

Minutes of the Hurricane City Council meeting held on October 19, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, City Recorder Cindy Beteag, Human Resource Director Sel Lovell, Police Deputy Chief Kurt Yates, Power Superintendent Scott Hughes, Parks Superintendent Darren Barney, Street Superintendent Weston Walker, Public Works Director Mike Vercimack, City Planner Gary Cupp, Planning Assistant Fred Resch III, and Building Official Larry Palmer

AGENDA

4:00 p.m. Work Meeting

1. Agenda Summary
2. Swearing in of new police officers

Mayor Nanette Billings recognized all of the officers serving in Hurricane City. Deputy Chief Yates introduced Garrett Crow.

Cindy Beteag swore in Officer Garrett Crow.

3. Discussion regarding Title 10, Chapter 52, and Title 1, Chapter 4 with regard to affordable housing

Gary Cupp reported that the City Council directed staff to incorporate more conservative affordable housing incentives. Fred Resch III provided a presentation describing the status of the current housing market and the median household income. Last year, Hurricane City passed a Moderate Income Housing Plan. He explained that the plan includes a series of incentives. The incentives offer a density bonus and impact fee waivers for developers who provide affordable housing. Mr. Resch III reviewed the affordable housing definition.

The key proposal provides a twenty percent density bonus. The bonus is meant to offset the developer's loss of opportunity. Mr. Resch III noted that the impact fee waiver only applies to the units that will be rented at an affordable rate. Ten percent of the units must be dedicated to affordable housing within the current ordinance. Mr. Resch III provided an example based on a fifty-acre development. If ten percent of the units are dedicated as affordable, the density will be increased to seventeen units per acre. The affordable units are drastically reduced if the density bonus is reduced to ten percent. He reported that the City Council asked staff to explore options to increase the count of affordable housing. The current ordinance provides a twenty percent bonus with the requirement that ten percent of the units are dedicated as affordable. The updated proposal lowers the density bonus to fifteen percent, requiring ten percent affordable units.

Councilman Prete asked how other communities are addressing affordable housing. He explained that he prefers to reduce the benefits and increase the requirements. He would like to start with a conservative approach. Mr. Cupp reported that the ordinance provides some reduced development standards, a fifty percent impact fee reduction, and reduces the minimum lot size. Mayor Billings

confirmed that the Utah State Code requires the City to make progress in three of the proposals within the Moderate Housing Plan.

Dayton Hall stated the ordinance included in the packet has not been updated. The City Council must have a draft of the updated ordinance before they vote. Mayor Billings asked the Councilmembers to direct the staff on how to proceed. Councilman Thomas doesn't think the minimum state requirements will incentivize affordable housing. Developers will not build affordable units if they are at a financial loss. Mayor Billings suggests meeting with developers to determine the incentive feasibility. Mayor Billings directed the staff and the Council Members to conduct additional research. The item will be on the next agenda for a decision.

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

Mayor Billings mentioned she received a positive email regarding Larry Palmer. She expressed her gratitude to Mr. Palmer and the Building Department.

Larry Palmer stated the certificate of occupancy was issued for Intermountain Health Care. The ribbon cutting will be held on Wednesday at 12:30 p.m. Mr. Palmer reviewed the recently issued building permits.

Deputy Chief Yates commended Chief Lynn Excell for his coordination and support over the weekend. Sand Hollow State Park hired a new manager. There are open positions within the department for officer advancement. Positions need to be filled as officers advance.

Scott Hughes reported that the 1150 West and substation projects are still underway. The department installed lights for permanent use at the community center.

Darren Barney mentioned the vandalism at Dixie Springs Park is an ongoing problem. The light control boxes were damaged last night. Deputy Chief Yates reported that the vandalism was recorded on cameras in the neighborhood. The Police Department is in the process of identifying the suspects. Mr. Barney estimated that the damage totaled \$ 5,000 within the past month. The Parks Department was awarded RAP Tax funds to replace the gazebo at the cemetery. There are open positions within the department. The inventory for the Parks Masterplan is complete.

Sel Lovell stated the Public Employees Health Plan and Utah Retirement Systems will offer training next week. The City is transitioning to time-keeping software.

Cindy Beteag explained County Clerk will only allow ninety minutes for the Council to come in and inspect the ballots. They are designating two days for Cities to come in and canvass so each city has to sign up for a certain time. The post-election audit is being held on October 27th at noon. Early voting will be held November 14th – November 17th at the Dixie Convention Center and the Hurricane Community Center.

Mike Vercimak reported that the water line replacement on Sand Hollow Road is complete.

Weston Walker stated the fence on 2800 West is complete. Dumpster Days was successful. Mr. Walker reported that the 100 North project will start this Spring, and the road maintenance plan is under review. Judd Lane should be staked this week, and Mr. Walker cut a hole in the storm drain as a temporary fix.

Gary Cupp reported that the final document for the Downtown Master Plan has been updated and will be on the November 2nd City Council agenda. The Parks and Recreation Master Plan is underway. The survey is online, and the first public outreach meeting will be on November 7th. The department is preparing changes to the whole home vacation rental ordinance. He noted that the SB174 subdivision process needs to be updated to our code.

Fred Resch III issued three short-term rental citations, and two cases are in small claims court.

Dayton Hall will be out of the office next week.

Kaden DeMille stated the subgrading at the new gym space is complete. The building location has been staked, and the footing should be complete soon. The anticipated completion date is February 29th.

6:00 p.m. - Call to Order –

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

Thought given by Bob, a representative with The Elks Lodge.

Prayer and Pledge led by David Hirschi

Declaration of any conflicts of interest

No conflicts declared

Approval of Minutes: Regular City Council Meeting of October 5, 2023

Doug Heideman motioned to approve the minutes of the October 5, 2023, Regular City Council Meeting. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

Public Forum – Comments From Public

OLD BUSINESS

1. 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 affordable housing.** Hurricane City Planning.

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 affordable housing to the next meeting. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of a **proclamation designating October 23-31 as Red Ribbon Week** -Mary Ann Novak, The Elks National Drug Awareness Program

Mary Ann Novak read the proclamation designating October 23-31 as Red Ribbon Week. Ms. Novak provided the program's history and explained that Red Ribbon Week is the nation's oldest and largest drug awareness program.

Doug Heideman motioned to approve a proclamation designating October 23-31 as Red Ribbon Week. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Kevin Thomas, Doug Heideman, and Dave Sanders – aye. Motion carried unanimously.

2. Consideration and possible approval of the revocation of Specialized Communication Services business license

Dayton Hall reported that Specialized Communication Services damaged an underground power line. There was a miscommunication between the contractor and their insurance company, which delayed payment for the damage. An email was received notifying the City that the check was issued.

Dave Sanders motioned to continue the revocation of the Specialized Communication Services business license pending receipt of payment. The item will be removed from the next agenda if payment is received. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, David Hirschi, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

3. Consideration and possible approval of AFP23-17 an amended final plat for Painted Hills Phase 1 Lots 108 & 84, located at 35 S Rlington Parkway. Ronald Ertman, Applicant. Ryan Scholes, Agent.

Gary Cupp reported that the applicant is applying to adjust the lot line to match the current fence line.

Kevin Thomas motioned to approve AFP23-17. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

4. Consideration and possible approval of ZC23-22 a Zone Change Amendment request located at 251 W 725 South from R1-10, residential one unit per 10,000 square feet, to RA-0.5, residential one unit per half acre. Casey and Kelsey Stratton Applicant.

Gary Cupp explained the property owner cannot build a metal building without a zone change. This zone change is a reduction in density.

Doug Heideman motioned to approve ZC23-22. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

5. Ordinance 2023-19: Consideration and possible approval of a Land Use Code Amendment to Title 10 Chapter 7 Subsection 23 regarding grading permits. Hurricane City Applicant.

Gary Cupp reported that the grading permit ordinance has been entirely rewritten. The proposed changes would allow grading for entitled projects before signed construction drawings and allow grading permits for projects unrelated to imminent development. Dayton Hall read the current ordinance. The updated amendment requires a developer to provide a grading plan, drainage plan, and secured bonding. Mr. Cupp read the updated ordinance. Mr. Hall noted that the updated language clearly defines grading. Mayor Billings asked if a fee schedule had been established. Mr. Hall reported that the fee scheduled will be brought before the City Council for approval. Councilman Sanders asked how long would it take for an applicant to submit and get approved? Mike Vercimack explained that the time for approval is dependent upon the application.

Councilman Prete asked if the ordinance requires the applicant to ensure water and power are in place on the property. He expressed concerns about approving grading permits without adequate utilities. Mr.

Hall reported that property is typically graded as part of a development, with preliminary plat approval and construction drawings. The adequacy of utilities is determined during the construction drawing process. However, this update bypasses the construction drawing process. Mr. Hall noted that approval could be conditional upon verification of adequate public facilities.

Councilman Heideman feels the ordinance is orientated to developers that intend to subdivide. He verified that permitted agriculture use is exempt. Mayor Billings is concerned that requiring verification of adequate facilities will impede the grading process. Mr. Hall agreed that it could make the process more difficult for the developer. However, it is a way to protect the City. Mayor Billings feels adding this requirement requires developers to go through the normal process. Mr. Vercimack referenced specific developments as examples. Mr. Cupp feels it is essential to consider the reasoning for the construction drawing process. The process is in place to prevent the situations discussed. Mr. Vercimack feels the JUC can determine whether adequate facilities are available.

Councilman Prete asked to move the item to the end of the meeting so he can attend the discussion in person.

Kevin Thomas motioned to move to consideration and possible approval of a Land Use Code Amendment to Title 10 Chapter 7 Subsection 23 regarding grading permits to the end of the agenda. Seconded by David Hirschi. Doug Heideman, Dave Sanders, Joseph Prete, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

Councilman Prete reiterated his concerns regarding the circumvention of the appropriate development standards. He is concerned about the unseen consequences that the City may incur by changing the ordinance. He appreciates the draft's language but does not think it adequately protects the City. Drew Ellerman reported that Washington City's grading process goes through the Public Works Department. There are standards in place, and they do require water and power to be in place. Mr. Ellerman will send the City Council a copy of Washington City's criteria.

Joseph Prete motioned to continue consideration and possible approval of a Land Use Code Amendment to Title 10 Chapter 7 Subsection 23 regarding grading permits to the next meeting. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, David Hirschi, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

6. Consideration and possible approval of Ordinance 2023-18 amending Title 1, Chapter 10 regarding surplus property

Dayton Hall reported that the current ordinance requires the City Council to declare all property surplus before disposal. This amendment will move the process to an administration level for personal property. Kaden DeMille reviewed the current process and noted the regulations in place. Mayor Billings reported that real property will still be brought before the City Council. Councilman Hirschi suggested a policy requiring the City Council to review property exceeding five hundred dollars. Mayor Billings suggested requiring the Council to approve the disposal of vehicles, equipment, and property.

Kevin Thomas motioned to continue consideration and possible approval of Ordinance 2023-18 amending Title 1, Chapter 10 regarding surplus property. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

7. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

David Hirschi motioned to go into a closed session to discuss pending litigation and the purchase of real property. Seconded by Joseph Prete. Kevin Thomas, Doug Heideman, Dave Sanders, David Hirschi, and Joseph Prete – aye. Motion carried unanimously.

Adjournment: 8:08 p.m.