Minutes of the Hurricane City Council meeting held on July 18, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

Members Present: Mayor Nanette Billings and **Council Members**: Kevin Thomas, Clark Fawcett, and Drew Ellerman.

Members Excused: David Hirschi and Joseph Prete.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, City Planner Gary Cupp, Assistant Planner Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, City Recorder Cindy Beteag, and Water Superintendent Ken Richins.

AGENDA

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

Youth City Council members Ashton Daugherty and Piper Cox attended the Teen Summit, where they gained valuable skills for the future, developed leadership abilities, and built new friendships. They expressed gratitude to the Council for providing the van and gas, enabling their attendance. They shared an inspiring story from the event, highlighting the excellent international meals, team-building activities, and opportunities to learn new things. They aim to boost tourism and collaborate with other Youth City Councils. Mayor Billings congratulated them for their active involvement and participation in the conference. She clarified the van was provided by the Hurricane Valley Fire District. Mayor Billings handed out brochures from United Way about connecting youth and adults and various service opportunities.

Ken Richins stated it has been a busy month for the Water Department. Over the weekend, there were two major water breaks, one on 600 North and another on 975 North. They are currently working on the Goulds Wash Well, pumping at different levels to test water quality. Additionally, they are collaborating with the Canal Company to integrate pipes into the irrigation system. There was a bid opening on the 16th which will be discussed on the agenda tonight. There was another significant break on 400 South last week. He expressed appreciation to the crews for their prompt response and hard work.

Larry Palmer mentioned they have issued twenty-five single family homes, twenty-seven townhomes, a twelve-unit condo, and eight industrial buildings since the last council meeting. Ace is on track to start shelving in September.

Tiffani Wright thanked the Council for attending the 4th of July parade, noting it had a good turnout. They served breakfast to 500 people. She mentioned they are busy with camps and Broadway or Bust and are gearing up for Peach Days. The preview night for Beauty and the Beast is in two weeks. The hoops for the new gym are expected to arrive on August 4th, with the flooring team ready to install them immediately afterward, aiming to open the gym soon.

Sel Lovell stated that there are open positions in both the Parks and Police Departments. A survey has been sent to all employees for the wage study, and they need about 90% of the responses before they can report on it.

Scott Hughes stated that the UAMPS conference is next month and expressed his hope that everyone can attend. He reported that the substation has been up and running for the last couple of months, which has been very helpful in offloading the Clifton Wilson Substation. They are seeing about a 5% increase in loads from last year. Last April, they started a capital facilities impact fees study plan and just received the draft back last week. They expect to have the final data within the next month.

Chief Excell introduced Doug Thornton as the new public relations officer, noting that he has been with the department for almost two years and brings a wealth of knowledge and experience. On August 3rd, they will hold their back-to-school "Shop with a Cop" event and Mr. Thornton will continue their efforts in keeping the public informed. On the 9th and 16th, they conducted building search and active shooter training at the Middle School and Intermediate School. He thanked the schools and the fire district for their participation. He mentioned an officer-involved shooting incident on the 4th, explaining that the Critical Incident Team conducted the necessary investigation, and the officer has since returned to work. He reported a significant number of burglaries in the area and noted that a traffic stop in St. George led to the arrest of suspects and the recovery of a large amount of stolen merchandise. Finally, he mentioned that crossing guards are preparing for the new school year and thanked Arthur LeBaron for his work on the 4th.

Weston Walker reported that they have been busy repairing heaving sidewalks, receiving two or three calls about them daily. They are also working on all the crosswalks and stripping. Despite their efforts, there are still many weeds that they continue to spray. They have hired two new employees for their department and are working on cleaning up detention areas.

Arthur LeBaron presented an updated video on the Frog Hollow project. The City is fronting some money for this project, but efforts are underway to recoup some of it from other entities. The 100 North project is currently in the public involvement stage and will be advertised within the next six weeks. They are busy with right of way acquisitions and project reviews. Mayor Billings mentioned a citizen's request for a turn light at 2260 West to facilitate southbound turns. The VIP area for the 4th of July fireworks was underutilized, so there is potential for expansion in the future. Traffic control will be improved to facilitate better movement. Many departments contributed to the event before, during, and after.

Gary Cupp noted that land use and development applications have decreased and are expected to remain low for the rest of the year. The City is moving forward with General Plan updates concerning the water element, and if R1-4 is approved, they will need to adjust densities accordingly. They are also working on the downtown overlay and ordinance updates, particularly regarding domestic lot splits. The Southern Utah Land Use Task Force will hold a workshop on September 20th at Dixie Tech for builders, developers, and city staff. This workshop will focus on providing housing units and addressing affordable housing challenges.

Domestic lot splits could also help with affordable housing but some important factors to consider include access, impact fees, and lot sizes.

Fred Resch III reported that Liberty Village has received preliminary site plan approval and will begin work soon. Clark Fawcett inquired about the project near Dixie Springs, which had drawn complaints from neighbors. Mayor Billings explained that the situation has been monitored closely and the project was halted when the well stopped working.

6:00 p.m. - **Call to Order** –

Prayer, Thought and Pledge led by Chris Wyler.

Declaration of any conflicts of interest
None Declared.

Minutes of the Regular City Council Meeting for June 20, 2024

Kevin Thomas motioned to approve the June 20, 2024, minutes as written. Seconded by Drew Ellerman. Motion carried unanimously.

Report about the staging area, bathrooms, and new City road for Sand Mountain by DRATS (Desert Road and Trails System) - Jeff Bieber

Gary Smith from Desert Road and Trails System explained that they formed and still operate the 4x4 Jamboree, an event that generates $4 million annually. This revenue supports search and rescue efforts, improvements to Sand Mountain and its surrounding areas, and the maintenance of open trails. Jeff Bieber reported that the Sand Mountain project was completed in three phases: installing water tanks, paving the road, and constructing a two-stall restroom. The entire project took about two years and cost $1 million. He thanked the Council for their assistance and expressed eagerness to continue collaborating in the future. Additionally, they installed a restroom on the West Rim and raised funds through grants, donations, and contributions from their group. They have also set aside money to help with the new park entrance.

Report from UPLA (Utah Public Lands Alliance) - Loren Campbell

Loren Campbell from the Utah Public Lands Alliance highlighted the significant economic impact of OHV (Off-Highway Vehicle) activities in the community, noting that they are a top revenue generator. The area has seen a surge in OHV usage, with a 10% increase in out-of-state permits in Utah. Despite this growth, they face challenges with the federal government. He reviewed some of these challenges and expressed gratitude to the Council for their support of OHV activities. Mr. Campbell emphasized their commitment to responsible land use and thanked the State for its support as well.

Report on the Poker Run and future plans for TriState ATV Club - Steve Jacobs

No one was present to represent this item.

Public Forum – Comments From Public

OLD BUSINESS

1. Consideration and possible approval of Ordinance 2024-03 amending Title 8, Chapter 1, Section 4 regarding utility rates and connection fees

Mayor Billings read the following summary that was provided in the packet written by Cindy Beteag. “The Council reviewed this item on February 15, 2024, and expressed support for the resolution. However, during the same meeting, there was a discussion about requiring landlords to keep utilities in their names. The Council requested further discussion on this matter. Consequently, staff asked for the item to be continued so that both issues, which are in the same chapter, could be addressed together. Staff has been researching and gathering information on landlord accounts since then, but due to scheduling conflicts and workload, it is unclear when this will be brought back to the Council. The proposed ordinance currently only addresses the military discount. In August of 2004, the City Council adopted a policy concerning utility payment relief for citizens on active military duty. It was unanimously approved that anyone on active military duty would qualify for a $150 or 1/2 of their utility bill, whichever is less, reduction. Staff was not able to find where this policy was ever written or put into code. The proposed amendments puts language directly into the code to allow this discount.”

Clark Fawcett motioned to approve Ordinance 2024-03. Kaden DeMille asked for clarification on the proposed language. He explained that the current practice applies only to on-duty situations outside of the United States. He inquired if the Council wanted to maintain this practice, which would require adding specific language to the policy. Mayor Billings suggested adding actively deployed for at least 30 days. Mr. Fawcett amended his motion to include that language. Seconded by Kevin Thomas. Motion carried unanimously.

2. Presentation and report on public infrastructure and consideration and possible approval of a power line extension to the area south of Sky Ranch - Mike Vercimak and Scott Hughes

Kaden DeMille stated Mr. Vercimak is sick so he is not able to present this item. He suggested continuing the item until everyone can be here.

Kevin Thomas motioned to continue this item until the next meeting. Seconded by Drew Ellerman. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of local consent for an off-premise beer license at Jellystone Park - Scott Nielson

Mayor Billings read the following summary that was provided in the packet written by Cindy Beteag. “Jellystone Park is applying for an off-premise beer license to sell beer from their gift

shop. This license would allow RV guests to purchase beer at the store and consume it at their rental spaces. The applicants have provided all necessary documentation, and background checks on the owner and manager have been completed. Staff has no concerns with approving local consent. If approved, the applicants will still need to obtain a license from the Department of Alcoholic Beverage Services (DABS)."
Dayton Hall added that since the summary was written staff has had some discussions. The limited parking at Jellystone was based on statements during construction that the park would not be open to the public. More parking would have been required if it was open to the public. Now they are requesting this off-premise license it has raised concerns that more parking will be needed since it is open to the public. Inadequate parking would be a basis to withhold local consent. Gary Cupp stated the Planning Department hasn't a chance to review it. They have concerns about the use and the parking. They were told it was an amenity for the RV Park and not open to the public. Clark Fawcett commented there is not enough parking for the water park itself.

Clark Fawcett motioned to continue local consent for an off-premise beer license at Jellystone Park for two weeks. Seconded by Drew Ellerman. Motion carried unanimously.

2. Consideration and possible approval of local consent for an on-premise recreational beer license at Jellystone Park - Scott Nielson

Mayor Billings read the following summary provided in the packet written by Dayton Hall. "Jellystone Park is also applying for on-premise recreational beer license to sell beer to guests at the water park. If approved, this would be the first on-premise recreational beer license at a water park in the state of Utah. Even if the City gives local consent, it is unclear if the State would allow the license, but the City's consent would open the door to the possibility of the first such license. City Staff and the Hurricane Valley Fire District have reservations about Hurricane being the test City for the first on-premise beer license at a water park, as well as concerns about mixing on-premise alcohol consumption with water park activities." Clark Fawcett stated he doesn't mind being the test city, but he doesn't think it is a good fit. Kevin Thomas agreed.

Kevin Thomas motioned to deny the local consent for an on-premise recreational beer license at Jellystone Park. Seconded by Clark Fawcett. Motion carried unanimously.

3. Consideration and possible approval of local consent for a full-service liquor restaurant license at PV Resort Amenities - Chris Wyler

Mayor Billings read the following summary provided in the packet written by Cindy Beteag. "PV Resort Amenities is applying for a full-service liquor restaurant license to sell beer and liquor at their clubhouse restaurant and in the cabanas around the water amenities. The Department of Alcoholic Beverage Services (DABS) will have specific requirements, such as sectioning off areas

where alcohol is served and ensuring that meals are ordered with drinks. The applicants have stated that the restaurant and water amenities will be open to the public, though access may be limited if their vacation rentals are fully booked. Staff has the same concerns with this application as with the previous one for Jellystone Park. It is unclear if any other location in Utah operates in this manner."
Kevin Thomas expressed the same concerns as with the previous application, stating he doesn't think it's a good fit. Clark Fawcett said he is okay with serving alcohol at the restaurant but does not want it around the amenities. Chris Wyler mentioned that his property owners support the idea and wish to have such an option. Drew Ellerman pointed out that owners could return to their homes if they wanted a drink and wouldn't need to do so around the pool. Mr. Fawcett added that he would be comfortable if people couldn't access the park from the restaurant, as he does not want the areas to mix. Charles Weather noted that when they spoke to DABS, they were told that a drink could only be served at the table with food. Cindy Beteag mentioned that DABS requires the area where drinks are served to be sectioned off. Mr. Wyler requested a continuation of the discussion so they can provide a better layout of their proposal.

Kevin Thomas motioned to continue local consent for a full-service liquor restaurant license at PV Resort Amenities. Seconded by Clark Fawcett. Motion carried unanimously.

4. Consideration and possible approval of a lease for hangar pad 9S 1E - EDUBYAS LLC

Dayton Hall explained this is an existing hangar that had a twenty-year lease that has expired. The same people are requesting a new lease. The Airport Board made a unanimous recommendation to approve this lease.

Clark Fawcett motioned to approve the lease for hangar pad 9S 1E. Seconded by Kevin Thomas. Motion carried unanimously.

5. Consideration and possible approval of an assignment of an existing lease for pad 7S 1E - The Ray and Cynthia Schureman Family Trust

Dayton Hall explained that a lease for Stephen Lemmon, approved two years ago, is now being requested to be assigned to a new tenant. This lease follows the new format that the Council approved a few years ago. The Airport Board has also unanimously recommended this item.

Kevin Thomas motioned to approve the assignment of an existing lease for pad 7S 1E. Seconded by Drew Ellerman. Motion carried unanimously.

6. Consideration and possible approval of an assignment of an existing lease for pad 3S - Richard E. Cutts

Dayton Hall stated this item is the same as the previous item.

Kevin Thomas motioned to approve the assignment of an existing lease for pad 3S. Seconded by Clark Fawcett. Motion carried unanimously.

7. Consideration and possible approval of a Storm Drain Agreement with Interstate Rock Products, Inc.

Mayor Billings read the following summary provided in the packet written by Dayton Hall. “Interstate Rock owns land adjacent to and northwest of 600 North opposite the Sands Cove and Coronado Ridge subdivisions. After the City's construction of 600 North, and especially with the recent construction of Sand Cove Phase 1, storm drain runoff water is concentrated and discharges into Interstate Rock's property. Interstate Rock is proposing the construction of an open ditch across its property to manage the runoff water by conveying it away from 600 North. The City requires that storm drain facilities be constructed as part of the development of property, but there is no current land use application pending for the two parcels where Interstate Rock is proposing the open ditch, so Interstate Rock has no obligation to construct the ditch. Interstate Rock is proposing that the City reimburse Interstate for 1/2 of the cost to construct the open ditch, with the City's share being $21,785.70. Considering that Interstate Rock has no obligation to construct the ditch, and considering that the City's construction of 600 North is a contributing factor to the concentrated discharge of water and related problems, City staff feel that splitting the cost of the ditch is a fair proposal and recommend approval. The proposed contract specifies that when these two parcels are developed, Interstate Rock will be required to install standard storm drain infrastructure at that time.”

Weston Walker explained that with the buildout of Sand Cove and the improvements on 600 North, a new detention pond has been created. There are two culverts that cross the road to the Interstate Rock property, which are frequently clogged with debris. This is because the outfall on Interstate’s side is higher, requiring a buildup of water before it can flow over and down to the river. They met with Interstate Rock to discuss options since the City is directing water to this area but also wanted to be in harmony with what Interstate plans in the future. They felt this was a good compromise for both parties.

Drew Ellerman motioned to approve the Storm Drain Agreement with Interstate Rock Products including the reimbursement of $21,785.70 once the project is complete. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

Kevin Thomas motioned to go in a Public Hearing. Seconded by Drew Ellerman. Motion carried unanimously.

8. Public Hearing to take comments on the following:
    a. Issuance of the Water Revenue Bond
    b. A request for disposal of property along 860 North for road realignment

No comments were received.

Kevin Thomas motioned to go out of a Public Hearing. Seconded by Clark Fawcett. Motion carried unanimously.

9. Consideration and possible of Resolution 2024-30 Approving an Interlocal Agreement between the cities of St. George, Hurricane, Washington, Santa Clara, Enterprise, and Washington County for building inspection services

Mayor Billings stated the way the City Attorney wrote this agreement is if another city wants to join this agreement they don't have to come to the Council for approval. This agreement sets the rate for reimbursement for the inspection. Dayton Hall explained the new legislation requires that cities maintain a list of third-party inspectors that will be available to do inspections if a city takes longer than three days to perform an inspection, with the cities being responsible for the cost of the third-party inspector. He added that St. George's attorney helped write the agreement. All cities have agreed on the rate. Larry Palmer stated they have met with all the other building officials, and everyone is comfortable with what is being proposed. He stated they usually complete inspections within a day.

Drew Ellerman motioned to approve Resolution 2024-30 approving an Interlocal Agreement for building inspection services. Larry Palmer mentioned Springdale wants to join as well but the way the agreement is written will allow them to join. Seconded by Clark Fawcett. Motion carried unanimously.

10. Discussion regarding the City's irrigation expansion project

Mayor Billings moved this item to later in the meeting when staff was able to be present. These minutes are in the order of the agenda instead of the order they were addressed by the Council.

Ken Richins reported on the bid opening for the pond portion of the irrigation expansion project. They received five bids, with the first bid being very low but later withdrawn due to missed items. The lowest remaining bid, approximately $7 million, came from Interstate Rock. While all the bidders are reputable companies, they are not ready to award the contract yet but might be ready by the second meeting in August. He is collaborating with Clark Fawcett to finalize figures. Mr. Fawcett suggested hosting an open house to gather citizen input on the proposals, expressing the need to gauge how many people would connect to the irrigation system if implemented and whether it would be mandatory. There are still many questions to be addressed before making a decision. The Council agreed with the idea of holding an open house.

11. Consideration and possible approval of Resolution 2024-31 Amending the Connection Cost Schedule for the Hurricane Power Department - Scott Hughes

Mayor Billings read the following summary provided in the packet written by Crystal Wright. "Connection Costs have been set by resolution in the past and any changes currently require presentation for approval to City Council. Costs have not been updated officially since 2019, even though the cost of labor and materials has increased during that time. We are updating these costs to reflect current labor, equipment, and material costs. The Power Department would also like to add language so that these costs may be presented for approval through the Power Board with notification of the changes to City Council. The Power Department would like to update the costs with approval anytime any significant pricing change happens. These costs deal specifically with labor, equipment, and materials which change sporadically. The Power Board unanimously voted to recommend approval to the City Council on July 3, 2024."

Dayton Hall explained that the Power Board serves as an advisory board to the City Council. They are recommending that the Power Department review changes with the Power Board instead of bringing them to the Council each time. Scott Hughes noted that costs, which are primarily material costs and are pass-through in nature, haven't been updated since 2019, resulting in significant losses. Regular updates might mean the Council sees this issue frequently. Kevin Thomas agreed on the need to update the costs but was hesitant about changing the approving party. Kaden DeMille pointed out that if there were issues, developers would approach Mr. Hughes directly instead of the Council, which reports to the community. He suggested further discussion if the Council wants to proceed in that direction. Mr. Hall mentioned that they could approve the motion with the removal of paragraph 2 if the Council prefers.

Kevin Thomas motioned to approve Resolution 2024-31 amending the Connection Cost Schedule subject to striking paragraph two from the resolution. Seconded by Drew Ellerman. Motion carried unanimously.

12. Presentation and discussion by Hurricane Valley Fire Special Service District about truth in taxation

Joe Decker stated that funding for the Fire District has been an ongoing topic for a few years, with various funding strategies attempted, including raising property taxes, which did not work. The Board acknowledges that they have been relying on the fund balance to make the budget work, a practice that is unsustainable. If the proposed changes with sales tax are approved, the property tax will decrease more than it currently is. Mayor Billings mentioned that IHC does not charge consumers for transport if they are moved from the Hurricane ER to St. George. IHC has a contracted rate with the Fire District but wants to re-evaluate that rate. Chief Decker commented that there is little room for adjustment as the current rate barely covers transportation costs. Mayor Billings noted they changed billing companies and inquired about the current collection rate. Chief Decker stated they are collecting 38% more than with the previous biller, with last year's EMS revenues at $1.4 million and projected to reach $2.4 million this year. He explained that the State regulates billable rates, and he is available to answer any questions the Council might have. He mentioned that the public hearing for the County regarding truth in taxation is tentatively scheduled for September 3rd, but he will confirm the date with the Council.

13. Consideration and possible approval of Resolution 2024-32 disposing of property for the realignment of 860 North in conjunction with the Hurricane Rehab Center development -Brandon Neil

Arthur LeBaron explained staff suggested this disposal when the application was received. He is unsure why it is wider in this section. They did get comments back at JUC that a utility easement needs to be retained. He noted it would reduce the City's pavement maintenance cost and it would be more usable property for the owner, making it a win-win situation. Kevin Thomas expressed opposition to giving away City property. Mr. LeBaron countered that the developer would incur significant costs to move utilities and the sidewalk. He believes it benefits the City due to reduced asphalt maintenance, lower costs, and improved drainage. Mr. Thomas argued that narrowing the road at a busy intersection could be problematic. Mayor Billings noted that the previous property owner had deeded the land to the City. Drew Ellerman suggested that there was likely a different cross-section when originally approved. Brandon Neil added that the proposed changes wouldn't impact their building and mentioned their plans to exchange curb and gutter work for the property. This area will become a detox center. Clark Fawcett stated 58 feet is still a substantial width for the street. Mr. Ellerman noted that the City is unlikely to widen the entire section, so he is indifferent. Mr. Thomas believes the extra width is beneficial but he is comfortable with either direction the Council wants to go. Mr. LeBaron concluded that this is a residential street, aside from this parcel.

Drew Ellerman motioned to approve Resolution 2024-32 disposing of property for the realignment of 860 North. Seconded by Clark Fawcett. Motion carried unanimously.

14. Discussion regarding requiring background checks on certain businesses - Cindy Beteag

Mayor Billings read the following summary provided in the packet written by Cindy Beteag. "At the last Council meeting, staff proposed changing background check requirements for certain businesses to an annual basis, rather than just at the initial application. Additionally, they suggested including tattoo artists and residential hosting owners among the businesses requiring background checks. Currently, background checks are mandated for businesses involving massage therapy, any business related to firearms, any business dealing with minor children, or entry to a private residence. Annual checks are already required for solicitors and liquor licenses. The Council directed staff to determine the cost of running these background checks and how many businesses would be affected. It was found that approximately 125 businesses would require an annual check. If the Council wanted to include residential hosting, it would add another 170. There is no additional fee for the City to run these checks."

Kevin Thomas stated he is in favor of most of the proposal but not residential hosting, citing their separate entrances and living spaces, which he believes make them self-regulating. Mayor Billings noted that licenses can be revoked if issues arise. Dayton Hall asked whether the Council wanted to require annual background checks or just when the business first applies. The Council agreed to move forward with the proposals, except for residential hosting, but Mayor Billings requested further research on how other cities handle this issue.

15. Consideration and possible approval of a Water Savings Agreement with The Nature Conservancy and the Washington County Water Conservancy District. -Dayton Hall

Dayton Hall stated he heard back from the other party today and they would like some amendments. He explained as part of the irrigation expansion project the environmental documents that were used to support it showed there will be water savings. A portion of that savings could be used towards the health of the Virgin River and protecting the endangered species in it. As a condition of our financing, NRS wants this issue resolved. He thinks they are close, but he asked for it to be continued so he can work out the last few details.

Kevin Thomas motioned to continue the Water Savings Agreement until staff are ready. Seconded by Clark Fawcett. Motion carried unanimously.

Mayor Billings went back to new business item 10 next. These minutes are in the order of the agenda instead of the order they were addressed by the Council.

16. Consideration and possible approval of relocating the bleachers from the old rodeo grounds to the new equestrian park

Mayor Billings read the following summary provided in the packet written by David Hirschi. "David Hirschi spoke with Scott Hughes about moving the bleachers at the old rodeo grounds to the new equestrian arena. He said that the parks crew could disassemble them in about 3.5 hours then the power crew could move them in 1-2 hours and then the parks crew could reassemble them in 3.5 hours with an estimated cost of $1500-$2000. It can hold between 160-200 people. At $5 per person that equals $1000 per event. The Rodeo is 2-3 nights at Peach Days. It pays for itself. My vote would be to move it to the new arena."

Mayor Billings noted that the City does not receive revenue from the Peach Days rodeo. Kaden DeMille raised concerns about whether the bleachers are the right size and type for this use, suggesting they might be better suited for the pump track. He also questioned if better bleachers are needed at the rodeo grounds. Clark Fawcett mentioned that despite the City providing additional seating, there is still demand for more. He suggested that if this is not an immediate need, further investigation is warranted. Mayor Billings recommended postponing the decision until staff is available and more information is gathered. The Council wants to know the proposed placement of the bleachers and if they would fit, potential relocation to somewhere else, and options for expanding the current bleachers at the equestrian park with the associated costs. Mr. Fawcett emphasized that if this project proceeds, the revenue from the rodeo should go to the City.

Kevin Thomas motioned to continue the approval of relocating the bleachers until staff has more information. Seconded by Clark Fawcett. Motion carried unanimously.

17. Consideration and possible approval of a memorandum of understanding (MOU) with Liberty Village. -Mayor Billings

Mayor Billings explained that Liberty Village wants to partner with the City to leverage the "America's City" designation in their promotional materials. Dayton Hall added language to the memorandum regarding indemnification. The primary request is for permission to use the City logo in their promotional materials. However, there are liability concerns, as any incidents or legal issues at their events could potentially implicate the City. Mayor Billings noted that while the Council supports the initiatives of Liberty Village, there are risks associated with this partnership. The added language provides a defense in potential lawsuits but does not prevent them. Clark Fawcett expressed support for Liberty Village's mission but questioned if this partnership is the right approach. Mr. Hall proposed requiring City approval for every advertisement before it is published, preferring an informal arrangement over a formal contract. Mayor Billings clarified that the partnership is about securing funding for a project rather than just supporting an event. Mr. Fawcett suggested issuing a statement from the Mayor to express support for Liberty Village's efforts and recommended further discussions to explore other ways to collaborate without exposing the City to liability.

Kevin Thomas motioned to table the memorandum of understanding to allow staff to discuss other options with Liberty Village. Seconded by Clark Fawcett. Motion carried unanimously.

18. Resolution 2024-33: A General Plan Amendment to update the Moderate Income Housing Plan

Fred Resch III explained this is more of an administrative cleanup item. It just extends the timeline but does not change any plans or policies.

Kevin Thomas motioned to approve Resolution 2024-33 updating the Moderate Income Housing Plan. Seconded by Drew Ellerman. Motion carried unanimously.

19. Consideration and possible recommendation to our Power Board Superintendent Scott Hughes, a properly licensed journeyman lineman may install high voltage underground or overhead power lines within Hurricane City.

Mayor Billings explained Chester Ence reached out to her regarding this issue. She noted Washington City is currently allowing this practice. A journeyman lineman is the only one authorized to install overhead and underground lines. However, a DOPL representative informed Scott Hughes that allowing this practice would conflict with State law. DOPL's rules specify that a master electrician should perform these installations, but electricians are not licensed for this task. Mayor Billings expressed confusion over this requirement, as it seems contradictory. She believes that journeyman linemen should be the ones listed for this work because they are specifically trained for it. Other cities are implementing similar practices without issue. Mr. Hughes had intended for the Power Board to make a recommendation on this matter, but the discussion was delayed due to the absence of some board members. Personally, he agrees with the Mayor's perspective. He mentioned that while DOPL's code does not specifically address journeyman linemen, they are trained for these installations, unlike electricians. Mr. Hughes indicated that if the Council supports the practice, he is willing to proceed despite DOPL’s stance. He noted that DOPL has stated they would fine those who allow such installations if they find someone in violation. However, Mayor Billings clarified that this is merely the opinion of a DOPL representative, not an official position.

Kevin Thomas motioned to approve that Scott Hughes can authorize a properly licensed journeyman lineman to install high voltage underground or overhead power lines. Clark Fawcett raised concerns about the potential consequences if the State decided to prosecute journeyman linemen for performing these installations. He expressed apprehension about the possibility of linemen losing their licenses and how that might impact the City. Chester Ence, a journeyman lineman who does works for both Washington and Dixie Power, explained the standard procedures for installing lines and mentioned his plans to address this issue at the State level. Scott Hughes noted that many municipalities, including Hurricane City in the past, have allowed this practice. He brought the issue to the Council's attention due to concerns raised by a DOPL representative. While the regulations do not explicitly prohibit journeyman linemen from performing these tasks, they also do not clearly permit it. Dayton Hall suggested that while it is unlikely the State would fine the City directly, a contractor could face fines. In such a case, the contractor might potentially sue the City. To mitigate this risk, Mr. Hall proposed having contractors sign an indemnification agreement, which would protect the City from liability if the contractor were cited or fined. Mr. Thomas amended his motion to include the contractor signing an indemnification agreement. Seconded by Clark Fawcett. Motion carried unanimously.

20. Mayor, Council, and Staff reports

Kaden DeMille informed the Council that the Utah League of Cities and Towns conference is scheduled for the first week of September and asked those interested in attending to let him know. Mayor Billings noted that if enough members decide to attend, the City Council meeting may need to be canceled. Mr. DeMille also reported that the swimming pool's boiler is failing. Replacing it could cost between $64,000 and $140,000. They considered purchasing a new boiler for the current building and moving it to the new facility later, but the absence of plans for the new building complicates this decision. He sought the Council's guidance on whether to temporarily fix the current boiler or buy a new one and hope it fits the future facility's specifications. Drew Ellerman suggested contacting the manufacturer for recommendations on a boiler that could be used now and relocated later. Kevin Thomas agreed with this approach.

Clark Fawcett pointed out they might need to take action quickly after the wage study is completed. He doesn’t want to wait if we are significantly behind. Sel Lovell stated they are expecting results in a couple weeks. Mayor Billings stated she talked to some of the surrounding cities about police wages and we are not far off. Mr. Fawcett commented that it is hard to compare apples to apples because everyone says something different. He is really interested in seeing the results. He stated not all the officers that left were because of wages.

Mayor Billings stated help with the concrete for the Veterans Park is still needed. If anyone knows anyone, please direct them to her. She stated there are so many good people have come together to help with this.

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

Kevin Thomas motioned to go into a closed session to discuss reasonably imminent litigation and the purchase of real property. Seconded by Clark Fawcett. Motion carried unanimously.

Kevin Thomas motioned to go out of the closed meeting and adjourn the meeting. Seconded by Drew Ellerman. Motion carried unanimously.

Adjournment: 8:55 p.m.