

Minutes of the Hurricane City Council special meeting held on August 22, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, City Planner Gary Cupp, Water Superintendent Ken Richins, Water Department Representative Kory Wright, City Engineer Arthur LeBaron, Public Works Director Mike Vercimak, and City Recorder Cindy Beteag.

AGENDA

3:00 p.m. - Call to Order –

Prayer and Pledge led by Clark Fawcett

Minutes of the Special City Council Meeting for August 15, 2024

Clark Fawcett motioned to continue the August 15, 2024, special City Council minutes. Seconded by Kevin Thomas. Dayton Hall explained these minutes need to be sent to the State as a condition of receiving the water infrastructure financing. He recommended having the Council review them during the meeting and vote on them so the City can timely fulfil that requirement. The minutes were displayed, and Mr. Hall read them out loud.

Kevin Thomas motioned to approve the August 15, 2024, special City Council minutes with the correction of adding “south” to west on page 1 line 27. Seconded by David Hirschi. Motion carried unanimously.

OLD BUSINESS

1. Consideration and possible approval of a water savings agreement for the irrigation expansion project.

Mayor Billings stated the agreement hasn’t been signed by all the parties yet and it is needed before anything can be approved. Interstate Rock has agreed to extend their bid. Chase Stratton with Interstate Rock confirmed that they would extend the bid but mentioned that is barring any price changes on materials in the meantime. Mayor Billings stated the issue is NRCS can’t commit funding without the agreement. Dayton Hall provided a recap to the Council, reminding them of the steps leading to the current situation. On August 1, the Council approved a contract offering 193 acre-feet of water to a project in a show of good faith, but the other parties involved did not accept it. On August 15, a meeting was held with various stakeholders, including the City, the Hurricane Canal Company, the Washington County Water Conservancy District, the U.S. Fish and Wildlife, and The Nature Conservancy, where a verbal agreement on the contract terms seemed to be reached. Mr. Hall promptly drafted and sent

out the contract but has yet to receive a response or a revised version from the other parties, who have expressed concerns but haven't provided an alternate proposal.

Mayor Billings explained that the U.S. Fish and Wildlife and The Nature Conservancy have several concerns with the current proposal. They are essentially asking for all the saved water, rather than just a portion of the savings. Ken Richins mentioned he called Elaine York with The Nature Conservancy, and she was positive about what we have offered. She stated the next step is to meet again with the group that met last week. Clark Fawcett emphasized the importance of understanding the deadlines related to other funding and contractor commitments. He pointed out that if the process is delayed too long, the project might not move forward, resulting in the entire effort falling through, and ultimately, The Nature Conservancy and the U.S. Fish and Wildlife would receive no additional water. Council discussed if removing US Fish and Wildlife from the agreement was an option. Lance Smith with NRCS stated he can't issue any money without an agreement. He stated the parties that have a real interest in the water which would be the City, Canal Company, and Water Conservancy District should sign the agreement. The Nature Conservancy have expressed they want to be on the agreement so they should be on there too. Mr. Hall reminded the Council that the Water District didn't accept the City's proposal that the City commit 193 acre feet of water to the project to satisfy the water savings component of the project. He has written agreements excluding the other parties and District wanted them to be parties to the contract. Lance Smith clarified that The Nature Conservancy is listed as a sponsor on the prior versions of the watershed agreement. Mayor Billings stated the proper action is to have Council extend the deadline.

Joseph Prete joined the meeting in person at 3:17 p.m.

Mr. Hall again confirmed with Chase Stratton that Interstate Rock Products will extend the bid to September 19, 2024, recognizing that there might need to be some adjustments to hard material costs, which Mr. Stratton again confirmed.

Kevin Thomas motioned to continue the approval of a water savings agreement to the September 19th meeting because the other parties have not accepted the City's proposed agreement and have not provided an alternative proposal. Seconded by David Hirschi. Motion carried unanimously.

2. Consideration and possible approval of a bid to construct phase 1 of the City's irrigation expansion project - Ken Richins

Mayor Billings asked Chase Stratton as a representative of Interstate Rock if they will extend their bid until September 19th instead of two weeks with the condition there might be adjustments on material costs. He stated yes.

Kevin Thomas motioned to continue the approval of a bid to construct phase 1 of the City's irrigation expansion project to Sept. 19th for the following reasons. 1. The NRCS has not issued a

letter to the City confirming the commitment of funds to the project, so the availability of funding for the project is in questions. 2. Interstate Rock Products, the low bidder for this phase of the project, has agreed to extend the expiration date of its bid to allow additional time to try to finalize the water savings contract and obtain a commitment of funding from NRCS, but recognizing that the cost of materials from suppliers may fluctuate during the extension period and may need to be adjusted before the bid is awarded. Seconded by Clark Fawcett. Motion carried unanimously.

3. Consideration and possible approval of a bid to construct the irrigation pond, filters, and booster station for the irrigation expansion project - Ken Richins

Kevin Thomas motioned to continue the approval of a bid to construct the irrigation pond, filters, and booster station for the irrigation expansion project to September 19th for the following reasons. 1. The NRCS has not issued a letter to the City confirming the commitment of funds to the project, so the availability of funding for the project is in questions. 2. Interstate Rock Products, the low bidder for this phase of the project, has agreed to extend the expiration date of its bid to allow additional time to try to finalize the water savings contract and obtain a commitment of funding from NRCS, but recognizing that the cost of materials from suppliers may fluctuate during the extension period and may need to be adjusted before the bid is awarded. Seconded by Joseph Prete. Motion carried unanimously.

Mayor Billings encouraged everyone to check out the activities planned for Peach Days and mentioned that the Youth City Council will assist with the Mayor Awards. She also asked the Council members to help on Friday night and invited them to participate in the parade. She attended a RAP tax meeting and explained that while the county cannot promote it, the City can. The tax adds one penny for every \$10 spent, and the board recommended that cities advertise how the funds have been used. She shared examples of RAP tax-funded projects and mentioned the board's suggestion to announce this before each production. Clark Fawcett proposed placing signs around projects that received partial funding from the tax, emphasizing its value and the need to continue it. Kaden DeMille offered to share a list of all funded projects, and Joseph Prete expressed interest in seeing the breakdown of spending per project. Mr. DeMille noted that RAP tax funds could be allocated for Council priorities, such as covering the pool. Mr. Fawcett added that promoting the tax during Peach Days would be a great opportunity to raise awareness.

Adjournment: David Hirschi motioned to adjourn at 3:45 p.m. Seconded by Kevin Thomas. Motion carried unanimously.