

Minutes of the Hurricane City Council meeting held on October 3, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 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, 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, Water Superintendent Ken Richins, Ash Creek Sewer District Superintendent Mike Chandler, HR Director Sel Lovell, and City Recorder Cindy Beteag.

AGENDA

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

Fred Resch III reported that short-term rental enforcement letters were sent out last week, noting that the process is working effectively as the number of letters he sends each month is steadily decreasing. The Planning Commission approved a few preliminary and final plats. Councilman Prete requested more detailed information on these approved plats moving forward, specifically the number of lots and their locations.

Gary Cupp noted that there will be no Planning Commission meeting next week due to an upcoming conference. He mentioned they are currently working on updates to the Land Use regulations, particularly regarding aircraft takeoff and landing. Although it's currently not allowed in commercial zones, an exception is needed as IHC has a helipad, and another medical provider has expressed interest in building within the City. These updates aim to address this and include exceptions for hospitals. Additionally, they're working on updates to address potential rockfall hazards.

Arthur LeBaron shared that the contract for the 100 North project is on the agenda tonight for approval. Staff is recommending not awarding to the lowest bidder, as the bids were evaluated based on qualifications. The bids came in \$1 million below the engineer's estimate, with a total of about \$3.4 million. Four closely competing bids were received. Councilman Ellerman noted the preference for selecting local contractors when possible. Mr. LeBaron emphasized that the main factor in choosing Interstate Rock was their strong public involvement experience, mentioning that they have successfully completed many road projects in Hurricane without receiving any complaints. Their bid will be accepted as presented. The four-court gym building is currently out for bid, with the opening set for October 22 at 2 p.m., and the hope is to award the contract at the first meeting in November. The 5300 West project is nearing completion and will open on October 21 with all improvements in place. Meanwhile, the Frog Hollow project is well underway, with the dam fully removed down to the basalt and work continuing on the outfall conduit.

Weston Walker provided updates on ongoing projects. A sewer project on 1100 West has been using temporary traffic control lights, which had timing issues that have since been resolved by the contractor. He also announced that Dumpster Days will be held from October 21-23 at four locations: the swimming pool, Dixie Springs Park, 700 W/400 S, and Station 2 on 3400 West. In other updates, a tree was removed at Sky Mountain Golf Course between holes 12 and 13 due to it lifting the concrete, and the sidewalk has been replaced. A storm drainpipe on 100 E 300 South was also replaced, and crews are continuing detention basin cleanups. Councilman Thomas requested reflector poles for 2800 West and 700 West on 600 North. Mr. LeBaron suggested installing a double-sided guide sign instead. Councilman Hirschi complimented the new street striping on Main Street.

Mike Vercimak shared that development activity remains steady, with one to two approvals happening each week. There continues to be a high volume of inquiries and development meetings. Additionally, his team is working on the five-year street plan, which they hope to present to the Council within the next month.

Sel Lovell announced an upcoming flu clinic for staff and their families on October 15th. He also mentioned that cyber security emails were scheduled to be sent out today but are delayed due to technical issues. Additionally, there are still a few job openings in the recreation, power, and police departments.

Tiffani Wright provided updates on the two-court gym, which is now complete aside from a few remaining electrical tasks, but it's still usable. Staff positions for the gym are currently open, and group practices are set to begin next week. Fall sports are wrapping up, and winter sports will be starting soon. The pool is closed for the season, but the high school swim team and a private club are still using it, with a new boiler set to arrive soon. Upcoming events include the gym's grand opening on October 21st, the Neon Night Run on October 11th at 8 p.m., the Fall Festival on October 12th from 4-8 p.m., the Christmas Tree Lighting on December 2nd, and the Tree Festival from December 12th – 14th.

Scott Hughes shared that Power Days took place this week, with a great turnout. They also had to run generators due to the continued high temperatures. Interviews for lineman positions are ongoing.

Mike Chandler noted they've received complaints about odors, which is unusual for this time of year, but are likely due to the unusually high temperatures. They have completed the property acquisition along Harrisburg needed for a new pump station, which will service both Harrisburg and Leeds. Work is still ongoing at the Confluence Park Treatment Plant, and he extended an invitation to the Council to tour the facility. With continued growth, their team remains very busy.

Larry Palmer reported that since the last meeting, fourteen permits have been submitted, including a 24-unit condo project, 10 single-family homes, and 12 townhomes. He also announced that Ace will hold their grand opening on November 7th at 9 a.m.

Chief Excell distributed the survey results from the speed feedback signs. The City currently has eight permanent signs and two mobile ones, he encouraged feedback if any changes are

desired. He also sent out September's statistics report, noting that while incidents were down, both accidents and arrests had increased. Trail Hero is taking place this weekend, with officers stationed outside the park unless additional assistance is required. Light plants have been moved to help with traffic control. The UTV Takeover event is coming up in a few weeks, and officers are scheduled to assist. He highlighted their participation in a recent preparedness expo, calling it a valuable experience. He also mentioned that new officers have been brought in, and he hopes to introduce them soon. Additionally, a shelter attendant was hired this week. Lastly, in response to a citizen inquiry about red light tickets from speed feedback signs, he clarified that it's not legal in Utah to issue tickets by mail—those are just warnings.

Ken Richins is in the process of issuing the notice to proceed on the irrigation project. He explained that the plan is to issue the notice and immediately follow up with a change order on the piping project to ensure it falls within the scope. After meeting with Interstate Rock, he expressed confidence that the project will be successful, and that the collaboration is feasible.

Deputy Chief Kohl Furley reported a total of 4,589 calls for service so far this year, with Station 42 on 3400 West handling 1,439 of those calls. He noted that many events are taking place in this area. The department is providing coverage for the Red Bull Rampage and expects to assist with UTV Takeover, which is anticipated to bring in 30,000 people. They will also be involved with Trail Hero and the Huntsman Senior Games. Mayor Billings inquired about allowing the Youth City Council to use the van for leadership training on October 18th-19th.

6:00 p.m. - Call to Order –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer: Kevin Thomas

Thought and Pledge: Mayor Billings

Declaration of any conflicts of interest

None Declared.

Minutes of the Regular City Council Meeting for September 19, 2024, and special meeting September 9, 2024

Clark Fawcett motioned to approve the 9/9/2024 and 9/9/2024 minutes as written. Seconded by Drew Ellerman. Motion carried unanimously.

Public Forum – Comments From Public

No comments.

NEW BUSINESS

Mayor Billings took new business 3 next. These minutes are in order of the agenda instead of the order they were addressed by the Council.

1. Appeal Hearing regarding the denial of an application to renew a vacation rental license at 2790 S 3680 West - Cindy Beteag

Mayor Billings read the following summary provided in packet written by Cindy Beteag. “This homeowner has held a vacation rental license since 2015 when licenses were first issued for short-term rentals in residential zones, and has consistently renewed on time, with the exception of 2020 due to COVID restrictions. According to Hurricane City ordinance, renewal notices are sent to all eligible businesses 45 days prior to the expiration date, allowing time to complete the renewal process before the license expires. If the renewal is not completed by the expiration date, business owners are granted an additional 45 days to pay the renewal fee and complete any required inspections. Failure to do so within this period results in the City Recorder denying the renewal. However, the homeowner retains the right to appeal this decision to the City Council by filing a written appeal within 15 days of the denial. In your packet, you will find a detailed timeline outlining when the renewal notice was first sent and each subsequent follow-up by staff. The vacation rental license in question has an annual expiration date of June 30th. While payment was promptly received, the required fire inspection was not completed by the August 15th deadline. Staff did not hear from the business owner until after the 45-day grace period had passed. Nine days after the expiration, staff received a voicemail explaining the family tragedies that had delayed the process, and an additional extension was granted until August 27, 2024, to schedule the fire inspection. The fire inspection was finally completed on September 4, 2024, but failed due to unresolved items from previous inspections. The following week, staff followed up with the fire district and learned that the homeowner had not yet rescheduled the re-inspection. A refund check was sent along with a letter notifying the owner that their renewal had been denied. The check was returned as undeliverable the following week. Upon checking again, staff found that no additional fire inspections had been scheduled. Now a full month past the grace period, it appeared the homeowner was not actively addressing the issue, so the same check and letter were sent again. The homeowner received the second letter and called the office on September 22, 2024. They subsequently filed a written appeal on September 23rd. Here are a few important points to consider regarding this case. In 2022, the fire inspection passed but with noted comments. These comments highlighted corrections that needed to be made. Three out of the four items that failed in this year’s inspection were the same issues flagged in 2022, indicating they should have already been addressed. The inspection report is normally sent promptly to homeowners. However, in this case, the homeowner failed to follow up on their inspection for two weeks after the initial inspection when they did not receive the report. It's also important to note that this vacation rental license is located in a single-family zoned area where new licenses are no longer being issued. If the denial of this renewal is upheld, the homeowner will not have the opportunity to obtain another license for this location, meaning the property would permanently lose its ability to operate as a vacation rental. However, according to the homeowner, the family has faced significant personal challenges contributing to the delay in completing this year's inspection. They experienced two impactful family deaths and mentioned that the fire district had an incorrect email address on file, so they did not

receive the notice that the inspection had failed. These factors may have played a role in the late response and could be taken into consideration.”

Syndi Blackmore shared that she has operated her vacation rental for ten years and was unaware of any incomplete fire inspections. She explained that her family has faced several personal tragedies recently. Her sister lost her husband six months ago, and she was heavily involved in supporting her through the grieving process. After receiving her renewal notice and promptly paying it, she planned to schedule the required fire inspection. However, her sister then lost her son, and she had to assist with moving her. Shortly after, they experienced the loss of a close friend. During this difficult time, her focus was elsewhere, and while the inspection was on her mind, it wasn’t her priority. Once she felt her sister was in a better place, she reached out to the office to ask for a grace period and scheduled the inspection that same day. The inspection failed on issues she had previously passed, such as the requirement for combination alarms, which she was unaware of since her property does not use gas. She coordinated with the inspector for two weeks to make the corrections but said this was not communicated to the Fire District’s office. Additionally, an email error prevented her from receiving the initial report. Upon receiving a letter from the City, she immediately called and learned that the Fire District had reported they hadn’t heard from her, although she had been working on the necessary updates. This vacation rental is her livelihood, and all items are now up to code. Councilman Thomas confirmed that there have been no complaints or violations on record, and Councilman Ellerman inquired about the CO2 requirement. Ms. Blackmore’s sister, Vicky Warner, clarified that the CO2 alarms had to be updated due to the ten-year expiration rule.

Kevin Thomas motioned to approve the renewal of the vacation rental license. Seconded by David Hirschi. Motion carried unanimously.

2. Consideration and possible approval of a Domestic Violence Awareness Proclamation - DOVE Center

Councilman Kurt Ivie from Washington City, who serves on the DOVE Center Board, spoke about his role in capacity building and working with policy for the organization. He highlighted the growing need for more space to accommodate those seeking help and emphasized the importance of raising awareness about domestic violence. Councilman Ivie shared some sobering statistics, noting that 1 in 3 women and 1 in 4 men experience domestic violence. He expressed the DOVE Center’s desire to establish a safe house in Hurricane and encouraged community members to reach out if they know someone in need of assistance. Mayor Billings then read the proposed proclamation in support of the cause.

Clark Fawcett motioned to approve the Domestic Violence Awareness Proclamation. Seconded by Kevin Thomas. Motion carried unanimously.

3. Consideration and possible award of a construction contract for 100 N; 200 W to SR-9 & 100 E; SR-9 to 100 N reconstruction project, also known as the 100 North project.

Mayor Billings announced that the bid opening was held on the 17th, and the tabulation results are included in the packet. Arthur LeBaron provided an update, stating that they received four bids from reputable contractors, with only a 7.4% difference between the lowest and highest bids. The bids totaled approximately \$3.4 million. The selection process was qualifications-based, and a committee thoroughly reviewed all submissions. Despite being about \$14,000 higher than the lowest bid, Interstate Rock scored the highest in the evaluation, and the committee is recommending awarding the contract to them.

David Hirschi motioned to award the bid to Interstate Rock in the amount of \$3,401,206.26 based on the contractor receiving the highest score in the bid review process, including the fact that they are a local contractor. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

4. Consideration and possible approval of Resolution 2024-34 supporting Utah v United States Legal Action United States Supreme Court Docket No. 22O160

Mayor Billings read the following summary provided in packet written by Dayton Hall.

“Hurricane City is being asked to pass a resolution in support of Utah's request to the U.S. Supreme Court for the Court to hear a dispute between Utah and the federal government regarding the control of federal land in Utah. The U.S. Supreme Court has the authority to directly hear and resolve a dispute between Utah and the federal government; or, the Court could decline to hear the case and require Utah to file in a federal district court and work the case through the federal district court, the 10th Circuit Court of Appeals, and then request to be heard by the U.S. Supreme Court. Utah is asking to bypass the years-long appeal process by having the U.S. Supreme Court accept the case immediately.

Utah's position is that the federal government has violated the U.S. Constitution by retaining 18.5 million acres of 'unappropriated' land within Utah. The federal government's authority under the Constitution is limited to "enumerated powers," and there is no enumerated power specifically authorizing the federal government to indefinitely hold 18.5 million acres of land in Utah where the land is not being utilized pursuant to a power granted to the federal government in the Constitution. Utah's claims do not address national parks, national monuments, or Forest Service land because (I assume) there is an argument that those lands have been appropriated. So, the land in dispute is primarily BLM land. Within Washington County, the land at issue is primarily BLM land south of Hurricane City and Northwest of Ivins. If the U.S. Supreme Court agrees to hear the case, Utah will argue that the federal government's policy of holding this land indefinitely is unconstitutional and that the federal government should be required to begin the process of "disposing of its unappropriated lands within Utah, consistent with existing rights and state law." The Utah Legislature has passed a law in preparation for accepting the management obligations of the federal land based onto the assumption that the disposal of the land would be a transfer of stewardship to the

State. However, the details of that disposal are not part of Utah's briefing. Instead, Utah is only asking for a decision by the Court that the federal government is in violation of the Constitution and that the disposal process should be started. To meet the Court's filing deadlines, the City would need to adopt a resolution supporting Utah's filing by October 10, 2024.”

Councilman Thomas expressed his full support for the proposal. Councilman Fawcett added that while he isn't against it, he believes the land should go to the State, emphasizing that one of Hurricane's strengths is the ability to travel just five miles and be out of town. He is concerned about the land potentially going to developers and wants to ensure it remains designated for recreational use if acquired. Councilman Prete cautioned that even if they succeed, there is no guarantee the land will ultimately go to the State.

Kevin Thomas motioned to approve Resolution 2024-34 supporting Utah v United States Legal Action United States Supreme Court Docket No. 22O160. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete voted against the proposal, expressing that he is uncomfortable supporting something when the outcome is uncertain.

5. Consideration and possible approval of a proposed letter regarding the proposed EMS tax increase

Mayor Billings read summary provided in the packet written by Cindy Beteag. “The Hurricane Valley Fire District is proposing a property tax increase and will be holding an Open House on October 7th at 6 p.m. Staff has been directed to place this item on the agenda, but there is uncertainty about the recommendation the Council wishes to send to the Fire District Board and the County Commissioners. Two draft letters have been prepared for the Council's review and are available as a confidential attachment in the meeting packet. Mayor Billings would like to have the following questions answered before the Council makes a recommendation.

- 1- What is the increased revenue from property tax over last year because of the new growth?
- 2- What is the increase impact fee this year over last year?
- 3- What is the increase in fees since last August when the fee increase was implemented to this August?”

Councilman Fawcett stated the increase revenue from new growth is \$284,072. Mayor Billings explained when there are more people than the mill levy goes down. She asked what the increased impact fee is compared to last year. Councilman Fawcett pointed out impact fees can only be used for certain projects, so he didn't show that on his spreadsheet. Mayor Billings mentioned fees were increased last August for business inspections and stand by fees. Councilman Fawcett shared that he spoke with Chief Decker, who mentioned there were no plans for budget increases, despite still having 11 positions to fill. However, after reviewing the budget, he noticed a significant increase and questioned if it included new positions, which didn't align with what he was told. He pointed out that the operational numbers hadn't

changed much and explained that in 2023, they faced a \$1.5 million shortfall and made substantial cuts. Typically, they project the rest of the year's expenses, but they currently lack that number. He believes they're making progress, with a new billing company boosting revenues and the recent elimination of an unfilled position also reducing costs. In his view, they could potentially cut the budget increase by half. He admitted he's not used to operating on a calendar-year budget and expressed concern that the board hasn't had enough time to review the budget thoroughly. While the increase could be justified, he hasn't been able to confirm it. He also mentioned that the County had reportedly advised them to hire staff without having the funds, which led to using reserve money.

Mayor Billings highlighted that no fund balance appropriations were made in 2022 and 2023. In response, Councilman Fawcett said this can be misleading, as you need to compare revenues to expenses to get the full picture. Mayor Billings then inquired about any plans to hire more staff. Deputy Chief Kohl Furley explained that Chief Decker confirmed there are no new hires planned. Instead, they are proposing salary increases for paramedics, who are currently earning less than some fast-food workers. The focus is on raising pay to retain current employees rather than adding new positions.

Dayton Hall read both letters from the packet. Clark Fawcett suggested removing the sentence about the board not voting on it. Councilman Thomas expressed he was leaning towards the second letter. He emphasized that while he values the Fire District and agrees there is justification for increasing wages, he's concerned about the process it has followed. Councilman Prete shared his appreciation for the Fire District as well, acknowledging the need to remain competitive and maintain morale. However, he noted this was the third attempt to increase revenue for the Fire District and raised questions about who handles their financial oversight, suggesting a work meeting to go over the details. Mayor Billings reminded everyone that there had been discussions about City Managers and accountants collaborating with the Fire District, but the idea wasn't well received. She also mentioned concerns about a proposed tourism sales tax, pointing out that citizens might prefer to shop in St. George if Hurricane has a higher tax rate. Councilman Thomas added that he hopes the legislature doesn't revisit the sales tax, stating that the property tax already accounts for the area's tourism.

Deputy Chief Furley noted that they are open to discussions and can provide any necessary information. He emphasized that once the sales tax passes, they plan to consider reducing the property tax. Councilman Fawcett responded that this is still uncertain and believes the board needs more information before making any recommendations. While he recognizes the need for action, he is uncomfortable approving the current proposal without further clarification.

Deputy Chief Furley suggested holding a work meeting with Chief Decker to go over the numbers. Councilman Ellerman voiced his concern, stating that a 52% increase is significant, and he's losing employees too. He remarked that cities dislike raising property taxes at all, and this increase feels excessive. Mayor Billings echoed the concern, highlighting that for residents on fixed incomes, this could pose a serious challenge.

Councilman Prete acknowledged that there has been clear mismanagement of spending and agreed that something needs to be done, as continuing to spend reserves is not sustainable. He stressed that while he doesn't want the Fire District to become less effective, the focus should be on finding solutions, not just avoiding a tax increase. He questioned how the Sewer District is

managing to operate successfully under similar circumstances. Councilman Hirschi expressed gratitude for the fire and EMS services, acknowledging the need for a tax increase but emphasized the importance of transparency. He suggested bringing in a financial consultant to help clarify the situation and highlighted that the challenges reflect broader trends in leadership and government spending. Councilman Fawcett agreed that an increase is necessary but stated that the proposed 52% hike is too high, urging for a compromise. Councilman Prete recognized that the Fire District has made progress, and Deputy Chief Furley added that the last tax increase was implemented in 2015.

Councilman Prete expressed support for the first letter but recommended avoiding specifying a precise increase amount, as more information is necessary to determine the appropriate level. He acknowledged that some level of increase is reasonable. Councilman Fawcett reminded everyone that a public hearing is scheduled for Monday, followed by a Board meeting on Tuesday where a vote would likely be held to present a recommendation to the County. He noted that the County will ultimately decide on the increase amount. Councilman Hirschi pointed out that Hurricane City's recommendation should carry significant weight since it represents the largest body within the District. Councilman Fawcett suggested the Council should express agreement on the need for an increase but avoid supporting the full 52%, leaving the final decision to the County. He also asked if the Fire District could make temporary cuts in the budget to get by until a sales tax is approved, should the increase be smaller than proposed. Mayor Billings added a positive perspective on the sales tax, highlighting that it only applies to prepared food, which means struggling households may not be impacted if they aren't eating out. However, she also recognized that if the tax isn't implemented across the entire County, people might prefer shopping in St. George instead of Hurricane.

Councilman Prete proposed sending a letter acknowledging the need for a tax increase but stating that 52% is too high, while requesting more detailed information from the County. He believes a more modest increase is appropriate. Councilman Fawcett agreed, emphasizing the importance of a clear plan moving forward, whether through finding a way to fund the shortfall or cutting back on spending.

Councilman Ellerman expressed a preference for a sales tax increase, as it would spread the burden across everyone, not just property owners. Mr. DeMille noted the difficulty in pinpointing an exact number and emphasized that more financial details would help gather broader support. Councilman Prete reiterated his support for the first letter but without committing to a specific percentage, advocating instead for a smaller, more reasonable increase. Councilman Fawcett added that while the City understands the Fire District's challenges, they need more time to examine the financials thoroughly. Councilman Ellerman stated he could support a 10% increase, but only if there's a clear push for a sales tax.

Councilman Hirschi expressed that more discussion is needed before determining any number. Councilman Thomas leaned toward the second letter, but with changes to the last paragraph to recommend some form of increase. He agreed that firefighters need higher pay and suggested a 20% increase without adding a sales tax. Dayton Hall suggested revising the second letter by removing the last sentence and adding, "Given the limited financial information that's been provided, the City Council may consider supporting a tax increase less than 52% but closer to 20%, pending more thorough financial analysis." Councilman Prete noted that Hurricane is

growing rapidly to the south, where services are scarce, and if the increase is too conservative, it won't support future growth. Mayor Billings pointed out that impact fees could be used to build new stations, helping address infrastructure needs.

Kevin Thomas motioned to approve letter 2 subject to removing the last sentence in the last paragraph and adding Dayton Hall's comments to the same paragraph. Approval also includes adding items 1-7 from letter 1 and Dayton Hall cleaning up the formatting on the letter. Seconded by Joseph Prete. Motion carried unanimously.

6. Consideration and possible approval of Resolution 2024-36 approving the Second Amendment and Renewal of the Interlocal Cooperation Agreement Regarding the Distribution of RAP Tax Revenue in Washington County, Utah

Mayor Billings explained that Washington County collects the RAP tax, which is 1 penny for every \$10 spent. Of that penny, 85% goes to the municipalities and 15% stays with the County to cover administrative costs. A committee oversees the allocation of these funds, which are strictly designated for community projects related to Arts and Parks. The agreement in discussion extends this funding program for another 10 years. Councilman Fawcett emphasized the need to promote this tax so citizens understand how it benefits the community.

Councilman Hirschi clarified that if this agreement isn't approved, the tax would decrease. Councilman Thomas recalled that Tuacahn initially advocated for this tax. Although he was initially opposed, he now sees the benefits. However, he still feels it's an overreach for government to impose this kind of tax. Dayton Hall clarified that this agreement isn't about whether the Council supports the RAP tax itself but rather how the funds are allocated if voters approve it.

Mr. Hall read the proposed Resolution, noting the only change from the original agreement is the 1.5% administrative fee retained by the County. Councilman Ellerman expressed concern that the fee seems high. Mr. Hall explained how the funds are distributed to each community.

Joseph Prete motioned to approve Resolution 2024-36 approving the Second Amendment and Renewal of the Interlocal Cooperation Agreement regarding the distribution of RAP Tax Revenue in Washington County, Utah. Seconded by Drew Ellerman. Motion carried with David Hirschi, Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. Kevin Thomas voted nay.

7. Resolution No. 2024-37: Consideration and possible adoption of an update to the General Plan for a comprehensive amendment to the Future Land Use Map.

Mayor Billings read the following summary provided in the packet written by Gary Cupp. "It is proposed that a number of changes to the Future Land Use Map in the general plan be approved and adopted. The Future Land Use Map, often called a "General Plan Map", is the guiding document for land use and zoning policy within the city. The currently proposed changes will align the map with existing zoning and development conditions in the city, and

also, will reflect the city leadership's stated policy preferences for future growth in key areas of the city.

Key Changes Proposed:

- Update the general plan designation for "The Fields" area from Single Family to Rural Residential.
- Update the general plan designation for the Sand Mountain area from Natural Open Space to Recreational Open Space.
- Expanded Industrial/Business designations.

The Planning Commission gave a unanimous recommendation to adopt the proposed amendments. Recommendation: Staff recommends approval and adoption of the proposed amendments to the Future Land Use Map in the General Plan."

Gary Cupp explained that there are several proposed changes aimed at aligning the zoning map with what is currently zoned. Mayor Billings asked about the difference between single-family and rural residential zoning in the area referred to as "The Fields." Mr. Cupp clarified that rural residential zoning would allow for larger lots, ranging from 0.5 to 1 acre, as opposed to R1-6 to R1-15, which would promote agriculture. Councilman Thomas expressed mixed feelings about this section. While he supports the proposed changes, he doesn't like the "not in my area" mentality but appreciates the preservation of agricultural land. He also noted that the area has collapsible soil, which is a concern. Councilman Prete inquired about more commercial development along the SR-7 corridor. Mr. Cupp responded that the proposal designates that area for mixed-use commercial and industrial purposes. Councilman Thomas pointed out that mixed-use commercial could include residential, so he recommended changing the designation to strictly commercial, and the Council agreed. Mayor Billings then asked if any developments had already been approved along the SR-7 corridor, which might give them vested rights. Dayton Hall clarified that this General Plan update wouldn't affect those developments, as it is only an advisory document and does not change current zoning—it simply guides future planning decisions.

Mayor Billings expressed a desire to prevent vacation rentals from being built in commercial zones. Mr. Cupp assured the Council that they are already working on this change, and it will be addressed soon. Councilman Thomas suggested tabling the discussion until the change is implemented. Councilman Ellerman emphasized the need to push commercial zoning towards 3000 South, particularly at the intersection of 1100 West and 3000 South. He also advocated for designating all interchanges along SR-7 as straight commercial. Councilman Prete echoed support for limiting development along SR-7 to commercial use only. Mr. Hall clarified that the only area in the City currently designated for agriculture is the green section bordering 3000 South, with the exception of the sewer lagoons. Mayor Billings added that Ash Creek had inquired about rezoning part of their property to build housing for their employees. If the item is to be continued, she recommended staff reach out to Ash Creek for further discussions. She also clarified that the south corner of 3000 South is already designated as planned commercial.

Kevin Thomas motioned to continue Resolution 2024-37 updating the General Plan to the first meeting in November. Seconded by Joseph Prete. Motion carried unanimously.

8. Consideration and possible approval of Resolution 2024-38 amending solar base rate charges - Scott Hughes

Scott Hughes explained that pricing for single-phase solar customers depends on the size of their systems. Recent changes in solar meter reading have eliminated the need for employees to physically read meters, allowing for refined processes. The Power Board recommends lowering the base rate for single-phase solar and consolidating it into a single base rate for fairness. While the majority supported this change, Dave Imlay expressed concerns about fairness to the various users. Mayor Billings noted that unifying the rate would simplify administration. Mr. Hughes emphasized that the current system has become inefficient and burdensome for staff. He reassured the Council that this adjustment would impact only 62 customers and result in lower bills for them.

Joseph Prete motioned to approve Resolution 2024-38 amending solar base rate charges. Seconded by Kevin Thomas. Motion carried unanimously.

9. Consideration and possible approval of a power line extension request for Gateway Commercial Phase 1 - Tim Tippet Applicant, Karl Rasmussen Agent

Mayor Billings read the following summary provided in the packet written by Scott Hughes. "The Power Board is scheduled to review this item on Wednesday, October 1st. Since their meeting occurs after the deadline to post the City Council agenda, the item has been included with the expectation that a recommendation will be made.

According to Hurricane City Code:

- **Sec. 8-4-3. - Application for service.**

Any person, including any subdivider, who desires to have the power lines extended within the City may make application to the Power Board in writing. A description of such proposed extension accompanied by a map showing the location and size of the proposed line extension shall be submitted in writing which shall be reviewed by the Power Superintendent and taken to staff meeting for review before approaching the City Council. The City Council may grant or deny the request as in its discretion deemed best for the welfare of existing power users in the City. (1998 Code § 14-314; 2000 Code)

This application is located near 3700 W. on the south side of SR9. In reviewing this line extension, we have taken into consideration the available capacity as well as the physical infrastructure. The larger issue for this development is capacity. They currently would connect to circuit BW-205 out of Brentwood Substation, but currently there is not adequate capacity for their development. The Power Dept. has determined that there is adequate capacity on BW-204 with some upgrades and/or additions to that circuit. With previous line extensions, Council has given approval to move forward with figuring out the details. For this one and future applications, we have most of the details figured out, so we are looking for an approval conditioned upon all parties agreeing to a contract that Hurricane City provides, which will

contain all necessary terms, including responsibility of the applicant to cover all costs and acquire all easements.”

Jeff Thomas explained that the proposed line from Brentwood would need to cross over SR-9, requiring only one easement from Western Mortgage. Scott Hughes detailed the different circuits illustrated on the map, with sections outlined in yellow and pink. He noted that the southern pink section is absent and would necessitate easements, which Western Mortgage has indicated they are willing to grant. However, he mentioned that the yellow option is more costly, while Western Mortgage is prepared to accommodate the pink option. Councilman Prete declared a conflict of interest regarding this application and stated he would abstain from voting on the matter.

Kevin Thomas motioned to approve the power line extension request for Gateway Commercial Phase 1. Seconded by Clark Fawcett. Motion carried with David Hirschi, Clark Fawcett, Drew Ellerman, and Kevin Thomas voting aye. Joseph Prete abstained.

10. Mayor, Council, and staff reports

Dayton Hall mentioned he will be gone next week and at the end of the month.

Mayor Billings thinks it is a good idea to do a field trip to Treatment Plant at Confluence Park. Councilman Hirschi encouraged everyone to go on their own.

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

Joseph Prete motioned to go into a closed session at 9:10 p.m. to discuss potential litigation and collective bargaining. Seconded by Kevin Thomas. Motion carried unanimously.

Kevin Thomas motioned to go into a second closed session to discuss personnel concerns and collective bargaining. Seconded by Clark Fawcett. Motion carried unanimously.

Kevin Thomas motioned to go into a third closed session to discuss pending litigation. Seconded by Joseph Prete. Motion carried unanimously.

Adjournment: Kevin Thomas motioned to go out of closed and adjourn the meeting at 11:03 p.m. Seconded by Joseph Prete. Motion carried unanimously.