Minutes of the Hurricane City Council meeting held on January 18, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

Members Present: Mayor Nanette Billings and **Council Members**: David Hirschi, Kevin Thomas, Clark Fawcett, Drew Ellerman, and Joseph Prete

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

AGENDA

4:00 p.m. Work Meeting

Discussion with Greater Zion regarding the Copper Rock Championship

Penny James Garcia thanked the City Council for their time and support of the Copper Rock Championship. This is the fourth year that Copper Rocks has hosted the Epson Tour, and they are contracted to host the event through 2028. One hundred twenty players, representing over thirty countries, are participating in the Epson Copper Rock Championship.

Mrs. Garcia reported that the championship generates revenue for the City with minimal impact on traffic and resources. She reviewed the recognition given to Hurricane City as a Diamond Partner. She explained that they are asking the City to continue its Diamond Partner sponsorship with a three-year commitment.

Clark Fawcett asked how the City funded its sponsorship in the past. Kaden DeMille reported that the sponsorship was funded through RAP tax expenditures. However, the City is relying on that fund to complete the gym building. A three-year commitment is concerning to him. He noted that RAP tax goes to the vote of the citizens this year and if it is not approved, the funds will not be available. Councilman Fawcett reported that promoting and informing citizens what RAP Taxes have paid for is essential. He would like to sit down with Mr. DeMille and Paige Chapman to review the finances before making any commitments. Mr. DeMille feels more comfortable with a one-year commitment.

Councilman Hirschi would like to review this at the goal retreat on January 29th. Councilman Thomas will attend remotely.

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

Everyone in attendance wished Ken Richins and Councilman Thomas a happy birthday.

Ken Richins reported that the water system work session will be in two weeks. The Water Department is more than halfway through installing secondary meters. He stated the

Conservancy District hit a city water line while installing a new line on the Toquerville By-Pass Road. The department is running water through its system to feed LaVerkin.

Chief Excell stated fifteen community members signed up for Citizen Academy, which started last night. The Police Department is changing the graphics on its new vehicles. The department is starting its annual maintenance of the emergency backup generators. An important trial is being held Tuesday, and the star witness arrived today after a twenty-two-hour flight. Mr. Excell reported that dog licenses are very low this year. If Animal Control issues a non-licensed citation, the court will dismiss the citation if the owner obtains a license before the hearing. The State is putting in a new radio system to match national compliance. Nakita Newport is now the School Resource Officer at the Intermediate School.

Larry Palmer mentioned thirty-six building permits were issued in the past two weeks. Ace Hardware is underway, and they plan to open in October.

Sel Lovell stated there is an open position for a Street Supervisor.

Tiffani Wright reported that Prep League Basketball and Boys Volleyball are new spring programs. She explained that LaVerkin City had requested the City to move the Christmas Tree Festival to a different weekend or combine the Festival with LaVerkin City's Winterfest. Councilman Fawcett favors having the events at different times. The City Council is in favor of holding the festival on Monday, Tuesday, and Wednesday.

Dorela Nuellari introduced herself as the new Public Relations and Administrative Assistant. She reported that the City has gained followers on social media, and departments are doing better with providing her content. Community members are giving positive feedback regarding the new gym building.

Scott Hughes invited the City Council to attend Utah Associated Municipal Power System workshop being held on February 8th in Washington City.

Mike Vercimak stated that development is continually busy. He reported that the new subdivision process will have an impact on staff. He thinks more staff will need to attend the Planning Commission. This will affect the budget due to the increased overtime.

Paige Chapman stated the audit is complete and budget spreadsheet will be sent to Department Heads soon.

Arthur LeBaron reported that the Frog Hollow Dam project is out to bid, and the Storm Drain Master plan update has been advertised. The City received $450,000 from the Washington County Corridor Preservation Fund. He is preparing a five-year Street Plan and hopes to have the plan ready for the City Council goal retreat. He encouraged the City Council to attend the Dixie Transportation Expo on February 13th from 10:00 a.m. to 6:00 p.m. Mr. LeBaron noted that the completion of the gym building has been pushed back to April due to changes and additions.

Gary Cupp explained staff will hold an internal meeting to discuss the new subdivision process. The Parks and Recreation Master Plan Public Workshop is on February 23rd. The General Plan must be updated to include a water element by 2025. He noted that Staff reports will now include confirmation that the development is within the Water District's allotment.

Fred Resch III has been working on compiling the annual planning data. He hopes to have the data ready for presentation at the next City Council meeting. He has updated the application forms to reflect the new subdivision process.

6:00 p.m. - **Call to Order** –

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

Prayer, thought, and Pledge led by Willie Billings

Declaration of any conflicts of interest

None declared.

Presentation of the 2022-2023 annual audit-Hinton Burdick

Viktoryia Yahorava, with Hinton Burdick, reported that they issued an unmodified opinion, meaning that the audit is clean. There were no significant deficiencies in the Internal Controls Report and no findings on State Compliance. Ms. Yahorava provided a graph detailing the balances of the General Fund, Water Fund, Electric Fund, Golf Fund, and Municipal Building Authority Fund over the past five years. The golf fund's net investment and capital asset decreased due to capital asset depreciation. The unrestricted net position of electric funds decreased due to the rising cost of power. Ms. Yahorava reviewed the City's unrestricted and restricted net positions. Overall, the City funds are healthy and stable.

Approval of the January 2, 2024, special meeting minutes

Drew Ellerman motioned to approve the January 2, 2024, special meeting minutes. Seconded by Joseph Prete. Motion carried unanimously.

Public Forum – Comments From Public

OLD BUSINESS

1. Reconsideration and possible approval of **Resolution 2024-01 authorizing the Attainable Housing Agency Interlocal Cooperation Agreement to join the Attainable Housing Agency (AHA)** for the purpose of maintaining, protecting, and promoting affordable and attainable housing. - Joe Spencer

Mayor Billings explained the City Council previously denied this resolution due to unresolved questions. She asked the Council to hear the item again to address those questions. Joe Spencer with the Attainable Housing Agency Interlocal Cooperation Agreement (AHA) joined the meeting online. Councilman Thomas explained that the City Council has concerns regarding pets, convicted predators, upkeep responsibility, and potential conflict between homeowner and tenant. Joe Spencer reported that pets are not allowed. However, they are still working with attorneys to address service animals. AHA manages the repairs of the ADU. The leases are renewed annually to ensure minimal conflict between homeowners and tenants. They are working with their attorneys to ensure prompt removal of tenants if there are problems. All applicants must pass a background check. Councilman Prete asked if tenants are rehomed upon eviction. Mr. Spencer stated the tenant is responsible for securing alternative housing.

This program is available Statewide; joining this program does not create liability for the City. A Council Member will be designated to serve on the Board if approved. Councilman Fawcett noted that the AHA is new and the program has no historical data. Councilman Prete confirmed that the program can operate within Hurricane City even if the Council denies the resolution. Dayton Hall reported that he has no concerns with the agreement. Councilman Fawcett asked what happens when an owner cannot cover expenses. Mr. Spencer reported that AHA is creating a reserve account to assist in those situations. Councilman Hirschi was concerned that the denial of this resolution would prevent community members from participating in the program. Knowing that the residents can participate in the program without the City's participation, he sees no reason to approve the resolution.

David Hirschi motioned to deny Resolution 2024-01 authorizing the Attainable Housing Agency Interlocal Cooperation Agreement to join the Attainable Housing Agency for the reasons stated. Seconded by Joseph Prete. Clark Fawcett, Drew Ellerman, David Hirschi, and Joseph Prete – aye. Kevin Thomas – nay. Motion carried.

2. Consideration and possible approval of an **agreement to dispose of City property in exchange for infrastructure and services.** - Arthur LeBaron

Arthur LeBaron explained that Council directed staff to work on the details of this agreement with Beau Davis. Beau Davis reported that he is working with Tyler MaCall to design the bike park. Councilman Prete asked what improvements will be made. Mr. Davis reported there will be a gravel path for maintenance vehicles. City Staff does not want to maintain a sprinkler system, so the proposal includes native shrubs, the surfaces will be mostly dirt, and there will be some wood obstacles. Mayor Billings asked if there is a time frame for completion. Dayton Hall reported that the park must be completed within eighteen months. Mr. Davis mentioned he posted a cash bond to ensure construction funds.

David Hirschi motioned to approve the agreement to dispose of City property in exchange for infrastructure and services. Seconded by Kevin Thomas. Roll call vote. Joseph Prete, Clark Fawcett, Drew Ellerman, David Hirschi, and Kevin Thomas – aye. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible **consent to allow hangar pad 10S 1E to be subleased** to Larry Weitzman. -John Priscu/Dave Houston

Mayor Billings reviewed the summary provided in the packet. Dave Houston explained that this large hangar can house two aircraft.

Clark Fawcett motioned to approve the consent to allow hangar pad 10S 1E to be subleased to Larry Weitzman. Seconded by David Hirschi. Joseph Prete, Drew Ellerman, Kevin Thomas, Clark Fawcett, and David Hirschi – aye. Motion carried unanimously.

2. Consideration and possible approval of a **new use and lease agreement for hangar pad 2N 1E** at the City Airport for Legend Air Lease LLC. -Dave Houston/Scott Stratton

Mayor Billings reviewed the summary provided in the packet. Dave Houston reported that Steve Lemmon and Scott Stratton must coordinate utilities and runway access.

Kevin Thomas motioned to approve a new use and lease agreement for hangar pad 2N 1E at the City Airport for Legend Air Lease LLC. Seconded by David Hirschi. Joseph Prete, Drew Ellerman, Clark Fawcett, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

3. Consideration and possible approval of an **assignment of the Hurricane Airport Land Lease** for hangar pad 7S 3W. Dave Houston/William Johnston

Mayor Billings reviewed the summary provided in the packet. Dave Houston explained that the lease expires in ten years. William Johnston requests permission to assign the lease to Scott Denton, and the City Council must approve all changes. Councilman Fawcett thought this hangar pad was deeded to the City.

Joseph Prete motioned to continue the assignment of the Hurricane Airport Land Lease for hangar pad 7S 3W, to research ownership of the hangar pad. Seconded by Kevin Thomas. David Hirschi, Drew Ellerman, Clark Fawcett, Joseph Prete, and Kevin Thomas – aye. Motion carried unanimously.

Councilman Fawcett mentioned the Airport Board has discussed moving the hangar. Mr. Houston stated the hangar is cemented into the floor. Dayton Hall stated there is a provision in the lease authorizing the City to move hangars at the City's cost.

4. Consideration and possible approval of **Hurricane Basketball Club using the City's MOU to use the high school basketball facilities** - Adam Stout

Mayor Billings reviewed the summary provided in the packet. Councilman Prete declared a conflict of interest. Adam Stout stated they want to provide affordable programs. Tiffani Wright explained that the High School requires City staff to collect the funds, and the Recreation Center does not have the staff to manage additional programs. Councilman Fawcett is concerned that the City is overusing its MOU and noted that it can not cover liability on property not owned by the City.

David Hirschi motioned to approve Hurricane Basketball Club using the City's MOU to use the high school basketball facilities based on Adam Stout managing the finances and scheduling.

Seconded by Clark Fawcett. Kevin Thomas, Drew Ellerman, David Hirschi, and Clark Fawcett – aye. Joseph Prete – abstained. Motion carried.

5. Consideration and possible approval of **various appointments to the Airport Board, Water Board, Power Board, Planning Commission, Appeals Board, and Beautification Board**

Mayor Billings reviewed the appointments and expiring appointments on each Board.

David Hirschi motioned to approve various appointments to the Airport Board, Water Board, Power Board, Planning Commission, Appeals Board, and Beautification Board. Seconded by Kevin Thomas. Motion carried unanimously. Clark Fawcett, Drew Ellerman, Joseph Prete, David Hirschi, and Kevin Thomas – aye. Motion carried unanimously.

Joseph Prete does not think the Council properly vetted the candidates. He prefers a different process to discuss the qualifications of the new appointments.

6. Consideration and possible approval of a resolution to **request the Washington County Water Conservancy District and State Trust Lands Administration to dedicate property** for the widening of Sand Hollow Road to its master-planned width.

Arthur LeBaron was unable to complete the proposed resolution. He explained that Infowest and a trail project require widening the right of way on Sand Hollow Road. The current width is eighty feet; the master-planned width is one hundred twelve feet. Mayor Billings mentioned the Washington County Water Conservancy District Board of Directors made a positive recommendation. Councilman Fawcett asked about the width of the proposed trail, material, and ATV restrictions. Mr. LeBaron reported that the trail is a twelve-foot-wide asphalt trail on the west side. He explained that ATVs are prohibited on the trail, and this restriction will be posted appropriately. Dayton Hall stated the City Council needs a drafted resolution to vote.

Kevin Thomas motioned to continue the request of the Washington County Water Conservancy District and State Trust Lands Administration to dedicate property for the widening of Sand Hollow Road to its master-planned width. Seconded by Clark Fawcett. Joseph Prete, David Hirschi, Drew Ellerman, Kevin Thomas, and Clark Fawcett – aye. Motion carried unanimously.

7. Consideration and possible approval of **Resolution 2024-04 rejecting the Findings and Conclusions of the Utah Legislative Auditor General's Report No. 2023-16:** "A Performance Audit of Utah Housing Policy".

Mayor Billings explained the Riverton City Mayor wrote this resolution. She stated the Utah Housing Authority report declared that the lack of affordable housing is due to the fault of City Councils. This resolution expresses rejection of those findings. Councilman Thomas is frustrated that the Housing Authority did not allow time to determine whether the City's implementation of affordable housing efforts was successful. Councilman Fawcett feels communities should be able to determine what type of housing best fits the community.

Kevin Thomas motioned to approve Resolution 2024-04 rejecting the Findings and Conclusions of the Utah Legislative Auditor General's Report No. 2023-16**.** Seconded by Drew Ellerman. Joseph Prete, David Hirschi, Clark Fawcett, Kevin Thomas, and Drew Ellerman – aye. Motion carried unanimously.

8. Consideration and possible approval on a **preliminary plat for Sandwater Estates, a 153 lot single family subdivision** located at 4200 W 2300 S. Richardson Brothers Custom Homes, Applicant. Karl Rasmussen, Agent.

Mayor Billings reviewed the summary provided in the packet. She noted that the Planning Commission unanimously recommended approval with the understanding that the applicant would work with staff on defining block lengths and completion of the required PID utilities before subdivision construction. Karl Rasmussen provided a map showing the proposed location of the new elementary school and the location of the detention ponds. He explained that a contract between Western Mortgage and the School District dictates that whoever builds the roadway first shall pay for the roadway. That entity will then be reimbursed a portion of that cost. They have been working with the District to determine who will build the road and install the infrastructure. He stated the applicant submitted plans for Wilson Drive, Turf Sod Road, and 2300 South, and the roadway dedication plans are in progress. Councilman Ellerman asked if the applicant properly vetted the roadway improvement contracts.

Councilman Prete stated adequate facilities are required within the preliminary plat approval time frame and expressed concern regarding the time frame of PID funding. He feels it is premature to approve the plat prior to PID funding. Mike Vercimack explained this project is part of an unfunded PID. He feels the PID should present a contract declaring the timing of roadway and infrastructure completion. Dayton Hall stated preliminary plat approval entitles the applicant to move on to construction drawings. Councilman Hirschi did not vote for the PID. However, approval of the PIDs was based on the understanding that the infrastructure and roadway would be completed first. Mr. Hall quoted the City ordinance pertaining to this discussion.

Drew Ellerman motioned to continue the preliminary plat for Sandwater Estates, a 153 lot single family subdivision located at 4200 W 2300 S, to allow the applicant time to bring forth a contract. Councilman Prete reiterated the risk of granting entitlements before the completion of adequate infrastructure. Seconded by Clark Fawcett. Joseph Prete, Kevin Thomas, Drew Ellerman, and Clark Fawcett – aye. David Hirschi – nay. Motion carried.

9. Consideration and possible approval on a **preliminary plat for Black Ridge Phase 1, a residential subdivision consisting of 84 single-family homes and 20 townhomes,** located at 1760 W and 700 S. Wasatch Commercial Developers, Applicant. Rob Reid, Agent.

Mayor Billings reviewed the summary provided in the packet. She noted that the Planning Commission unanimously recommended approval subject to staff and JUC comments.

Councilman Prete asked if the applicant is prepared to proceed with the project. Rob Reid reported that the design setbacks have been been addressed. Councilman Fawcett would like a better explanation of staff and JUC comments moving forward. Councilman Prete clarified that the previous staff and JUC comments are included in this recommendation.

Clark Fawcett motioned to approve preliminary plat for Black Ridge Phase 1, a residential subdivision consisting of 84 single family homes and 20 townhomes, located at 1760 W and 700 S. Seconded by Joseph Prete. David Hirschi, Drew Ellerman, Kevin Thomas, Clark Fawcett, and Joseph Prete – aye. Motion carried unanimously.

10. Consideration and possible approval on a **final site plan for Fairgrounds RV park, a 110 stall RV park** located at Regional Park Road and 700 S. D&G Property Holdings LLC, Applicant. Brandee Walker and Alex Stewart, Agents.

Mayor Billings reviewed the summary provided in the packet. She noted that the Planning Commission unanimously recommended approval. The applicant and agent are absent. Mike Vercimack stated construction drawings are approved.

Joseph Prete motioned to approve the final site plan for Fairgrounds RV park, a 110 stall RV park located at Regional Park Road and 700 S. Seconded by David Hirschi. Kevin Thomas, Clark Fawcett, Drew Ellerman, Joseph Prete, and David Hirschi – aye. Motion carried unanimously.

11. Consideration and possible approval on a **preliminary plat for Red Cliffs subdivision**, a 31 unit duplex development located at 600 N 2170 W. Kirk Coppinger, Applicant.

Mayor Billings reviewed the summary provided in the packet. She noted that the Planning Commission unanimously recommended approval subject to staff and JUC comments. Kirk Coppinger explained each unit will have a private pool and hot tub in the backyard and a fence separating each of the lots. Councilman Prete asked why the plat expired. Mr. Coppinger recently purchased the property from the previous owner. Councilman Ellerman would like the City to develop a visitor parking standard. Mike Vercimak stated the previous owner did not address secondary access, water looping, or slope stabilization along 600 North.

Drew Ellerman motioned to approve the preliminary plat for Red Cliffs subdivision, a 31 unit duplex development located at 600 N 2170 W. Seconded by Clark Fawcett. Kevin Thomas, David Hirschi, Drew Ellerman, and Clark Fawcett – aye. Joseph Prete – nay. Motion carried.

Councilman Prete wants more assurance that the outstanding issues are addressed.

12. Consideration and possible approval of an **amended final plat for Quail Lake Estates Lot 13 located at 4400 W State St #13.** Ryan Scholes, Applicant

Mayor Billings reviewed the summary provided in the packet. She noted that the Planning Commission unanimously recommended approval. Gary Cupp stated the applicant is requesting to split the lot.

Kevin Thomas motioned to approve the amended final plat for Quail Lake Estates Lot 13 located at 4400 W State St #13. Seconded by Joseph Prete. Clark Fawcett, Drew Ellerman, David Hirschi, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

13. Consideration and possible approval of an **amended final plat for Dixie Springs Plat B Lots 210 and 211** located at 3849 W 2700 S. Ryan Scholes, Applicant.

Mayor Billings reviewed the summary provided in the packet. She noted that the Planning Commission unanimously recommended approval subject to Staff and JUC comments. Gary Cupp stated the applicant is requesting to combine two lots. The abandoned utility connections will be stubbed.

Joseph Prete motioned to approve the amended final plat for Dixie Springs Plat B Lots 210 and 211 located at 3849 W 2700 S. Seconded by Drew Ellerman. Kevin Thomas, Clark Fawcett, David Hirschi, Joseph Prete, and de – aye. Motion carried unanimously.

14. Consideration and possible approval of an **amended final plat for Pecan Valley Resort Phase 1 located at 5210 W 2400 S.** Chris Wyler, Applicant. Brandee Walker, Agent.

Mayor Billings reviewed the summary provided in the packet. She noted that the Planning Commission unanimously recommended approval subject to Staff and JUC comments. Councilman Ellerman expressed concern about inadequate parking when multiple families rent the larger units. Gary Cupp stated floor plans are not shown on preliminary plans; one space per bedroom is required, which will be addressed during the building permit process.

Joseph Prete motioned to approve the amended final plat for Pecan Valley Resort Phase 1 located at 5210 W 2400 S. Seconded by Clark Fawcett. Kevin Thomas, David Hirschi, Drew Ellerman, Joseph Prete, and Clark Fawcett – aye. Motion carried unanimously.

15. Consideration and possible approval of **City sponsorship of an Airport Days** at the City Airport.

Mayor Billings reviewed the summary provided in the packet. She noted that the Airport Board made a recommendation of approval. The City sponsorship includes funding for security, porta-potties, and garbage removal. Dave Houston clarified that this is not an airshow; it is a two-day public open house for citizens to see the aircraft. Councilman Fawcett asked how much funding the event needs. Mr. Houston mentioned other entities are sponsoring the event. Mike Vercimack stated the City contributed up to $ 1,000 to the event in the past. Councilman Prete noted that the event was originally a half-day event; this is a two-day event. It is important to anticipate a higher expense. He asked if insurance coverage was in place. Mr. Houston stated the airport is insured under the City policy. Police Chief Lynn Excell mentioned the Police Department must assign two officers which will effect the overtime budget.

Kevin Thomas motioned to approve the City sponsorship of Airport Days within the Airport's budget, not to exceed $1,000.00. Seconded by David Hirschi. Roll call vote. Joseph Prete, Clark Fawcett, Drew Ellerman, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

Councilman Thomas discussed creating a new zone for affordable housing. He reviewed the aspects of an R1-4 zone. He will send more information to the Council for review.

Councilman Prete reported that the Youth City Council is a delight to work with. He and the Youth Council visited the Capital Building and met with the House of Representatives and a Senator. He learned a lot and expressed that this is an excellent opportunity for the youth.

Mayor Billings mentioned the legislative session started Tuesday and goes for forty-five days. She has contact information for the Senators and would love the Council to contact them with their questions and concerns. The Washington County Water Conservancy District has accepted Hurricane's water efficiency standards. Cedar City is building a new veterans cemetery. She advised the City Council that the Five County Association of Governments can help update the General Plan at no cost. Mayor Billings and Darren Prince toured the Historical Canal Trails with Arthur Lebaron. Darren Prince and Chris Daley propose a new trail system near the canal trail.

Mayor Billings presented her four goals. She feels the City needs an employee who can help at a legislative level, a grant writer, and a Public Works assistant to coordinate between departments. Her highest priority is completing the gyms. She encouraged the Council City to write down their goals. Councilman Prete asked the Council Members to circulate their goals ahead of the goal meeting.

Mayor Billings presented videos from the What's Up Down South conference.

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

Joseph Prete motioned to go into a closed meeting to discuss litigation and the purchase or sale of real property. Seconded by David Hirschi. Motion carried unanimously.

Adjournment: 10:36 p.m.