

Minutes of the Hurricane City Council meeting held on December 7, 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:** Joseph Prete, David Hirschi, Doug Heideman, and Kevin Thomas. Dave Sanders excused.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Power Superintendent Scott Hughes, City Planner Gary Cupp, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Deputy Chief Kurt Yates, Parks Superintendent Darren Barney, Building Official Larry Palmer, Human Resource Director Sel Lovell, and Finance Manager Paige Chapman.

AGENDA

4:00 p.m. Discussion regarding pressurized irrigation

Glen Carnahan with Alpha Engineering provided a map overview of the four pressurized irrigation projects. The pressurized irrigation project goes from Gould Wash to 1500 South. The Goulds Wash Well Project will be drilled near the Three Falls Trail Head. The Sky Ranch Tank and Sky Ranch Area Well are on the south end of the City boundary. Mr. Carnahan explained that the Hurricane Pressurized Irrigation Project is a long-term project. The project is at the sixty percent design phase. The National Resources Conservation Service (NRSC) will review the project upon receipt of the ninety percent design phase. After the design is approved, the project can go out to bid.

The estimated cost includes asphalt replacement. Ken Richins explained that the City purchased land earlier this year for the irrigation settling ponds on 1300 South. Alpha Engineering estimates 175 acre-feet will be saved each year by using the irrigation system. Switching to sprinkler irrigation instead of flood irrigation will save eight hundred acre-feet. Mr. Richins noted that the system is designed to connect to the master-planned reclaim system.

Mayor Billings reported that the Department of Water Quality recommended and approved a 0% interest rate on a twenty-five-year bond for forty percent of the project's cost. Mr. Richins reported that NRCS is covering seventy-five percent of the irrigation project. He noted that this loan also covers the Sky Ranch Tank, Sky Ranch Well, and Goulds Wash Well. Kaden DeMille reported that the agreement states that if the project is modified or reduced, the changes must be reauthorized by the Board of Water Resources. He questions whether these are the most critical projects. Mr. Richins stated that these projects are at the top of the priority list. Mayor Billings asked if there is adequate water capacity to approve preliminary plats in the area. Mr. Carnahan reported that there are 800 connections available.

Mr. DeMille explained that the community will have many questions as the irrigation project moves forward. Mr. Richins stated the project will be completed in phases to avoid digging up the roads simultaneously. Mr. DeMille reiterated his concerns regarding bonding capacity. Typically, development is offset by impact fees. He is also concerned that the water rates

continue to rise ten cents per one thousand gallons. This places the burden to pay for infrastructure for future residents on the current residents. Mr. Richins explained that the increase was intended for water development. Mayor Billings asked if the City had maximized its bonding capacity. Mr. DeMille explained that the bonding capacity is based on a rate structure. Mayor Billings noted that impact fees can not be charged without development, and development can not occur without adequate water. Mr. DeMille asked if the Council wants to move forward with these projects. Councilman Heideman, Councilman Hirschi, and Councilman Thomas are in favor. Councilman Prete feels it is better to wait for development to pay for the projects. Zero percent interest is great, but it is still debt. He does agree that the projects are in the best interest of Hurricane City, and water is becoming more of an issue. Mr. DeMille will prepare a finance plan for the City's bonding, and Dayton Hall will prepare a contract to take over the irrigation from the Canal Company.

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

Retirement presentation to Officer Morris

Mayor Billings welcomed everyone to the meeting. She stated that it is bittersweet to say goodbye to Officer Morris, and expressed gratitude to all the officers for their willingness to serve. Deputy Chief Kurt Yates summarized Detective Morris's twenty years of service. Detective Morris started working in Hurricane City in 2003. During his years of service, he was a member of the Washington County SWAT team, a member of the Washington County Critical Incident Task Force, served on the Washington County Critical Incident Task Force, and played a significant role in the implementation and management of the axon body and dash cameras. Detective Morris investigated many significant and traumatic cases. Deputy Chief Kurt Yates thanked Detective Morris for his friendship and impact on his career. He thanked Detective Morris's wife and family for their support and sacrifices. Deputy Chief Kurt Yates presented him with a plaque and shadow box.

Larry Palmer reported that twenty-one building permits have been issued in the past two weeks.

Darren Barney stated the Parks Department removed grass on the infield of the bottom of the south field, and the gazebo has been removed from the cemetery. FX is completing the work on the new gazebo and donating some benches. He has completed more research on the repair of the pickleball courts. St. George City stated they do not have any sports court surfaces due to the playability, and many other cities have recommended against using sports court surfacing. He suggested continuing with the current court until a permanent decision can be made.

Kurt Yates mentioned there have been a lot of storage unit break-ins lately. Parowan Police Department captured a Hurricane City resident and found stolen merchandise. In total, three warrants were served, and all of the cases were solved. There were nine victims, and \$6,000 of stolen property was recovered.

Scott Hughes reported that the Power Department is nearly finished installing Christmas lights. The 1150 insulation job is almost complete, and the Sky Ranch acquisition is close to completion. He thanked the utility department and his staff for their extra work in getting it done.

Paige Chapman mentioned the budget meeting with department heads will start next week. Last year, the City Council approved the longevity program. For each year of employment, a percentage of the employee's wage is paid out as a bonus. She commented employees are very thankful for the program.

Sel Lovell stated open enrollment went well. The annual Safety Incentive was paid out last night. This is a team-based program that the insurance company started, and the incentive is accrued over two years. The Staff Christmas party will be on December 21st. There are job openings within the Street and Parks Department.

Weston Walker reported that the crews had been focusing on the crack seal. However, the machine is in the shop, so they are working on odd end jobs. The pavement management has been finalized, and the bid will be opened in January. He is waiting for the JUC to complete the review of the 100 North project. 700 West is open up to Birchview in the Ivywood subdivision. He anticipates that the project will be complete by spring.

Gary Cupp reminded the City Council that the Thank You Dinner for all elected and appointed boards is on December 18th at 6:00 p.m. The Parks and Recreation Survey ended last week. According to the survey, Grandpa's Pond is the most used park in the City. The Community Center is the most used recreation center, the Fine Arts Center is the second, and the pool is the third most used facility. The next public workshop will be held at the Community Center on January 23rd. The department is updating the housing ordinances and reviewing affordable housing and short-term rentals in commercial zones.

Fred Resch III met with the Housing Community Development for additional input on the Moderate Income Housing Report. The City had four compliance strategies. However, the City needed five compliance strategies to be eligible for priority funding from the Utah Department of Transportation. He resubmitted a detailed report based on the guidance he received. He issued five short-term rental violations.

Kaden DeMille reported that the utilities at the new gym buildings are nearly complete. The building was reconfigured to move the main water line. During the reconfiguration, a pop-out on the front of the building, an office, and additional storage space were added.

Cindy Beteag reported that new business #3 asked to be continued, and new business #7 asked to be tabled.

Fred Resch III presented the diagram of the plans for SR-9 at 3400 West and 3700 West.

6:00 p.m. - Call to Order –

Prayer, thought, and pledge were led by Paige Chapman.

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

Declaration of any conflicts of interest

David Hirschi declared conflict on New Business #8. He will vote on the item.

Approval of Minutes for November 16, 2023

Doug Heideman motioned to approve the Minutes for November 16, 2023. Seconded by David Hirschi. Kevin Thomas, Joseph Prete, Doug Heideman, and David Hirschi – aye. Motion carried unanimously.

Presentation from the Beautification Committee

Doug Heideman stated that the Beautification Committee promotes beautification projects and beautification within the community. Fred Resch III reported that the committee has been doing the yard of the month program in the spring, summer, and fall. They are currently accepting nominees for Christmas-themed yards. They received donations and revitalized the Welcome to Hurricane Valley sign near Purgatory Point. The committee helped organize a street cleanup along State Street from Laverkin to Interstate 15 and assisted in two dumpster days. The dumpster days for 2024 are set for May 20 – 22 and October 21 – 23.

Mayor Billings asked Doug Heideman to stay on the committee as a citizen. Doug Heideman reported that a citizen donated money to clean up the sidewalk and area along 900 West 400 South. Mayor Billings mentioned many citizens have asked about improvements at the trailhead on 60 East.

Public Forum – Comments From Public

OLD BUSINESS

1. LUCA 23-10: Consideration and possible approval of amendments to **Title 10 of the Land Use Code pertaining to whole home vacation rentals**. Hurricane City, Applicant.

Mayor Billings reviewed the summary provided in the packet and read the proposed provisions.

Sandia Hyer thanked the City Council for their service to the community. Ms. Hyer has been in good faith on the whole home short-term rental list for over two years. They currently rent out the casita as a short-term rental. However, she hoped to transition to a whole home rental upon approval of her whole home rental license. She questioned the validity of this revision and noted that there are over 3,500 new whole-home short-term rentals.

Dayton Hall reported that existing land uses have the right to continue their use. However, the wait list is not an existing use and grants no entitlement. Gary Cupp noted that the units

referenced by Ms. Hyer are in resort areas, not single-family zones. Fred Resch III stated the whole home vacation rentals in Dixie Springs account for ninety percent of the complaints.

Councilman Heideman explained this update makes short-term rentals in a residential zone non-conforming. The short-term rentals in existence will not be eliminated unless the license is revoked due to noncompliance. He feels this commercial use shouldn't be allowed in residential zones. Councilman Hirschi asked how quickly the waitlist moves. Kaden Demille reported that the count of approved permits depends on census data. As the census changes, the number decreases or increases. He noted that no licenses have been issued in two years.

Doug Heideman motioned to approve Ordinance 2023-20 with the change that a license will be revoked after two violations. Dayton Hall mentioned in the current ordinance, a license is subject to revocation upon three violations within twelve months. Kevin Thomas does not feel changing the current revocation policy is necessary. Joseph Prete is comfortable with the three-violation policy and wants to ensure that the list of violations does not consist of trivial criteria.

Doug Heideman motioned to approve Ordinance 2023-20 as written. Seconded by Kevin Thomas. Roll call vote. David Hirschi, Doug Heideman, and Kevin Thomas – aye. Joseph Prete – nay. Joseph Prete would like the ordinance to include specific definitions of a violation. Motion carried.

NEW BUSINESS

1. Consideration and possible approval of **local consent for a single event liquor permit at Sand Hollow Resort-Cassandra de St. Jeor**

Mayor Billings reported that there have been no problems in the past, and the staff has no concerns.

Kevin Thomas motioned to approve local consent for a single-event liquor permit at Sand Hollow Resort. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

2. Consideration and possible approval to **pay the impact fees for a new home being built by Habitat for Humanity of Southwest Utah** using funds from Fund 48 Housing Fund

Mayor Billings reviewed the summary provided in the packet. Krista Longhurst, the Executive Director of the Southwest Utah Habitat for Humanity, explained that the home is being built for a family of three, two of whom are permanently disabled. She reported that the program operates within the thirty percent area median income. Habitat for Humanity is the mortgage holder offering a zero percent interest loan, and the mortgage payment does not exceed thirty percent of the family's income. The homeowner can gain the entire home equity after the eleventh year. Ms. Longhurst explained that the waitlist is not a chronological timeline. The application process opens when Habitat for Humanity secures land to build a home; the

program rigorously reviews the applicant's income and needs. The organization heavily focuses on repair projects.

Kaden DeMille reported that there is \$51,000 in the fund. However, much of the fund is dedicated to a previously built home. If this is approved, the account will be nearly depleted.

Doug Heideman motioned to approve waiving the impact and connection fees for a new home being built by Habitat for Humanity of Southwest Utah in the amount of \$14,634.98. Seconded by Kevin Thomas. Roll call vote. Joseph Prete, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

3. Consideration and decision on an appeal of the denial of a business license for a home-based pet care facility. -Melanie Watanabe

Kevin Thomas motioned to continue the appeal of the denial of a business license for a home-based pet care facility per the applicant's request. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

4. Public Hearing to take comments on the following:

David Hirschi motioned to go into a Public Hearing. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, David Hirschi, and Kevin Thomas – aye. Motion carried unanimously.

- a. Declaring property located at 2300 S 650 West, a portion of parcel number H-3-2-10-2313, as surplus property**

No comment

- b. Disposal of remainder parcels along Sand Hollow Road**

No comment

Joseph Prete motioned to go out of the Public Hearing. Seconded by Kevin Thomas. Doug Heideman, David Hirschi, Joseph Prete, and Kevin Thomas – aye. Motion carried unanimously.

5. Consideration and possible approval of Resolution 2023-40 disposing of property located at approximately 2300 S 650 W, a portion of parcel number H-3-2-10-2313. - Beau Davis

Mayor Billings reviewed the summary provided in the packet. Beau Davis explained that the park would be built for all skill levels. The designer he is working with can not begin work on the bike skills park until the completion of a different project. Mr. Davis suggested an escrow fund that he would draw against to build the park. He noted that adding the bike skills park will increase the property's value. Dayton Hall reported that the best practice is for the City to have an agreement. The resolution declares that this surplus property can be conveyed away upon an approved agreement with the City Council.

David Hirschi motioned to approve the Resolution 2023-40. Seconded by Doug Heideman. Joseph Prete, Kevin Thomas, David Hirschi, and Doug Heideman – aye. Motion carried unanimously.

6. Consideration and possible approval of Resolution 2023-41 authorizing the disposal of the remainder parcels along Sand Hollow Road due to realignment

Mayor Billings reviewed the summary provided in the packet. Arthur LeBaron presented a map noting the existing and proposed roadway. The public utility easement needs to be retained due to the current natural gas line. There is a pending dedication, and he suggested continuing this agenda item.

Kevin Thomas motioned to continue Resolution 2023-41 pending completion of the roadway dedication. Seconded by David Hirschi. Joseph Prete, Doug Heideman, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

7. Consideration and possible approval of ZC23-24 a Zone Change Amendment request located at approximately 1500 S and 1300 W from R1-10, residential one unit per 10,000 square feet, to RM-2, multifamily 10 units per acre. Parcel number H-3-2-9-123.

David Hirschi motioned to table ZC23-24 per the applicant's request. Seconded by Joseph Prete. Kevin Thomas, Doug Heideman, David Hirschi, and Joseph Prete – aye. Motion carried unanimously.

8. Consideration and possible approval of Hustle Softball using the MOU for highschool softball facilities - Matt Hirschi

Mayor Billings reviewed the summary provided in the packet.

David Hirschi motioned to approve Hustle Softball using the MOU for high school softball facilities based on the conditions in Tiffani Wright's report. Seconded by Doug Heideman. Joseph Prete, Kevin Thomas, David Hirschi, and Doug Heideman – aye. Motion carried unanimously.

Joseph Prete noted concerns raised by the previous Recreation Director. Mayor Billings voiced her nonconcern. David Hirschi reported that the Recreation Department and School District want to work together. He feels it is vital to invest in the youth in the community.

9. Consideration and possible approval of amending the deed restriction in Pecan Valley- Chris Wyler

Mayor Billings read the summary included in the packet and summarized the history of the development. Chris Wyler reported that clubhouse design was a slow process. The project is underway, and he anticipates it will open in May. Many of the units were presold, and the certificate of occupancy is essential to prevent issues with future sales. He noted that the warranty bond is being finalized. Councilman Heideman noted that the City Council has given

the applicant many exceptions. He does not support granting further exceptions. Councilman Hirschi agrees with Councilman Heideman. Mr. Wyler discussed the setbacks in the project and reiterated that the lack of a certificate of occupancy is detrimental to the buyers. He noted that the deed restriction was not recorded against the property. Dayton Hall mentioned it was clearly stated that the certificate of occupancy for phase two will not be issued until completion of the clubhouse. Councilman Prete voted against most of the previous accommodations and does not support amending the deed restriction. Councilman Thomas is sympathetic to the situation but feels it is a mistake to make another exception.

Doug Heideman motioned to deny the request to amend the deed restriction in Pecan Valley. Seconded by David Hirschi. Joseph Prete, Kevin Thomas, Doug Heideman, and David Hirschi – aye. Motion carried unanimously.

10. Consideration and possible approval of a Statewide Utility License Agreement between Hurricane City and UDOT

Mayor Billings reviewed the summary provided in the packet.

Doug Heideman motioned to approve the Statewide Utility License Agreement between Hurricane City and UDOT. Seconded by Joseph Prete. Kevin Thomas, David Hirschi, Doug Heideman, and Joseph Prete – aye. Motion carried unanimously.

11. Consideration and possible approval of Resolution 2023-42 Authorizing a tax certificate and agreement for UAMPS' Payson Power Project, and related matters-Scott Hughes

Mayor Billings reviewed the summary provided in the packet. She noted that the City Attorney has reviewed the documents. Councilman Prete explained that this certificate creates a different tax treatment that lowers the cost overall. Scott Hughes reported that the City sets the discount threshold. The City does not enter into the agreement if the discount is not met. This is a thirty-year term that is recertified intermentitly. When the certificate is open for recertification, the City can pause participation if the discount is not beneficial to the City.

Kevin Thomas motioned to approve Resolution 2023-42. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

12. Consideration and possible approval of the renewal of all liquor licenses

Mayor Billings reviewed the summary provided in the packet. Councilman Prete asked for clarification on the process for policing underage sales. Kurt Yates reported that underage sale investigations take place quarterly. The state monitors sit-down eating establishments and golf courses.

Joseph Prete motioned to approve the renewal of all liquor licenses. Seconded by Kevin Thomas. Doug Heideman, David Hirschi, Joseph Prete, and Kevin Thomas – aye. Motion carried unanimously.

13. Consideration and possible approval of the 2024 Annual Meeting Schedule

Doug Heideman motioned to approve the 2024 Annual Meeting schedule. David Hirschi seconded. Kevin Thomas, Joseph Prete, Doug Heideman, and David Hirschi – aye. Motion carried unanimously.

14. Discussion regarding the expansion of Sky Mountain Golf Course facilities

Mayor Billings reviewed the summary provided in the packet. Kent Abegglen explained that the first option is to remodel the existing clubhouse; he estimates the remodel will cost 1.5 million. Kaden DeMille estimates that a complete rebuild would cost 5 million. He reviewed the fluctuation of golf course funds over the past few years. His recommendation is to remodel the clubhouse. Councilman Prete asked how an update would benefit the City, noting that this would be an excellent venue for event hosting. Mr. Abegglen reported that the third option is to remodel the current building with the intent of future expansions. He agrees that event hosting will increase revenue. However, this would impact the limited parking. Councilman Thomas stated that grants may be available if Utah is approved for the 2023 Olympics. Councilman Hirschi has pushed to expand the clubhouse because of the fantastic view. Mr. Abegglen noted that a restaurant, venue, or top golf area would vastly increase revenue. He reported that the irrigation system is outdated and suggested monitoring revenue over the next few years.

15. Discussion regarding future parks and recreation facilities

Mayor Billings reviewed the summary provided in the packet. Kaden DeMille reported that the capital facilities plan and Master Plan for Parks and Recreation are underway. He presented the conceptual ball field design and pictures of the proposed additional building with four gyms. The two gym building currently under construction is estimated to be worth 2.1 million. He estimates the four gym buildings at 5.8 million. He reported that Park and Recreation impact fees will fund the two gym building. He reviewed the current impact fee fund and the projected impact fees. He anticipates using the impact fee and rap tax funds for the four gym building. Mr. DeMille reminded the City Council of the aging pool, the cost to upgrade the pool and the bond payment. He provided a cost estimate of 15 million for completing the ball fields. He asked for direction from the City Council.

Mayor Billings and the Council Members prefer to complete the two-gym building and move forward with the four-gym building, renovate the pool, and leave the ball fields as is.

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

No closed meeting.

Doug Heideman noted the four things he learned during his City Council service.

Joseph Prete motioned to adjourn the meeting. Seconded by Doug Heideman. Motion carried unanimously. **Adjournment: 9:32 p.m.**