in Hurricane to access school and (future) City facilities for club activities (practices, etc.)

Mayor Billings reviewed the summary provided in the packet. Haylee Prete reported that the club runs from 6th grade to seniors. They were working out of the Stouts Gym, which is in high demand, and they need to expand to other facilities. Mayor Billings reported that St. George does not limit club teams from using the high school gym. The high school in Hurricane will not allow the club to use the space without an MOU with the City. Councilman Prete explains that the MOU is between the School District and the City. The MOU allows the City to use the school's gym space for City use.

Dave Sanders motioned to approve 501C3 Ignite Volleyball Club (Club) located in Hurricane to access school and (future) City facilities for club activities (practices, etc.) Seconded by Doug Heideman. Kevin Thomas, David Hirschi, Dave Sanders, and Doug Heideman – aye. Joseph Prete – abstained. Motion carried.

8. Consideration and possible approval of Road Dedication Plats for 2100 West, 2400 West, 2500 South, 2900 South, and 3000 South.

Mayor Billings reviewed the summary provided in the packet, noting that Staff recommends approval. Councilman Prete asked if this is consistent with the Conservancy District's and Balance of Nature's agreement. Arthur LeBaron reported that road dedication plats do not speak to the agreements, but he believes this is consistent with the prior agreement. Mayor Billings asked if this encompasses the power poles. Mr. LeBaron reported that one guy wire extending to the west is not in this dedication.

Dave Sanders motioned to approve the Road Dedication Plats for 2100 West, 2400 West, 2500 South, 2900 South, and 3000 South. Seconded by Kevin Thomas. Joseph Prete, David Hirschi, Doug Heideman, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

9. Consideration and possible approval of directing the Zoning Administrator to issue a grading permit for Black Ridge-Mark Horton

Mayor Billings reviewed the summary provided in the packet. Fred Resch III reported that this meets the conditions for a grading permit. Mayor Billing confirmed that the reclamation bond is ten percent of the project. Mr. Resch III reported that per the ordinance, the City Council must direct the zoning administrator to issue a grading permit on a property not slated for imminent or reasonably imminent development. The applicant has not submitted a subdivision proposal. Mayor Billings asked Dayton Hall to update the ordinance. She does not think applicants would grade the property if they did not plan to develop it. Mike Vercimack reported that this ordinance occurred due to large projects operating under grading permits that failed during the recession. The previous City Council adopted this to prevent future problems. Mr. Vercimack feels this should be done on the staff level. Councilman Prete clarified that a grading permit only allows developers to move dirt. However, a developer can dig big holes and change the drainage when moving dirt. Mr. Vercimack reported that this is the reason for the bond. Councilman Prete feels being more restrictive on grading permits protects the City. Dayton Hall explained that this ordinance is generic. He would like to codify what Staff has found to be adequate and clarify what is allowed in the permit.

Joseph Prete motioned to approve directing the Zoning Administrator to issue a grading permit for Black Ridge, subject to reclamation bond and other City Staff requirements. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, David Hirschi, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

10. Consideration and possible approval of a preliminary plat for The Adventus Phase 1, a mixed-use development consisting of hotel condominiums, apartments, commercial, and restaurant space located at the corner of Abbey Road and Sand Hollow Road. Brent Moser Applicant. Karl Rasmussen Agent

Councilman Heideman confirmed that the project has three four-story buildings and asked what the height of the building is. Karl Rasmussen reported that the hotel's height is forty-five feet, and the condominiums are similar. Fred Resch III reported that most surrounding areas are resort or commercial.

Doug Heideman motioned to approve the preliminary plat for The Adventus Phase 1, a mixed-use development consisting of hotel condominiums, apartments, commercial, and restaurant space located at the corner of Abbey Road and Sand Hollow Road, subject to staff and JUC comments. Seconded by Dave Sanders. Kevin Thomas, David Hirschi, Doug Heideman, and Dave Sanders – aye. Joseph Prete – abstained. Motion carried.

11. Public Hearing to take comments on the following:

a. Ag protection overlay on parcels H-3-2-3-440 and H-3-2-3-345.

Kelby Iverson asked the City Council to review the motion from the Planning Commission while discussing this item. Mayor Billings read the Planning Commission motion. Mr. Iverson reported that agricultural protection zones had been approved with smaller than five contiguous acres and without exempting master planned roads.

12. Consideration and possible approval on an Agricultural Protection Area for Donald Stratton located at 900 S 1100 W. Donald Stratton Applicant.

Donald Stratton reported that he is here to help the Zimmermann's obtain agricultural protection. He understands that most of the property, at some point, will be a roadway. He asked why a road going through an agricultural zone prevents the property from being considered contiguous. They plan to develop property adjacent to Interstate Rock and do not want future owners to stop them from their agriculture activities. He reiterated that the Zimmermanns could not obtain this protection without the Stratton's property.

Mayor Billings reported that the Dixie Conservation District denied both applications because they were incomplete, and the properties were not zoned for agriculture. Fred Resch III clarified that the applications were insufficient to meet the standards, not incomplete. Mayor Billings asked if the agriculture protection zone could be granted if the current zoning was changed. Dayton Hall explained that the purpose of an agriculture protection zone is to protect and preserve the agricultural areas within the City to allow the ongoing agricultural operations to proceed without unreasonable restrictions. When considering the parcel, the Council needs to consider the criteria. Is there a minimum area of five contiguous areas included in the agriculture protection area? Is the land currently being used for agricultural production? Mr. Hall reviewed the definition of agriculture production. Is the land zoned for agricultural use, and is the land viable for agricultural production?

The Council's job is to decide whether this meets all four criteria. He advised that there is safety in applying the law as it is written. Councilman Thomas reported that the Planning Commission discussed this application at length. He recommends denying the request because it does not meet the criteria. He recommends that the Zimmermans apply for a zone change. His second recommendation is to amend the ordinance to clarify that roads through agriculture zoning do not disqualify the contiguous acreage. His third recommendation is to amend the ordinance to clarify that an adjacent parcel can be included in the contiguous zone. Councilman Prete feels it is vital to follow the ordinance. Past deviations should not dictate the future course.

Mr. Stratton explained that they were unaware that their property was R1-10. He explained that a property owner cannot have a rooster in R1-10 zoning. As this is zoned, the Zimmermans are not compliant with the code. Mayor Billings feels the zoning should be reverted to RA-1, noting that RA-1 zoning will allow the Zimmermans to continue with their agricultural use. Councilman Prete agrees with Mayor Billings. The City Council is willing to waive the application fee for this zone change. Councilman Prete feels small parcels with agriculture protection are problematic. If one owner pulls their property out of the protection, it affects the parcels included. Councilman Heideman does not think making money should determine commercial agricultural use. Kelby Iverson agrees it is important to follow the ordinance. He explained that the agricultural protection zones have been approved without exempting roadways, and small parcels that have not been contiguous with the five base acres have been approved. He referenced the recently approved agricultural protection.

Kevin Thomas motioned to deny the Agricultural Protection Area for Donald Stratton located at 900 S 1100 W because it does not comply with the code requirements. Seconded by Joseph Prete. Dave Sanders, David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

13. Consideration and possible approval on an Agricultural Protection Overlay for Bruce and Linda Zimmerman located at 890 S 1100 W. Bruce and Linda Zimmerman Applicant.

Kevin Thomas motioned to deny Agricultural Protection Overlay for Bruce and Linda Zimmerman, located at 890 S 1100 W., because it does not comply with the code requirements, and the fee will be waived if the applicant chooses to apply for a zone change to RA-1. The fee waiver expires after sixty days. Seconded by Joseph Prete. Dave Sanders, David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

Bruce Zimmerman thought contiguous applies to five separate acres. He pointed out that the recently approved property was not contiguous. Dayton Hall explained that Master Planned roadways were excluded from that property. Dayton Hall reported that if the applicant started agricultural activities prior to the rezoning of the property to R1-10, they could continue that use forever or until the use has stopped for more than one year. Mr. Hall recommends applying for a zone change to RA-1 for additional protections.

14. Ordinance 2023-13: Consideration and possible approval of a Land Use Code Amendment to Title 10 Chapter 3 and Chapter 43 regarding Park Model Developments and MH/RV zoning standards.

Fred Resch III reported that the City Council directed Staff to update the Park Model and Park Model Development Standards in June. He could not find another city that defined a park model differently than a park model development. The Planning Commission recommended removing park models entirely, and they determined that the code already meets the affordable housing needs. Mr. Resch III read the proposed changes. Councilman Sanders asked if shipping containers applied to this code. Mr. Resch III reported that a shipping container can be used if modified to meet the building code. Dayton Hall asked what the difference is between RV Parks designed for long-term versus short-term use. Mr. Resch III feels that is a matter of the overall site design. Councilman Prete does not like that change and feels the vague language encourages a mix of concepts.

Dave Sanders motioned to approve the Land Use Code Amendment to Title 10 Chapter 3 and Chapter 43 regarding Park Model Developments and MH/RV zoning standards. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, David Hirschi, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

15. Ordinance 2023-14: Consideration and possible approval on a Land Use Code Amendment to Title 10 Chapter 7 regarding accessory dwelling units.

Mayor Billings reviewed the summary provided in the packet. The change will lower the lot size required for a second ADU to .5 areas. Only one ADU can be used as a short-term rental, and one ADU must be attached. She reviewed the Planning Commissioner's votes and reported that the Commission recommended approval. During the last meeting, Fred Resch III reported that the City Council voted to evaluate the Moderate Income Housing Plan code. Even if nothing is passed, reviewing the plan meets Utah State requirements. Councilman Heideman pointed out that this increases density. Councilman Thomas feels the City is oversaturated with short-term rentals, many of which are declining in occupancy. He feels many short-term rentals will be changed to long-term rentals on their own. Councilman Prete stated that .8 was a tough-fought battle. He does not feel that the decision should be disregarded. Councilman Heideman would like to revisit the short-term rental ordinance in single family zones.

Joseph Prete motioned to deny the Land Use Code Amendment to Title 10 Chapter 7 regarding accessory dwelling units. Seconded by Doug Heideman. Kevin Thomas, David Hirschi, Dave Sanders, Joseph Prete, and Doug Heideman – aye. Motion carried unanimously.

16. Consideration and possible approval on a preliminary plat for Buck's Ace Hardware, a four lot commercial subdivision located at 1447 W State St. Buck Hurst Applicant. Jared Bates Agent.

Mayor Billings reviewed the summary provided in the packet, noting that the Planning Commission recommended approval subject to Staff and JUC comments.

Doug Heideman motioned to approve the preliminary plat for Buck's Ace Hardware, a four lot commercial subdivision located at 1447 W State St, subject to staff and JUC comments. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

17. Consideration and possible approval of an amended final plat for Quail Creek Industrial Park Phase 5 located at 1100 S Regional Park Road. Doug Dennett Applicant. Brandee Walker Agent.

Mayor Billing reviewed the summary provided in the packet, noting that the Planning Commission recommended approval subject to Staff and JUC comments.

Dave Sanders motioned to approve the amended final plat for Quail Creek Industrial Park Phase 5 located at 1100 S Regional Park Road, subject to staff and JUC comments. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Kevin Thomas, Dave Sanders, and Doug Heideman – aye. Motion carried unanimously.

Joseph Prete motioned to adjourn the meeting. Seconded by Dave Sanders. Motion carried unanimously.

Adjournment: 11:40 p.m.