Minutes of the Hurricane City Council meeting held on January 02, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3:30 p.m.

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

Members Excused: Joseph Prete.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, 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, and City Recorder Cindy Beteag. Parks Superintendent Darren Barney, Water Superintendent Ken Richins

AGENDA

3:30 p.m. Work Meeting

Discussion on PDO zoning and affordable housing

Mayor Billings explained that the primary objective of today's discussion is to address the PDO (Planned Development Overlay) zone—its purpose, how it is utilized, and its connection to affordability. Gary Cupp noted that the PDO code has been opened for amendments based on prior discussions. One key amendment already added is a provision allowing for a density bonus if affordable housing is included in a development. He clarified that while the PID homes are not pursuing affordable housing projects, questions arose during the Council's deliberations about whether affordable housing should be a requirement to qualify for PDO zoning. Councilman Thomas expressed uncertainty about making it a requirement but supported the idea of offering a density bonus as an incentive for including affordable housing. However, he stressed that PDO zoning should not be granted solely for reduced setbacks. Councilman Ellerman agreed, stating that he would prefer to adjust setback regulations in other zones rather than apply PDO zoning to every development. Mr. Cupp added that the Planning staff deemed the PID applications consistent with PDO zone requirements, as they include parks and trails as part of the development. Karl Rasmussen pointed out that the developers are not merely seeking reduced setbacks but are proposing a cohesive theme for their projects. These developments include walls, landscaping, parks, and interconnected trails, enhancing the overall design. He noted that the trails are planned to encircle the developments and connect with other trails in the area, aligning with the benefits of theme-based projects permitted under the PDO. Brent Moser stated that a group of developers believes setback regulations should be re-evaluated and updated. He also reiterated their commitment to providing affordable housing. Mayor Billings explained the Council aims to support first-time homebuyers trying to enter the housing market. Mr. Moser concluded by noting the importance of maintaining multiple zoning options to cater to a range of price brackets, ensuring a diversity of housing opportunities.

Troy Ence of Ence Homes stated that his company is purchasing 180 lots within the PID area. He explained that they have a product built under R1-4 zoning in the county that has proven to be popular, and the development proposed in Hurricane represents an upgrade from that standard. He asked the Council for their definition of affordability. Councilman Hirschi shared a perspective he heard from an architect suggesting that two decades ago builders earned a 5% commission on homes, compared to 30% today, and questioned if this disparity contributes to rising home prices. Mr. Ence disagreed, stating that the claim was inaccurate and that no one is making such a high profit. He stated that the current housing market is entirely different due to significantly higher costs. Mayor Billings noted that affordability may not be tied to a specific number but rather depends on an individual's income. While she acknowledged that no single development can resolve the entire affordability issue, she encouraged builders to contribute where possible. She suggested exploring cost-saving measures, such as using less expensive materials or offering sweat equity opportunities for portions of the developments. Mr. Ence explained that sweat equity is challenging to implement because it does not align with the rapid timelines required for their builds. He shared an example of one of their most affordable homes in Washington, priced at $299,000 for 800 square feet. To keep costs low, they use basic materials such as laminate countertops and avoid higher-end finishes like tile.

Councilman Hirschi asked whether the Council would need to offer concessions to encourage affordable housing. Mr. Ence explained that reducing setbacks would lower costs, as larger setbacks increase lot prices by $30,000 and add expenses for concrete and landscaping. Mayor Billings asked if it was unreasonable to require developers to designate 5% of their projects as affordable housing. Mr. Moser noted the Council still hasn't defined what qualifies as affordable. He added that Mr. Ence's homes are priced lower than many in the county, but Mayor Billings countered that even these prices are unaffordable for some. Mr. Ence stated he thinks they are already addressing affordability, noting self-help homes exclude commissions. Councilman Thomas suggested setting aside lots specifically for affordable housing, while Mr. Moser proposed incorporating this into R1-4 zoning. However, Mr. Ence cautioned that mixing self-help homes into subdivisions could create quality issues and suggested clustering them in one area. Mr. Moser added that second-hand sales often return to market value, highlighting the ongoing need for new affordable housing. He also noted that many self-help homes include deed restrictions to maintain affordability.

Councilman Ellerman stated attainable is different for everyone. He mentioned one idea would be is to give the developer the amount of lots they are requesting but allow a few more that are designated as affordable. He wants to see the State designate some land for this issue. He stated people might need to go back to the old days and have less house. He has gone and looked at other developments with smaller setbacks and they have worked. Councilman Thomas stated if someone builds the home themself and uses basic items like shingles, flooring, counter tops and shorter ceilings then they would sell cheaper and faster. Mr. Ence stated they offer exactly what he is saying except for shingles. He feels the PDO zoning looks good over time because they have an HOA that oversees it. Rob Robinson added that Ence Homes builds a quality home at a good price. He feels it is a disfavor to put a self-help home in a development with a theme. They are a different quality and cleanliness. He stated prices of labor and products has increased dramatically. Developers that build volume homes can get smaller margins on the subcontractors. They are doing what they can to get affordable products. Mr. Ence stated he couldn't do the product he wants if he didn't get the smaller setbacks. The setbacks are a big factor. Mr. Rasmussen inquired about the 20-foot garage setbacks used in Washington. Councilman Ellerman confirmed it works well, as they measure from the property line, which includes an extra foot between the sidewalk and the property line. While oversized vehicles occasionally cause issues, they are rare. Councilman Thomas agreed, pointing out that setbacks must be measured from the back of the sidewalk, not the curb.

Discussion regarding sponsoring the Epson Tour at Copper Rock

Mayor Billings explained that the discussion about sponsoring the golf tournament began five years ago when the City committed to a three-year sponsorship to bring it to the area. Last year, the event was funded as a City event, but it was not included in this year's budget because the Council decided not to selectively sponsor individual events. Councilman Hirschi felt the tournament was good for the City and wanted further discussion. Mayor Billings added that every new event is asking for the City to sponsor but we don't have the money to do that. She is struggling of what is fair and what is the best use of the taxpayer's money.

Penny James Garcia stated it is a partnership not a sponsorship. The City receives a large amount of amenities for the partnership. She feels there is a year-round benefit that brings more people here. She showed one of seven commercials that will be showed on the golf channel that highlights the valley and Zion National Park. She stated hosting a professional golf tournament builds the prestige of golfing in our valley on a worldwide basis. They have over 500 articles that are published about the event that show the City as a sponsorship. There is only one Epson Tour in Utah and only 20 tour events total. There is only one LPGA Legends Championship per year, and they will be coming back here in 2025. It may not ever happen again and that is why they are asking for help. She thinks it will move Hurricane higher on the golf map. The tournament spends thousands of dollars to local businesses. There is also a lot of economic benefits from this tournament. She thinks it has allowed the City to increase their green fees at Sky Mountain. She added that Greater Zion and the Governor's Office have spent millions of dollars in the past two years to market golf because of the economic benefits. She is asking for the continued partnership. She thinks it is a small investment for substantial returns.

Chad with Greater Zion agreed they have invested a lot in golf over the last few years. They received a lot of coverage for what they did. They entered into a marketing agreement for 2025 because they look at it is a better deal than if they spent the money to get the same coverage on their own. This event has brought a lot more events to area. He stated their goal with Golf Plus is to encourage people to use local vendors for all the different activities in the area.

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

Fred Resch III reported that he sent a letter to a business regarding parking violations. The business is in the process of relocating and requested an extension until early March. Councilman Ellerman felt this timeline was too long. Dayton Hall explained that under the usual procedure, a revocation letter would be issued, giving the business 30 days to comply before their license is revoked. The Council agreed to proceed with the standard process and issue the revocation letter.

Gary Cupp announced The Dark Sky Summit will be in St. George. They want us to participate as they feel there is light spillage from Hurricane. He stated lunch will be provided but they need to RSVP if they want to go.

Arthur LeBaron stated the City Council approved the road dedication plat for Hurricane Garden Homes a year ago, and it has now been signed. He also noted that construction on 100 North is set to begin soon. A preconstruction and public input meeting have been held, but the project has been delayed as the contractor awaits delivery of manholes.

Weston Walker reported that construction on 2050 South and 100 North will begin soon, though no official start date has been set for 2050 South. While the sewer has been updated, storm drain improvements are still pending. Crews are nearly finished chip sealing the older parts of town and have started mowing the wash, with plans to use a mulching machine next week. Councilman Hirschi expressed his appreciation for the diagonal striping and suggested extending it about half a block north of 100 North for additional diagonal parking. Mr. Walker agreed to add it to the rotation and noted that restriping near Chums will be necessary after the chip sealing is completed.

Mike Vercimak commented it has been a slow couple weeks with the holidays, but development continues. A new project was kicked off today with a preconstruction meeting.

Darren Barney reported the Parks crews are getting caught up on projects that they can't do during mowing seasons.

Paige Chapman stated the annual audit is finished and she handed out the financial reports. She explained everything was materially correct but there were two findings. One was because we saved too much money and the other was a timing issue because the building remodel fund didn't have a budget. She explained the Council approved the project, but it wasn't officially appropriated in the budget. Invoices came at the end of the fiscal year when she was on maturity leave so she didn't see them come through. She mentioned there is a code of ethics that needs to be signed annually.

Ken Richins stated the excavation for the irrigation ponds on 1300 South for the expansion project is underway, with the contractor estimating a few months to complete. Installation of pipes along 1300 South is also progressing. The Sky Ranch Well drilling has reached 400 feet through the lava, but the water level remains unknown. He added that crews worked through the night on New Year's to address a break they were called out to repair.

Scott Hughes reported crews are working on getting the Christmas decorations down. They are still working on the rebuild of generator #6. It is costing more and taking longer than expected but he hopes it brings power back up where it is supposed to be. They still have a lineman position open.

Larry Palmer stated he hopes to have the yearend report for the Council at the next meeting. Applebee's has turned in their building permit, Ice Burg has submitted a remodel in the Chevron on 700 West, and the last phase for a development on Old Hwy 91 has been submitted.

Chief Yates mentioned they have been having a lot of issues with burglaries in the Elim Valley area and he is happy to report they have caught the suspect. The suspect has been very brass and enters homes when the homeowners are present. They believe the suspect is tied to other communities. Holidays bring family fights and custodial interference.

Sel Lovell stated the City is about to start a new training system. It will be more than just HR focused. It will allow department heads to pick training that is specific to their department. He is hoping for better videos with this system. Parks, Power, and Police have open positions. Mayor Billings thanked the committee for the Christmas party.

Dayton Hall explained that the City has approved the conceptual plan for the civic center, but it was not a zone change or land use decision—it was just a vision for the property. The City will need to go through the zone change process and update the ordinance, which staff is currently working on. Once the update is agreed upon, it will go back to the Planning Commission for a recommendation to the Council, followed by a public hearing and further zone change procedures. The current zoning does not support the proposed plan. Mr. Hall clarified that the Planning Department intends to apply a PDO (Planned Development Overlay) to the Public Facility zone as part of the ordinance update. Councilman Fawcett expressed a desire for a public hearing to clarify the process and address concerns from citizens who believe the Council has made decisions behind closed doors. Mr. Hall noted that the letter he saw today referenced State Codes that don't apply to the City's current process, suggesting misinformation is circulating. Councilman Hirschi asked if a public meeting now would be helpful for clarity. Mr. Hall responded that while it might provide an opportunity for feedback, the Council could only listen to comments at this stage. Councilman Fawcett expressed that while people want a large park, they may not understand the need for new public facilities and the City's limited budget. He explained that a large park would undermine the City's goal of reducing fees without raising taxes. He highlighted the importance of understanding what the entire community wants, not just the surrounding property owners. Mr. Hall suggested that community input should be sought during the zone change process. Councilman Ellerman proposed holding multiple open houses in different neighborhoods to gather feedback when the time comes. Mr. Hall agreed that engaging the community is crucial, as there is a perception that the City has already approved more than planned. Councilman Fawcett clarified that the City is working to build public facilities without raising taxes, but if the current plan is rejected, taxes may need to increase. He also noted that while the Council did not favor high density, it was necessary to fund the project. Mr. Hall and Mr. Cupp will continue working on the ordinance, which will be presented to the Council after the Planning Commission's recommendation. The Council agreed to hold multiple open houses before beginning the zone change process.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer: Kami Collard

Thought and Pledge led by Mayor Billings

Declaration of any conflicts of interest

None Declared.

Presentation of the 2023-2024 annual audit – Hinton Burdick

Chad Atkinson presented the FY24 audit. He stated they offered a clean opinion on the audit which is the highest you can get. They were no findings for the internal control for financial reports. They also issued an independent audit report that is required by State which had two findings. There was a fund that went over their budget and then there was a fund balance which means there was too much in the General Fund. He reviewed the fund balances for each fund.

Public Forum – Comments From Public

Rob Robinson works with Elim Valley. He explained they are looking at getting on agenda for the 16th in relation to the reimbursement agreement that was signed in 2008 that has sine expired. After visiting with Dayton Hall and Mayor Billings he was directed to come ask the Council if he could be on the agenda to discuss events that have happened to extend the agreement. Mayor Billings explained she asked him to come request an agenda item because this is for an exception and the Council hasn't been in favor of allowing exceptions. She stated the certificates do not have an expiration date, but the reimbursement agreement does. Dayton Hall added that reimbursement agreement between parties does have an expiration date but the vouchers that are associated with it do not. Mayor Billings stated the Council might want to hear what reasons are for why the vouchers weren't used in a timely manner. Mr. Hall explained the Council adopted rules and procedures for how you get on the agenda which are a recommendation from another board, the mayor puts it on, or agreement from two council members. Mr. Robinson was directed to seek approval from the Council to determine if two members would support adding the topic to the agenda. The Council members agreed to consider the request and inform the Mayor of their decision.

Kami Collard is here asking for transparency regarding the City Civic Center project. She expressed concerns about widespread misinformation and confusion about when residents should attend meetings to provide input. She noted that the survey sent out to residents caused issues for many, leading to further frustration. She shared that the current plans appear to involve extensive housing, traffic, and retail development, and while she acknowledged the need for a public building, she and others are worried about the proposed zone change. Specifically, she questioned the process since the City is both requesting and granting the change. She pointed out the community's desire to understand the process and have a voice in it. Mayor Billings stated the Council has received the letters. However, some of the codes that were cited don’t apply. The only thing that has been approved is the concept plan. No zone changes have happened. She explained the Planning Commission is working on the ordinance then it would be a zone change. Before that happens there will be some open houses for the community to give input. The City hired a company to find a way to fund the public facilities. Kevin Thomas explained what they saw on the map was a way to fund it without raising taxes. Ms. Collard stated what is being proposed was very startling. It is very high density, and it caught them off guard. She asked if the City would be willing to sell it back to developers for the portion that isn’t needed. Mayor Billings explained that the plans include open space and a park, but the remainder of the land is necessary to fund the public facilities.

OLD BUSINESS

1. Consideration and possible approval of Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50 to add a new zoning classification R1-4, residential one unit per 4,000 square feet. Hurricane City, Applicant

Gary Cupp explained this item has been continued a few times. Staff is proposing the following: 4,000 square foot average lot area, 6,000 square foot maximum lot area, 50-foot minimum lot width, 12-acre maximum development area, ADUs, accessory buildings, and air b&bs will not be permitted, and the setbacks would be 25’ for the front, 10’ for the rear, and 5 and 10’ for the sides. The intent of this zoning is to have a smaller development that would be more affordable. Councilman Fawcett clarified it limits the square footage of the building and how much of the lot can be covered. Mayor Billings asked the Council if they were comfortable with a front setback of 20’ instead of the 25’ based on the premeeting conversation. Councilman Ellerman stated he is comfortable with it. They do it in Washington and he hasn’t seen a problem. Mr. Hall clarified Washington is 21’ because there is foot behind the sidewalk that is city owned. The Council could change it to 21’ instead of 20’ if they want to match Washington. Councilman Ellerman stated there is a need for homes in Southern Utah. His only reservation is he doesn’t want to see this zone everywhere. Mr. Cupp explained there is a provision in the ordinance that states they shall be evenly distributed throughout the City. Council will still have the say of where they should be allowed. Councilman Ellerman stated there is a way to limit where they can be located for example, they can’t be located near a development that is more than two zone districts away. Council discussed if twelve acres was too much.

Councilman Ellerman stated he went and looked these types of developments in other cities. He stated 5’ setbacks on both sides didn’t feel a lot different than R1-6 lots. Depth is what was different. They were all smaller developments around 8-10 acres. He suggested putting it at a maximum of ten acres for now and if it is successful then they can update it in the future. Councilman Fawcett explained his reason for supporting this is to make more affordable housing but if people build two stories, then it isn't affordable. Councilman Ellerman stated 85% of homes he saw were two story. However, they could put a limit on a development where there couldn't be more than two homes next to each other that are two story. He likes this zone because they have ownership and no common area. He asked if the Council could require a development agreement. Dayton Hall stated they can't require it, but they can recommend it. He stated the Council has broad discretion on zone changes. If the Council doesn't like a zone change but would be more inclined to approve it if the developer would agree to a development agreement with their requests, then that could be recommended. He stated legally they could defend it if they approve one and not another if they feel they are too close together but politically it would be hard. Mayor Billings mentioned Councilman Prete will not be at the next meeting either. Mr. Hall confirmed the changes the Council agree on are no more than two zoning districts from adjacent properties and changing the maximum acres to less. Councilman Thomas added the other change would be to allow a 21' front setback. Councilman Ellerman pointed out Councilman Prete provided his comments on this item, and he doesn't think he will change his mind. Councilman Ellerman stated he is comfortable with 22'. Councilman Thomas stated he introduced this, but he is not married to it. He agreed he didn't think Councilman Prete will ever be in favor of it. Councilman Ellerman sees the housing problems we are having, and this is a way to help that.

Kevin Thomas motioned to approve Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50 to add a new zoning classification R1-4 subject to the following changes: maximum of ten (10) acres, it can only be located in areas where the surrounding properties are no more than two steps different in zones, and a front setback of 21' from property line but no case shall be less than 21' from back of sidewalk. Seconded by Drew Ellerman. Motion failed with Drew Ellerman and Kevin Thomas voting aye. David Hirschi, Clark Fawcett, and Mayor Billings voting nay.

Kevin Thomas motioned to approve Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50 to add a new zoning classification R1-4 subject to the following changes: maximum of ten (10) acres, it can only be located in areas where the surrounding properties are no more than two steps different in zones, and a front setback of 25' from property line. Seconded by Clark Fawcett. Motion carried with Kevin Thomas, Drew Ellerman, and Clark Fawcett voting aye. David Hirschi voted nay.

2. Consideration and possible approval of the location of new pickleball courts - Tiffani Wright/Darren Barney

Darren Barney explained he and Tiffani Wright met this morning at the pickleball courts with Councilman Thomas and Councilman Hirschi to discuss options. They are proposing to leave the courts where they are but tear out and redo them in post tension and then rotate the east and west courts. They will have to extend the courts to the south side, and they would have to remove four trees and redo the sidewalk to make it straight. They would get two more courts that way because they would all go north and south. This would also help with maintenance of cleaning up the trees. Tiffani Wright added that this will leave the use of the open space there. Councilman Fawcett stated they might replant some trees in the future, but it would cut into the grass area. Mrs. Wright explained this space is just used it for practice.

David Hirschi motioned to approve the pickleball courts in their current location but extending the court to the south and changing the courts so there will be six courts all running north and south. Seconded by Kevin Thomas. Councilman Ellerman asked about putting the courts over by splash pad. Councilman Hirschi explained that would take away too much green space. If they moved the green space over to the current court location, then it wouldn't be used as much. Councilman Hirschi added that they are still thinking of putting the pump track close to the courts but that isn't being discussed tonight. Motion carried unanimously. Kaden DeMille directed Darren Barney to get engineering for the cost estimates.

CONSENT AGENDA

1. Consideration and possible approval of Resolution 2025-03 Appointing Clark Fawcett to the Washington County Water Conservancy District Board

2. Consideration and possible approval of Resolution 2025-04 Appointing Joseph Prete to the Ash Creek Special Service District Board

3. Consideration and possible approval of Resolution 2025-05 Appointing Drew Ellerman to the Hurricane Valley Fire Special Service District Board

4. Consideration and possible approval of appointing Clark Fawcett to the Hurricane City Water Board

5. Consideration and possible approval of appointing David Hirschi to the Hurricane City Power Board

Drew Ellerman motioned to approve the consent agenda. Seconded by Kevin Thomas. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of sponsoring the Epson Tour at Copper Rock

Mayor Billings explained if the Council approves this then they would have to open the budget and amend it. Kaden DeMille added that if the Council approves this then they need to decide where they are going to pull the money from. He stated last year $65,000 came out of the golf's fund and $20,000 was from RAP tax. Previous years it all came out of RAP tax, but they are trying to protect that money for the pool renovations. Kent Abegglen stated he thinks Copper Rock does a great job getting exposure for golf in the area, but he hesitates about it coming out of the golf fund because they are trying to save up to redo the thirty-year-old irrigation system and the pro shop remodel. He stated the equipment is also six years old, so a new lease needs to be done. They need that money to keep the facility top notch. He understands and supports golf, but he doesn't know if the advertisement is needed to bring more people. He would hate to deplete funds and then not have it for our needs. He questioned who we say yes to and who do we say no to when there are other events that come in that bring more people. He added that Copper Rock does a great job, and they promote it well, but he doesn't think it is Sky Mountain's role to fund them. They don't want to bond or finance anything in the future. They have saved this money to use. Jeff Beteag agreed there are a lot of needs at our golf course. It is 30 years old. There are going to be costs going forward and they already don't have the money to do everything they want right now.

Penny James Garcia stated Sky Mountain is amazing to work with. She doesn't want to harm that golf course. She presented during the work meeting, and it is her belief that Sky Mountain was able to raise their green fees because of Copper Rock and Sand Hollow. Mr. Abegglen agreed that is somewhat true, but it still has to be affordable for locals. He thinks it has helped some but more on volume than price. Ms. Garcia stated she not suggesting taking the money from Sky Mountain. She thinks it could come from RAP tax or sales tax. Mayor Billings explained the RAP tax money is already committed and this wasn't budgeted. The Council said last year was the last year, so it wasn't planned for. Ms. Garcia reiterated that this is not a donation it is a partnership.

David Hirschi motioned to deny sponsorship of the Epson Tour. Seconded by Kevin Thomas. Motion carried with David Hirschi, Kevin Thomas, and Clark Fawcett voting aye. Drew Ellerman voted nay.

2. Consideration and possible approval of Resolution 2025-01 adopting a fee for dog licensing shipping and handling - Chief Yates

Chief Yates announced the transition to an online dog licensing system, aiming to modernize the process and improve compliance. Currently, licensing must be done in person, but the new system will allow for online registration. To cover the costs of shipping receipts and tags, a $2.50 fee is proposed, which includes credit card processing fees, as noted by Councilman Fawcett. Chief Yates stated that in-person licensing will remain an option and expressed hope that the convenience of the new system will increase compliance, which is currently at an all-time low.

Kevin Thomas motioned to approve Resolution 2025-01 adopting a fee for dog licensing shipping and handling. Seconded by David Hirschi. Motion carried unanimously.

3. Consideration and possible approval of Ordinance 2025-01 Amending Title 3, Chapter 1, Sections 6 and 9 with regards to business licensing procedures - Cindy Beteag

Cindy Beteag explained that this proposal stems from the Council's discussion last month and is focused on making all fees nonrefundable. Councilman Fawcett raised concerns about not refunding fees if a license application is denied. Mrs. Beteag clarified that in cases where an application is mistakenly accepted, the City has traditionally refunded the full amount. She also noted that staff do not accept applications for uses that are not permitted. Councilman Thomas highlighted that the policy does not prevent the City from issuing refunds but specifies that refunds are not guaranteed. Dayton Hall agreed, stating that staff retain sufficient discretion to handle such situations appropriately.

Clark Fawcett motioned to approve Ordinance 2025-01 Amending Title 3, Chapter 1, Sections 6 and 9 with regards to business licensing procedures. Seconded by Drew Ellerman. Motion carried unanimously.

4. Consideration and possible approval of the design for the central island of the roundabout on Sand Hollow Road- Arthur LeBaron

Mayor Billings mentioned the email that was sent out yesterday with a rendering. She has visited with a few developers and the staff. She explained everyone wants it to look nice, but they also need to be practical because there are a lot of utilities below it, including a sixty-inch Water District water line. She would prefer to see a statue instead of trees or bushes. Arthur LeBaron explained he is not looking for a final decision tonight. There were enough different opinions that he wanted to take to the highest level in the City. In talking to JUC members he thinks they would rather see them as concrete pavers instead of stacked rock. Mayor Billings commented this is being paid for by the PID. She stated when she talked to them, they mentioned they wanted to do something with fishing, biking, ATV’s, swimming, golf, etc. Councilman Ellerman asked why they would have to go underneath. Mr. Lebaron explained it would just maintenance in the future because there are utilities below it. They would rather see a terrace of pavers than rocks. He explained there was a water line that had to be repaired that is under a major feature of the Sand Hollow roundabout and it was very costly and hard to match. Councilman Ellerman asked if there was a big cost difference between the concrete and rock. Mr. LeBaron stated it is not a cost issue. It is the maintenance. There are some zones within the circle that don’t have any utilities that they could locate items above. Councilman Fawcett stated he would like to try and minimize it as much as possible, but he would like to see something in there like the biking, triathlon, swimming, etc. Mr. LeBaron thinks there needs to be an agreement with the developers for future maintenance. Mayor Billings suggested not having irrigation lines and only having rocks and statues. That would be minimal upkeep for the

City. Ken Richins added it would be better if it wasn't raised because the utilities under it are already deep. Councilman Ellerman stated this will be a large roundabout, so it needs to be a good statement. Dayton Hall added that the Water District has two major lines below it and they did up an agreement that states they can only do certain things over the line. It states the HOA has to cover the maintenance costs. He stated the City could do something similar if that is what he Council wants. Mayor Billings pointed out it will be dedicated to the City so she thinks it would be better to just mitigate the risk. Mr. Hall stated the Water District also included language in the agreement stating that if they have to make repairs to their water lines, then they won't be responsible for the repairs to the actual land.

Drew Ellerman motioned to continue the approval of the design so staff can provide more details. Seconded by Kevin Thomas. Motion carried with David Hirschi, Kevin Thomas, and Drew Ellerman voting aye. Clark Fawcett absent.

5. Discussion regarding the creation of a Complaints and Violations Committee - Mayor Billings

Mayor Billings explained State has new statute that if a complaint is received about the Council then it goes to the State if there isn't a local committee. She stated hopefully they never have to use it, but it is a protection for the Council. She thinks it would be handled better locally then on the State level. This would be set up like the Appeals Board. Dayton Hall stated this can be extended to the staff if they are doing business and don't disclose it. He explained if a complaint comes in then it goes to State Ethics Committee if there isn't a local committee. Councilman Ellerman prefers it to be handled locally. Mayor Billings recommended coming back with three members. Mr. Hall stated it would have to be created by ordinance. She invited the Council to recommend people for this board. Mr. Hall mentioned there is new disclosures laws. Staff is working on the form. Council has a deadline of January 31st to have it filled by out and submitted.

6. Consideration and possible approval of Resolution 2025-02 amending the fees for cemetery plots

Mayor Billings explained the reason this was brought up is because a group came in and asked about purchasing a large number of plots because our nonresidential is lower than other municipalities in the County. She questioned if it needed to be raised so it didn't bring more people here. Cindy Beteag clarified the Council previously discussed what defines a resident and the majority of Council determined it should be based on where they are registered to vote. Councilman Ellerman asked if there were any provisions in the code so someone couldn't purchase a large number of lots and then sell them to other people cheaper than what the City sells them for. Mayor Billings explained the code does not allow the resale of plots. Mrs. Beteag explained the 2017 resolution that was passed had a cap on how many residential plots could be purchased and then it goes to the nonresidential rate. Staff wants to put that in the ordinance if that is how the Council wants to do it. Council was in favor of keeping that limit. Residential rates are $550. Council directed staff to bring the other changes back including defining what a resident is by where they are registered to vote or a valid identification with a Hurricane address.

Drew Ellerman motioned to approve Resolution 2025-02 amending the fees for cemetery plots. Seconded by David Hirschi. Motion carried unanimously.

7. Open and public meeting training

A video from Utah State Legislator on Open and Public Meetings and on the budget process was shown to the Council.

8. Mayor, Council, and staff reports

Kaden DeMille reminded the Council of the What's Up conference next Thursday.

Councilman Hirschi stated Kent Abegglen mentioned what he wanted to discuss. They have saved the money for new irrigation lines and a remodel.

Mayor Billings asked the Council members for recommendation for complaints and violations committee and on the following seats that will be opening soon. She mentioned Michelle Cloud and Rebecca Bronemann's terms are expiring for Planning Commission. Water Board has no seats expiring. On the Power Board Dave Imlay's term is expiring. Appeals Board has no seats expiring. On the Beautification Board Steve Baugh and Leah Evans are expiring. On the Airport Board Kate Wadsworth and Scott Freeman are expiring however, Mr. Freeman has only done one term, and Mrs. Wadsworth has resigned. On the Historical Committee Lee Beatty's term is expiring.

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

Drew Ellerman motioned at 8:50 p.m. to go into a closed session to discuss the purchase of water shares. Seconded by Kevin Thomas. Motion carried unanimously.

Adjournment: Kevin Thomas motioned to go out of closed session and adjourn the meeting at 9:28 p.m. Seconded by Drew Ellerman. Motion carried unanimously.