Minutes of the Hurricane City Council meeting held on November 7, 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 (online), Drew Ellerman (online), and Joseph Prete.

Also Present: 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, Water Supervisor Kory Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, and City Recorder Cindy Beteag.

AGENDA

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

Mayor Billings, Kevin Thomas, and Clark Fawcett (online) were present for the pre-meeting.

Fred Resch III mentioned the Planning Commission approved the final site plan for Starbucks and a preliminary site plan for a commercial development with a hotel and three restaurant pads on the corner of Sand Hollow Road and SR-9.

Gary Cupp stated there are potentially seven items coming from the Planning Commission next week. They are working on multiple code updates. Mayor Billings suggested reviewing the flag lot standards instead of domestic lot splits.

Arthur LeBaron stated he attended Utah Transportation Conference this week where he was able to have a few key conversations. He mentioned on November 14th – 15th it is the Utah Transportation Commission meeting. UDOT staff has asked him to do a presentation on growth in the Sand Hollow area.

Weston Walker reported that street crews are currently focused on crack sealing roads scheduled for treatment in the spring. The team is finalizing mapping details and will share them with the Council as soon as possible. Additionally, the 600 North trail project is completing its punch list, and crews have been assisting with the Ash Creek project on 2050 S. Bids for the 2050 S. road work will be opened next week, with plans to award the bid at the upcoming council meeting. The road around Quail Lake is now open and operating smoothly. Mayor Billings noted the need to explore options for an additional connection near the new Ace Hardware location.

Mike Vercimak reported that since the last meeting, JUC has approved six sets of construction drawings, conducted two pre-construction meetings, and issued two notices to proceed. A pre-construction meeting for 100 North was held this week, where they discussed potentially beginning work before March. He requested that the 5-year plan discussion, listed on the agenda, be postponed until all council members are present. Mayor Billings thanked Mr. Vercimak, recognizing his extra efforts over the past month.

Sel Lovell mentioned open enrollment will be open the week of the 18th. They have a couple jobs open right now in power, police, parks, and streets and a custodian. The employee Christmas party will be December 20th at noon at the new gym.

Kory Wright provided an update on the well project, noting that they are nearly ready to drill a second test well at Sky Ranch. The initial well reached a depth of 800 feet but did not yield sufficient water. After hiring Willowstick to identify a more promising location, they secured an easement to move forward at the new site. While they are prepared to put the tank out for bid, they are waiting for funding and necessary approvals. This year has been favorable for water, with a decrease in leaks. He also mentioned concerns about the unsightly area near Fiiz caused by an accident, stating that they can start some cleanup while waiting on insurance. Progress on the Dixie well continues, with hopes to bring it online by April.

Tiffani Wright reported high turnout at the Community Center on Election Day, expressing gratitude to the police department for their presence during the event. She noted that the gym is already extremely busy and emphasized the need for an additional gym. She shared that the Pizza Wagon is relocating to Tom's Corner, with ongoing collaboration with the power department on infrastructure setup. The Christmas Tree Lighting is scheduled for December 2nd, followed by the Christmas Tree Festival from December 12th to 14th.

Scott Hughes mentioned most of the lineman are participating in the training and classes in St. George this week. They got flags up today for Veterans Day. Council should have received an invitation to the annual member meeting.

Matt Goodrich from Ash Creek Sewer District stated they are about halfway through their section of the 2050 S project and aim to finish by Thanksgiving, noting the pipe had to be raised by 4-5 inches. Sewer rates will increase by 5% in January. Progress is also ongoing at the Confluence Park Treatment Facility, with work underway on the tilt-up walls.

Larry Palmer reported they have issued sixteen single family permits, four commercial permits, and the gym permit is ready to be issued. Ace opened today and had a great turnout.

Chief Excell mentioned that arrests and fraud cases have increased, with detectives working hard to close cases, including collaborating with the FBI on a juvenile/adult burglary ring. They recently ordered an upgraded program from Express Bill Pay to enable online dog license renewals and document creation, aiming for a January launch. Officers were called during early voting to address issues and subsequently maintained a presence at the building throughout Election Day. The department currently has two officer vacancies. Chief Excell expressed appreciation to the Power Department for their help in fixing the flagpole and mentioned ongoing coordination with the Streets Department regarding signage by Valley Academy.

Mayor Billings stated the UTV Takeover and Trail Hero were a huge presence over the last month. She thanked Candace with the State Park for her efforts. The Legislature breakfast will be December 9th at 8 a.m. in the City Council Chambers. She asked for everyone to send her their list so she can get an agenda together for it. She received a card from Southern Utah Aviation Association thanking the Council for paying the money back to the FAA to allow the

AWASP system to move forward. She mentioned Leslie Fonger with Greater Zion reached out to her concerning the bike trail on BLM or Hurricane City property. They have been pursuing getting the NICA State Championship race back to this area. Mayor Billings stated her understanding was Council wanted the race on BLM land not the City's land by Frog Hollow. Mac Hall stated he and Arthur LeBaron went and looked at a couple areas. He told them they had some suggestions, but he never heard back from them. Mayor Billings will reconnect with Ms. Fonger and provide Mac Hall's contact information. She stated the Fire District had board meeting where they passed a resolution recommending a certified tax rate. Mayor Billings, Councilman Fawcett, the County Commissioners, Chief Decker, and some other mayors met about options for the District and support from Hurricane City. They need to get their budget approved before the end of the calendar year. Dayton Hall read the resolution. Mayor Billings mentioned Councilman Fawcett was the only nay vote on the board.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Drew Ellerman joined the meeting at 6:05 p.m. via telephone.

Prayer, Thought, and Pledge led by Dennis Leavitt.

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for October 3, 2024, and October 17, 2024, and special meeting October 25, 2024

Kevin Thomas motioned to approve the minutes as written. Seconded by Drew Ellerman. Motion carried with Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye.

Presentation by United We Pledge - update on Liberty Village

Dennis Leavitt presented the master plan for Liberty Village, outlining each phase. He shared that Phases 1 and 2 are fully funded, with construction on utilities and roads currently underway. Key features will include the 13 Colonies Plaza, complete with a Liberty Bell replica and Independence Hall. Liberty Village plans to commemorate America's 250th anniversary with events at the County Fair. The main road, named Liberty Way, will lead into the development. He showcased a video of current progress and emphasized the project's debt-free approach, building as funds are secured. He expressed enthusiasm for the educational impact on Hurricane, highlighting a legacy plaque at the entrance to honor the City's history.

Joseph Prete joined the meeting at 6:25 p.m. via telephone.

Presentation and update regarding the Epson Tour Golf Tournament - Penny James Garcia

Penny James Garcia expressed gratitude to the City for its support of their event, which has significantly grown, drawing women from around the world. She requested increased support for 2025, highlighting that visitors often return to spend money in the area. The event purchased media time on the Golf Channel, providing substantial exposure, and they're grateful for the partnership with Greater Zion. This event also offers unique opportunities to Hurricane residents. Partnering with local universities enabled student golfers to participate. The Legends Championship voted to return next year, allowing them to host a doubleheader again. The event's advertising reached 24 countries, providing valuable visibility for the City. She presented a sponsorship packet, proposing $92,000 for the Epson tournament alone or $100,000 for both tournaments.

Mayor Billings thanked Mr. Leavitt and Mrs. James Garcia for their presentations.

Public Forum – Comments From Public

No comments were made.

NEW BUSINESS

1. Consideration and possible award of a construction contract for the four-court gym - Arthur LeBaron

Drew Ellerman was excused at 6:50 p.m.

Arthur LeBaron reported that ten bids were received for the project, and he presented a ranking sheet for each bid. Bud Mahas Construction was the low bidder with the highest score, leading to a recommendation to award them the contract. This bid will cover the completion of all parking areas and came in slightly below the engineer's estimate.

Kevin Thomas motioned to award the bid to Bud Mahas in the amount of $5,222,000. Seconded by Clark Fawcett. David Hirschi joined the meeting at 6:52 p.m. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye.

2. Consideration and possible approval for the Street Department 5-year improvement plan - Mike Vercimak

Staff asked for this item to be continued until all the Council was present.

Kevin Thomas motioned to continue the Streets Department 5-year improvement plan to the next meeting. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye.

3. Consideration and possible approval of LUCA24-07 a Land Use Code Amendment to Title 10, Chapter 15 to provide an exception to allow the takeoff and landing of aircraft in commercial zones for the purpose of medical transport at hospital facilities. Hurricane City Planning, Applicant.

Gary Cupp clarified that the proposed ordinance change was intended to add an exception for medical aircraft. The Planning Commission recommended approval but suggested the Council consider allowing private helipads on larger lots, which the Council discussed. Councilman Prete joined the meeting in person at 6:55 p.m. Dayton Hall explained that, as the current ordinance stands, helicopters are prohibited in commercial zones, but this new provision would provide an exception for medical aircraft. The residential code, however, does not currently specifically address helicopter usage, but helicopter usage is not identified as one of the permitted uses. If the Council prefers that helicopter usage remains prohibited in residential zones as currently enforced by the City, the prohibition should be specified in the code. Kevin Thomas noted that the Planning Commission also raised the topic of future drone deliveries, suggesting this could be considered in the current review. Councilman Prete suggested that drone delivery could be evaluated later if there is demand. Mr. Hall recommended passing the ordinance as written and revisiting the other issues with the Planning Commission, particularly with input from the Airport Board on drone use regulations. He confirmed that the Council has directed a review of helicopter regulations in residential zones, which will now go back to the Planning Commission for further discussion.

Steve Nation lives in Sky Ranch, and they have a private airport. He explained they currently in the County limits, but they would like to be annexed into the City. He asked if the Council is going to prohibit helicopters in residential zones that they allow them in private airports. That needs to be addressed while it is being discussed. Mr. Hall explained when property is annexed into the City, there is typically an annexation agreement to address those types of issues.

Kevin Thomas motioned to approve Ordinance 2024-13 amending Title 10, chapter 15 to provide an exception to allow the takeoff and landing of aircraft in commercial zones for the purpose of medical transport at hospital facilities. Seconded by Joseph Prete. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye.

4. Consideration and possible approval of a power line extension for Cielo at Coral Canyon - Cole West Home

Mayor Billings read the following summary written by Scott Hughes that was provided in the packet. “The Power Board is scheduled to review this item on Wednesday, November 6th. 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. 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.

Tony Carter outlined the plan for extending power near the Lone Rock Condos and Walmart Distribution Center. The extension will require an overhead power line across Old Hwy 91, after which it will transition to an underground line for approximately 2,500 feet. Mayor Billings noted that the Power Board has recommended approval. Clark Fawcett inquired if other utilities have been reviewed for potential concerns. Mr. Carter confirmed that, while they are still assessing, they have already received will-serve letters from Ash Creek and the Water department.

Joseph Prete motioned to approve the power line extension for Cielo at Coral Canyon. Seconded by Clark Fawcett. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye.

5. Consideration and possible approval of a power line extension for Black Ridge Ph 2 - Wasatch Commercial Builders

Scott Hughes stated this application was tabled at the Power Board at the request of the applicant.

David Hirschi motioned to table the power line extension for Black Ridge Ph 2. Seconded by Joseph Prete. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye.

6. Consideration and possible approval of a Resolution authorizing and approving the Millard County Power Project Power Sales Contract with Utah Associated Municipal Power Systems; and related matters - Scott Hughes

Mayor Billings read the following summary written by Scott Hughes that was provided in the packet. "The Power Department is constantly looking and researching with UAMPS and independently for electric resources. As our City continues to grow, and as old resources expire, we are in constant need of adding more resource supplies to our portfolio. After some research conducted by UAMPS, we have determined that there is a strong need for additional natural gas generation for most UAMPS members. We have begun to develop two projects, one being a base load combined cycle gas turbine and the other being a peak shaving internal combustion reciprocating gas plant. For a more in depth summary of these projects, please see the documents titled "Executive Summary Utah Associated Municipal Power Systems Millard County Power Project" and "Executive Summary Utah Associated Municipal Power Systems Power County Power Project" contained within this packet."

Scott Hughes reported that the Power Board recommended approval of both resolutions, with a recommendation to increase entitlement shares beyond the UAMPS suggestion of 10 megawatts for peak shaving and 12 megawatts for baseload. The board advised allocating 30 megawatts total, with 14 for baseload and 16 for peak shaving. He explained that the City has been balancing its load through Rocky Mountain Power (Pacificorp), but starting in Spring 2026, with Pacificorp joining the Extended Day Ahead Market (EDAM), the City will need to manage its load independently. He presented graphs showing the contributions of gas-powered projects, underscoring the necessity of additional resources. Kevin Thomas agreed that increased diversity is beneficial, while Joseph Prete expressed caution, preferring not to overcommit to leave room for future options, particularly if government policy changes on coal. Mr. Hughes explained the original proposal was for 10 megawatts for the peaker project and 12 for the baseload project, but they have adjusted the plan to prioritize the peaker, allowing flexibility to forgo it if not needed. Any surplus energy could potentially be sold on the market. Mayor Billings asked about the City’s commitment level. Mr. Hughes clarified that the peaker plant is expected to run 40% of the time at around $112 per megawatt, while the baseload is projected to operate at 75%, costing about $69 per megawatt. They are considering 16 megawatts from a Utah plant and 14 from an Idaho plant, with the peaker plant being slightly more costly due to its intermittent use. To proceed with construction, the plants need to reach 85% subscription, and they are currently at 82%. Mr. Hughes mentioned an option to increase shares if remaining participants are close to this threshold, though he does not anticipate this need if Hurricane requests additional capacity. Mayor Billings asked about interim energy sources. Mr. Hughes responded that they are exploring other resources and anticipate needing to purchase market energy until these plants are operational, expected in 2029 and 2031.

Dayton Hall explained that if this agreement is approved, the City will commit to covering its portion of development costs upon reaching the 85% subscription level. At the end of the development phase, a committee, including Mr. Hughes as a voting member, will assess the project to decide on continuation. The primary risk lies in funding a project that may ultimately prove nonviable, though there are "off-ramp" options—though potentially costly. Mr. Hughes clarified that during development, no immediate payments are required from the City, as the project will be funded through bonds and lines of credit. Once operational, costs will be covered through energy purchases, but should the project fail, the City would need to contribute its share of development costs. UAMPS is securing financing as part of the agreement. He noted that capital contributions can be made upfront, though they are forfeited if payments are later defaulted. The Power Board has unanimously recommended approval and advised increasing Hurricane’s entitlement to 16 megawatts for the peaker and 14 for the baseload. The City must approve this by month’s end to avoid delaying participation for a year until the next cluster study, which is needed for the two proposed projects. Mayor Billings inquired about other cities with higher entitlements than Hurricane, and Mr. Hughes provided a comparative chart. Councilman Thomas added that it’s unfortunate some cities opted out of the Nuscale project, which would have offered lower costs.

Kevin Thomas motioned to approve Resolution 2024-39 authorizing and approving the Millard County Power Project Sales Contract at 16 megawatts. Seconded by Joseph Prete. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye.

7. Consideration and possible approval of a Resolution authorizing and approving the Power County Power Project Power Sales Contract with Utah Associated Municipal Power Systems; and related matters - Scott Hughes

Kevin Thomas motioned to approve Resolution 2024-40 authorizing and approving the Power County Power Project Power Sales at 14 megawatts. Seconded by Joseph Prete. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye.

OLD BUSINESS

1. 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. "This item was continued on 10/3/2024 by the City Council to make further adjustments to the proposed Future Land Use Map in the General Plan. Staff has made the requested changes and is presenting an updated version of the map for this meeting. It has been discussed 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 (updated changes in bold):

- 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.
- Expanded Commercial designations along the Hwy 7 east corridor.
- Update portions of the Ash Creek Special Services District's property by the Hurricane treatment ponds from Agricultural to Planned Community to allow for future workforce housing.

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 during the last discussion, Councilman Ellerman had requested additional commercial zoning along SR-7. This proposal shows neighborhood commercial hubs now being recommended along the roadway. Joseph Prete clarified that Councilman Ellerman hasn't reviewed or provided feedback on the latest plans yet. Mayor Billings noted that the zoning for the Ash Creek Sewer District farm was updated to Planned Community at the district's request. She also confirmed that a public hearing will be held on the 14th at the Planning Commission meeting to discuss city-owned property west of the current building. Kevin Thomas expressed confidence that Councilman Ellerman would support the updates, as his previous requests were incorporated. Mayor Billings shared that she has applied for a grant to fund transmission lines along SR-7; although the funds were depleted this year, she plans to discuss future funding with legislators. She was advised that aligning the General Plan to designate this area for industrial use would strengthen the City's case for securing these funds.

Joseph Prete motioned to continue Resolution 2024-37 adoption of an update to the General Plan to the next meeting. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye.

NEW BUSINESS CONTINUED

1. Mayor, Council, and staff reports

Mayor Billings reiterated the December 9th Legislator's breakfast and shared a thank-you letter received from the Southern Utah Aviation Board. She also mentioned plans to recommend to Greater Zion that the bike race be staged in Virgin, utilizing the existing trails. She distributed a resolution from the Fire District Board concerning a proposed tax increase. The County Commissioners are seeking feedback from Hurricane, especially since the City previously opposed a property tax increase. Councilman Fawcett is still reviewing the budget and plans to join ride-alongs before updating the Council. Mayor Billings acknowledged that once services are provided, it's challenging to reduce them; the Fire District has already staffed each station, and the community has come to expect this level of service. David Hirschi noted his recent property tax bill, pointing out he pays Hurricane City only $50 more than the Fire District, despite the City managing multiple departments. Clark Fawcett shared that he's had additional budget discussions and has a meeting planned with Bill Holster regarding staffing. He recalled Commissioner Iverson mentioning a vote on the tax increase at their next meeting, with a general inclination toward approval. Joseph Prete expressed uncertainty about the proposed amount, noting the County may still adjust it. He acknowledged a trust gap between the City and the Fire District, emphasizing the need for increased transparency from the Fire District and more votes on the Fire Board to rebuild trust. Mayor Billings asked if the Council wanted to convene before the Commissioners' meeting. Councilman Hirschi suggested waiting for Councilman Fawcett's final report before scheduling a follow-up meeting, and the Council agreed.

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

A closed meeting was not held.

Adjournment: David Hirschi motioned to adjourn the meeting at 8:13 p.m. Seconded by Joseph Prete. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye.