

Hurricane City Council Minutes –November 2, 2023

Minutes of the Hurricane City Council meeting held on November 2, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 5:00 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 Chief Lynn Excell, Power Superintendent Scott Hughes, City Planner Gary Cupp, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Planning Assistant Fred Resch III, Parks Superintendent Darren Barney, Building Official Larry Palmer, Water Superintendent Ken Richins, Human Resource Director Sel Lovell, and City Recorder Cindy Beteag

AGENDA

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

Mayor Billings recognized the utility department for their hard work processing Sky Ranch utility applications. She reminded the City Council that the Mayor's Cup Golf Tournament at Sky Mountain Golf Course and the Rodeo is being held on November 11th.

Cindy Beteag stated the post-election audit is on December 1st 12:00 p.m. Mayor Billings noted that the County will only allow ballot inspection on November 28th and 29th. The City Council will schedule to review ballots on November 29th from 2:00 p.m.- 3:30 p.m.

Gary Cupp reported that the Parks and Recreation Master Plan stakeholder meeting and public input workshop is being held on November 7th at the Community Center. The online surveys are available on the City website. The City is moving forward with the City Center Master Plan. The department is reviewing the Planned Commercial Code to reduce building heights.

Arthur LeBaron met with the Utah Department of Transportation (UDOT) regarding the left turn signals. The primary area of concern is the eastbound signal 1150 West. UDOT identified peak time during the day when the signal will be an automatic green arrow. In off-peak times, the signal will be a flashing yellow that will turn green when three cars are in the queue. UDOT will continue to monitor the westbound turn signal on 700 West.

Weston Walker reported that there is an open position in the Streets Department. The department is working to clean out the storm drains in the Marla subdivision. The crews will begin crack sealing soon. Councilman Heideman feels chip sealing is better than slurry. Mr. Walker reported that the slurry seal is beneficial on new asphalt, and the chip seal works better on older roadways. Councilman Heideman mentioned he has been receiving complaints from drivers of large vehicles hitting the curbs at the roundabout. He noted that the drivers prefer a rolled curb.

Scott Hughes reported that the crews are attending Hotline School in St. George. The department is preparing for the holidays and will set up flags for Veterans Day. He noted that the department is hanging Christmas lights along SR-9 on November 26th.

Darren Barney mentioned the Parks Department is attending the Southern Utah Green Conference. He stated that the sports court surface on the Community Center pickleball court's estimated cost is \$91,300. A new sports court surface at Sky Ridge Park is estimated at \$25,540. He stated there is \$334,672 in Rap Tax funds to redo the courts. Mr. Barney reviewed the sports court warranty.

Councilman Prete asked if the sports court is a good surface for pickleball courts. Mr. Barney commented that sports court surface is used on the national pickleball courts.

Tiffani Wright stated there were 205 runners that participated in the Neon Night Run. The Fall Fest was very successful, with thirty-five trunk-or-treat booths. The sewer is being dug for the new gym, and she thanked the Water Department for supplying pumps to backwash the pool. Mrs. Wright encouraged everyone to complete the Parks and Recreation Master Plan survey. She noted that the Tree Lighting is November 27th at 6:00 p.m.

Chief Excell reported that the department is bustling. The gift cards for Shop with a Cop were purchased today. Shop with a Cop is scheduled for the second Saturday in December. The Police Department staff will be participating in the Switch Point fundraising Chili Cook Off.

Larry Palmer reported that building permits are slowing down.

Ken Richins stated the Sand Hollow Road project is in service. The Dixie Springs well is pumping clean, and they sent off samples today. The pump test will be conducted next week. Mr. Richins reported that Alpha Engineering provided an estimate to replace the faulty pipe.

6:00 p.m. - Call to Order –

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

Prayer, Thought, and Pledge led by Dave Sanders.

Mayor Billings reported that the City Council will hear New Business #2 before Old Business.

Declaration of any conflicts of interest

None declared.

Approval of Minutes: Regular City Council Meeting October 19, 2023

Doug Heideman motioned to approve the written minutes of the October 19, 2023, Regular City Council Meeting. Seconded by Dave Sanders. Joseph Prete, Kevin Thomas, David Hirchi, Dough Heideman, and Dave Sanders – aye. Motion carried unanimously.

Mayor Billings stated the Council Members will inspect the ballots on November 29th at 2:00 p.m. and there will be an election party on November 21st from 7:00 – 9:00 p.m. in the City Offices. All candidates and guests are invited to attend. The Council will officially canvass the election on December 5th at 6:00 p.m.

Public Forum – Comments From Public

OLD BUSINESS

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

Mayor Billings would like a portion of the plan to focus on the downtown historic area. She noted that the current proposal briefly covers the historic area and questioned how to incorporate more areas. Gary Cupp reported that this can be incorporated while addressing the overlay zone for that area. Fred

Resch III noted that the General Plan addresses the historic area. Councilman Prete suggested having a stand-alone document for historic areas.

Mr. Cupp reported that they will start working on design standards when the plan is approved.

Kevin Thomas motioned to approve Resolution 2023-30 adopting the Downtown Master Plan as amended. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. David Hirschi – nay. Motion carried.

2. Consideration and possible decision to open or continue with the closure of 100 West between SR9 and 100 South

Mayor Billings explained that the road has been closed since May pending the adoption of the Downtown Master Plan. She reviewed staff suggestions. Councilman Hirschi would like to continue the closure at this time, noting that the closure can be readdressed at any time. Weston Walker has not received any complaints. He reported that an ADA ramp needs to be installed if handicapped parking is added. Councilman Thomas was not in favor of the road closure. However, he likes the outcome and favors extending the temporary closure. He likes the idea of handicapped parking if it can be easily done. Councilman Heideman also liked the closure. He feels people have adjusted to the closure and he has not received any negative comments recently. Mayor Billings stated a raised walking crosswalk needs to be installed if the road is reopened. Councilman Prete is in favor of keeping the road closed. He feels the closure expands the two areas into a larger public space that is more safe and more functional. Councilman Thomas suggested continuing the temporary closure pending the completion of the downtown design.

Kevin Thomas motioned to continue with the temporary closure of 100 West between SR9 and 100 South, and add parking stalls on each end. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Doug Heideman, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

3. 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.

Mayor Billings reviewed the Staff's recommended incentives. Gary Cupp reviewed the proposed affordable housing setback standards. He reported that the street-side yard setback has been reduced. Drew Ellerman explained the building code is based on the fire code. Reducing the setback to five feet increases the firewall requirements. Councilman Prete feels these incentives are an additional benefit to developers. He noted that attainable housing is a hot topic. However, the housing market is changing. He is concerned about implementing a code change for a short-term problem. He asked if other communities are adopting similar ordinances. Councilman Thomas thinks all cities are doing something. He agrees that the market will change, but it will eventually go back up. He thinks it is best to address affordable housing now and feels that the City is conservative with this proposal. Mayor Billings reported that Utah Department of Transportation funding will be withheld if the City fails to meet the State's affordable housing requirements. She feels attainable housing is a supply and demand issue. She feels it is crucial to find a way to support affordable home ownership, and increased density is not the only solution. Mr. Cupp noted that this proposal reduced the density bonus to fifteen percent. Councilman Thomas feels this proposal is conservative. Councilman Heideman feels Hurricane City needs to keep up with the affordable housing crisis. Mayor Billings noted that of 2,664 homes sold in

Washington County, only 225 were less than \$300,000. With the rising interest rate, the only way to solve this problem is for the City to find a way to offer assistance.

Kevin Thomas motioned to approve the Land Use Code Amendment to adopt Title 10 Chapter 52 and amend Title 1 Chapter 4 with regards to affordable housing, as written. Seconded by Dave Sanders. Joseph Prete, David Hirschi, and Doug Heideman – nay. Dave Sanders and Kevin Thomas – aye. Motion failed.

Mayor Billings asked what the State’s minimum requirements are. Fred Resch III explained that the State provided several options to pick from. He noted that one option was to reduce or waive impact fees and implement zoning incentives. He explained that the City is required to submit annual reports. Councilman Prete would like to review other options and take a conservative approach.

Doug Heideman motioned to continue the Land Use Code Amendment to adopt Title 10 Chapter 52 and amend Title 1 Chapter 4 with regards to affordable housing for two weeks and have a work meeting. Seconded by Joseph Prete. David Hirschi, Doug Heideman, and Joseph Prete – aye. Dave Sanders and Kevin Thomas – nay. Motion carried.

4. 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.

Mayor Billings reviewed the summary provided in the packet. She noted that the Planning Commission made a recommendation of approval. Drew Ellerman provided Washington City's ordinance and grading permit application. Gary Cupp reported that Hurricane City’s ordinance was patterned after St. George City’s ordinance. Councilman Thomas asked how Washington City’s process is different. Mr. Cupp reported that the requirements are the same. However, adding access and utilities to Hurricane City’s permit process was important. The current process requires developers to go through a construction drawing process; the proposed changes will allow grading prior to development. Dayton Hall reported that this protects the City and makes it feasible for developers to start grading earlier in the development process.

Dave Sanders motioned to approve the Land Use Code Amendment to Title 10 Chapter 7 Subsection 23. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, David Hirschi, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

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

Kaden DeMille reviewed the depreciation spreadsheet for City assets over \$2,000. Assets less than \$2,000 are the responsibility of the department head. Department heads must complete the disposal form before disposal. The Finance Department and City Manager review the form. The current ordinance dictates that the Council oversees the asset disposal process. This amendment proposes that the Administrative Department oversee the process.

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

NEW BUSINESS

1. Discussion on the proposal to **exchange City-owned property for infrastructure and grading** - Beau Davis

Mayor Billings reviewed the summary provided in the packet.

Beau Davis explained that three jog lines were shown on the survey of the east side. He feels it would benefit both parties and the community at large to exchange for the development of the retention basis. He proposes to clean up the property and do the curb, gutter, and asphalt along 2300 South. Mayor Billings feels his appraisal of the land was low. Because of the collapsible soil, she is concerned with planting trees in this area. Mr. Davis does not think the proposal impacts the retention basin. Arthur LeBaron feels there is potential for future trails and thinks there will be no issues with a trail washing out due to water runoff. Mayor Billings read Mr. LeBaron's findings and recommendation. Dayton Hall reported that Staff would begin the process of disposing of the property if the City Council wants to move forward with the exchange. Councilman Heideman feels this is an excellent area for an athletic field, and he does not think it is good policy for the City to trade property. Councilman Prete asked if the City could make a feasible use of the basin. Mr. LeBaron does not favor putting grass in the area, but it is a good location for a bike skills park. Councilman Sanders is not opposed to the proposal.

Dave Sanders motioned for Staff to pursue the process of disposing of the property. Seconded by David Hirschi. Joseph Prete does not think it is good practice to give property away. Kevin Thomas is concerned about setting a precedence. Dave Sanders feels this is a great way to clean up the property. David Hirschi feels this is a better use of the land. Beau Davis reported that he will build something of equal appraised value. Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders – aye. Doug Heideman – nay. Motion carried.

2. Consideration and possible approval of a **proclamation designating October 30- November 3 as National Veterans Small Business Week**

Jackie Hobson read the proclamation designating October 30- November 3 as National Veterans Small Business Week. Mayor Billings feels it is essential for the community to support Veterans.

Dave Sanders motioned to approve the proclamation designating October 30- November 3 as National Veterans Small Business Week. Seconded by Joseph Prete. Kevin Thomas, Doug Heideman, David Hirschi, Dave Sanders, and Joseph Prete – aye. Motion carried unanimously.

Mrs. Hobson thanked the City Council and Mayor Billings for their support.

3. LUCA 23-10: Consideration and possible approval on a Land Use Code Amendment regarding **Title 10 Chapter 51 Subsection 13 regarding whole house vacation rentals**. Hurricane City, Applicant.

Terry Spinks submitted papers to the City Council. He explained that he has been living in Washington County for twenty-five years. He purchased two lots in Dixie Springs five years ago, intending to build his home and vacation rental when his license was approved. However, he has been on the waitlist for three years. He explained that the Planning Commission reported that only ten percent of vacation rentals create problems. He thinks it is unfair to change the rules because of a small percentage. He suggested requiring the owners to enforce the curfew and noise ordinance, limit the number of guests per home, limit the vehicles on the property, and provide adequate parking.

Mayor Billings reviewed the summary provided in the packet. Staff has prepared two drafts for the Council to review. These changes do not affect residential hosting or recreational resort units. She noted that the current ordinance addresses Mr. Spinks's suggestions. Fred Resch III explained that the City Council directed the Planning Commission to amend the ordinance. The Planning Commission could not decide whether the existing license could be transferred upon the sale of the property. Mr. Resch III presented two options. Option A does not allow the transfer of the license. Option B discontinues the issue of future licenses and allows the transfer of the existing license upon the sale of the property. The Planning Commission voted three to four to recommend option B. Dayton Hall feels it is legally defensible not to allow license transfer. Councilman Thomas asked if the license stipulations could be changed upon transfer. Councilman Thomas explained that the Planning Commission does not favor eliminating the waiting list. Councilman Heideman is in favor of eliminating whole-home rentals in residential zones. Mayor Billings would like to review Washington County's updated ordinance.

Patty Nation reported that there are homes in Adobe Hills that sleep one hundred and fifty people. This is commercial use in residential zones. She asked Hurricane City to take this issue seriously.

Mr. Resch III reported that whole house rentals account for all the enforcement issues. The ordinance can be amended to add additional rules. However, staff is at capacity with what they can do. Mr. Cupp does not think this update is punishing the good neighbors. Councilman Thomas wants to eliminate the waiting list and limit the license transfer to specific criteria. He feels the whole home vacation rental needs to be phased out. Councilman Heideman agrees with Councilman Thomas.

Councilman Hirschi feels this is a complex situation; he does not want a vacation rental in his neighborhood. However, he has rented an Airbnb while on vacation. Councilman Prete suggested allowing owners to sell their licenses. Councilman Prete explained that there has been a lot of back and forth with what the State allows the City to regulate. Councilman Thomas asked everyone to consider eliminating the waiting list and requiring owners to live within city limits upon transfer of the licenses. Councilman Prete verified that it is legally defensible for the City to enforce updated requirements upon license transfer.

Kevin Thomas motioned to continue consideration and possible approval of a Land Use Code Amendment regarding Title 10 Chapter 51 Subsection 13 regarding whole house vacation rentals. Seconded by Doug Heideman. Staff was directed to incorporate Kevin Thomas's suggestion to remove the waiting list, require new owners to live in Hurricane City and limit the number of times a license can be transferred. Josph Prete, David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

Mayor Billings mentioned an agent with Attainable Housing and USDA will speak to the Council at the work meeting on November 16th to address affordable housing.

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

No closed meeting was held.

Adjournment: 9:25 p.m.