Minutes of the Hurricane City Council meeting held on January 16, 2025, 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), 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, Water Supervisor Kory Wright, Recreation Director Tiffani 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

Larry Palmer reported nine single family, three town homes (a total of 17 units), and one commercial building permits were received since the last council meeting. The commercial building will be the third building at the Ace Hardware Subdivision. He also presented a year-end comparison of building permits for 2023 and 2024. Single family permits - 184 in 2023 to 289 in 2024. Townhomes - 155 in 2023 to 142 in 2024. Condos - 67 in 2023 to 70 in 2024. Commercial - 70 in 2023 to 56 in 2024. Apartments - 0 in 2023 to 3 in 2024 (a total of 32 units). ADUs - 33 in 2023 to 56 in 2024. A total valuation of $120 million for 2023 and $133 million for 2024. He stated the building valuations are about 40% lower than what it should be. They are working to get the building valuations up to today's valuations.

Chief Yates stated that the department has been actively testing to fill vacant positions. He announced that Travis Hall will be promoted to lieutenant over investigations. Jerod Brisk is set to retire this spring or early summer, and Justin Grey will step into his role as lieutenant over patrol at that time. Additionally, Omar Torrez, Trent Leslie, and Jason Barker have been promoted to sergeant positions to address the resulting vacancies.

Tiffani Wright stated regular programming has resumed, with all programs running at full capacity. Casting for the spring play, *Hunchback*, has been completed. She noted that the gym is being actively reserved, not only by local clubs and occasionally the high school team but also by volleyball groups from outside the area. Preparations for the upcoming pool season are underway. Mayor Billings added that she has been working on securing a grant for the pool. A decision on the grant is expected by March.

Kory Wright shared that crews have been extremely busy addressing numerous leaks but praised the team for consistently getting the job done, even with the high volume of after-hours calls. The irrigation project on 1300 South is progressing well, with the south pond beginning to take shape. So far, there have been minimal complaints about the project, and a kickoff meeting held last night was well-received, with attendees offering positive feedback and asking many questions. The Sky Ranch Well has reached a depth of 800 feet, and the Dixie Springs Well is set to go out for bids soon. Regarding water resources, the Stratton and West Wells had a surplus of 350 million gallons last year, while Ash Creek and Toquerville had 188 million gallons left over. The city used about 200 million gallons more water in town. However, we are feeding LaVerkin in January, February, and March.

Sel Lovell stated they have been holding a lot of interviews. The Assistant Public Works position was advertised, and they are getting a lot of good applicants.

Mike Vercimak stated that since the last Council meeting, they have held three pre-construction meetings and approved additional construction drawings for housing units. The Streets Department continues work on crack sealing and is preparing to advertise for the upcoming chip and slurry seal project.

Arthur LeBaron stated he has been busy with a lot of the same projects Mr. Vercimak mentioned. He has also been working on the easements for power from 600 North to 3000 South. The Chip and slurry seal are out for bid and some foundation repair at the Bradshaw Hotel. He stated Interstate Rock has been wanting to start on 100 North, but the project manager needs to wait until March 1st to start because they are too busy right now with other city projects.

Gary Cupp mentioned they have a small Planning Commission agenda next week. There is a zone change that will come to the Council soon for Chris Wyler's request to rezone about three acres to recreation resort in relation to the lot split that was done illegally, which has been corrected, allowing the project to move forward. He mentioned there has been a code problem with Living Earth Farms across from the pecan farm where they converted an existing building into a retail farm store. They did it without permits and now they are trying to correct the problems. It is currently not a permitted use. It came up about other places allowing small farm retail stores in the agriculture zones. If the Council is in favor of allowing something like that, then we would have to update the code. He stated Mayor Billings suggested allowing it by a conditional use permit. However, Mr. Cupp explained there is a larger issue of the property in general because of all the violations. Staff doesn't want to expand uses with all the other violations. Mayor Billings mentioned the development agreement that was supposed to be signed. She suggested a work meeting to discuss it. She explained they are currently only allowed to do a fruit stand, but they had all products that are made at home. However, some of the products where not their own. She is not against having farm related stores. Mr. Cupp stated he would recommend it in straight agriculture not residential agricultural. He would want to limit so it isn't a large retail store. Dayton Hall provided additional context, explaining that the property has a long history of violations, including unsafe living conditions. Previously, the Council approved a zone change for the north end of the property on the condition that the owner move trailers, connect to the sewer, and close all illegal businesses. However, the development agreement was never signed, and compliance has not been achieved. Instead, the owner has placed tiny homes in the area designated for trailers and brought in additional trailers, none of which have been relocated. Hall emphasized that while the Council appreciates the concept of the farm store, the property must be brought into compliance before any expansion can be considered.

Cindy Beteag handed out the new conflict of interest forms and told the Council of the new requirements. Dayton Hall explained this is the same information that is required under the election code, but the State changed the code so now it has to be done every year, and it has to be posted on the City website.

**6:00 p.m.** - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Rick Stout.

Declaration of any conflicts of interest

Councilman Thomas declared a potential conflict on new business #7.

Swearing in of Police Chief Kurt Yates

Mayor Billings stated she is thankful for all the support of the new police chief. She announced the promotions of Travis Hall to lieutenant and Omar Torrez, Trent Leslie, and Jason Barker have been promoted to sergeant positions. She hasn't heard one negative thing about Chief Yates. She thanked him for his leadership. She also thanked his wife, Mandy, for her support with Chief's position.

Chief Kurt Yates was sworn in by City Recorder Cindy Beteag.

Chief Yates thanked everyone for their support.

**Public Forum – Comments From Public**

No comments.

**CONSENT AGENDA**

1. Minutes of the Regular City Council Meeting for December 19, 2024
2. Consideration and possible approval of Resolution 2025-06 appointing Clark Fawcett to the Ash Creek Special Service District Board
3. Consideration and possible approval of Resolution 2025-07 appointing members to the Planning Commission
4. Consideration and possible approval of Resolution 2025-08 appointing members to the Power Board
5. Consideration and possible approval of Resolution 2025-09 appointing members to the Beautification Board
6. Consideration and possible approval of Resolution 2025-10 appointing members to the Airport Board
7. Consideration and possible approval of Resolution 2025-11 appointing members to the Historical Preservation Committee

Mayor Billings explained Michelle Smith and Amy Werrett are being appointed the Planning Commission, Dave Imlay is being reappointed to the Power Board, Leah Evans and Steve Baugh are being reappointed to the Beautification Committee and Mike Parker will be appointed as a new member, Scott Freeman will be reappointed to the Airport Board and Jason Campbell will be appointed as a new member, and Lee Beatty is being reappointed to the Historical Committee. Clark Fawcett arrived in person at 6:18 p.m.

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

**OLD BUSINESS**

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

The developers asked for this item to be tabled until they can bring back more information.

David Hirschi motioned to table the approval of the design for the central island of the roundabout on Sand Hollow Road. Seconded by Clark Fawcett. Motion carried unanimously.

**NEW BUSINESS**

1. Consideration and possible approval of sponsoring the Hurricane Utah Farmers Market by way of waiving the rental and power fees, extending the season, and banner placement across 100 West - Annie Spendlove

Mayor Billings stated this Farmers Market has been going on for five years. There have been no issues. They hold it on 100 West. They are requesting to be open every Saturday between March to November except for Peach Days, Easter Car Show, and July 4$^{th}$.

Kevin Thomas motioned to approve sponsoring the Hurricane Utah Farmers Market by way of waiving the rental and power fees, extending the season, and allowing a banner placement across 100 West. Seconded by David Hirschi. Motion carried unanimously.

Annie Spendlove stated they have been able to provide $7000 worth of food assistant the previous year through their programs.

2. Consideration and possible approval of Resolution 2025-12 authorizing the Community Education Channel Agency Third Amended Interlocal Cooperation Agreement

Mayor Billings read the following summary provided in the packet written by Kaden DeMille. "Since 1995 Hurricane City has been a member and participating agency in the Community

Education Channel Agency lnterlocal Cooperation Agreement. The purpose of the agreement was to fund, operate, and finance a community education channel that would be staffed through students enrolled at Dixie College. Over the decades the interlocal agreement was amended for several reasons, all of which were purposed to continue the operation of the Community Education Channel Agency. This amendment has the purpose to wind-up, dissolve, and distribute the assets of the CEC. As a matter of interesting local history, the original interlocal agreement was signed by Dixie College, the second amendment of the interlocal agreement was signed by Dixie State College, and the third amendment will be signed by Utah Tech University. This history also manifests the reason for dissolution of the CEC Agency, simply put, technology has passed by the purpose for the CEC and the participating agencies no longer use the services of the CEC to broadcast public meetings."

Kaden DeMille noted a steady decline in revenues, largely due to fewer people subscribing to television services, making the dissolution inevitable. He added that the specialized broadcasting equipment, which none of the cities can utilize, will be returned to Utah Tech for students' use. Councilman Fawcett explained that while the original intent was to teach students how to broadcast, many residents were unable to access the content. He believes the equipment will be better utilized by the students.

Clark Fawcett motioned to approve Resolution 2025-12 authorizing the Community Education Channel Agency Third Amendment Interlocal Cooperation Agreement. Seconded by David Hirschi. Motion carried unanimously.

**3.** Consideration and possible approval of a Memorandum of Understanding with the Shivwits Band of Paiutes regarding the use of property owned by the Shivwits Band within Hurricane City boundaries. -Mark Echo Hawk.

Mayor Billings read the following summary provided in the packet written by Dayton Hall. "The Shivwits Band of Paiutes have submitted a fee-to-trust application to the Bureau of Indian Affairs for two parcels of land adjacent to SR-9 between the Maverik by Walmart and 3700 West Street. The Shivwits have requested that the City Council support of the application. The Shivwits currently own the land, but if the application is approved, the land will be transferred to the U.S. federal government to be held in trust for the benefit of the Shivwits, which means the land will essentially become a part of the reservation. This item was introduced to the City many months ago, and the City and the Shivwits have been working through the identified potential issues with the fee-to-trust approval. The full draft MOU is in the packet. A summary of the key terms is as follows: The MOU will not be effective unless the fee-to-trust application is approved. Improvements on the property will comply with the City's commercial zoning standards, the Utah Building Code, and the City's Standards. Improvements will be inspected by a licensed building inspector. Normal impact fees will be paid to the City prior to vertical development. Utility services will be applied for and provided the same as any other customer.

Recognizing that the property will be removed from the City's tax base as far as property taxes and sales taxes, which are used by the City to maintain its operations and services, the Shivwits will pay an annual Community Contribution Fee that has been estimated to approximate the amount of revenue that would be generated by a comparable travel plaza. The Community Contribution Fee will be 1% of the current land value, increasing by 3% annually to account for inflation."

Mayor Billings shared that the city has held multiple meetings with the Shivwits Band, expressing admiration for how they utilize their funds and gratitude for their decision to invest in Hurricane. Mark Echo Hawk, who has served as the tribe's attorney for nearly two decades, provided an overview of the Shivwits Band and thanked everyone for their collaborative efforts. He highlighted the tribe's long history as a sovereign entity, federally recognized since the early 1900s, and their focus on supporting their people by investing in governmental partnerships and integrating into the community. He acknowledged the challenges the tribe has faced but highlighted their resilience. He explained that the elected band council oversees advancing the interests of the tribe, primarily through the government-owned Shivwits Band, which generates revenue through economic development rather than a tax base. Committed to being good neighbors, the Shivwits Band has purchased land in Hurricane, which they are in the process of designating as tribal land. Plans for the property include a travel plaza, hospitality and retail facilities, and a Shivwits cultural hall. He mentioned their intention to work closely with the City to build a strong government-to-government relationship, create jobs, and ensure their projects meet Hurricane's standards, even though they could adhere to their own codes. They are coordinating with City staff to address sewer and drainage requirements, committing to pay impact fees, and ensuring compliance with local expectations. The Shivwits Band is also seeking a letter of support from the city to strengthen their application with the Bureau of Land Management, which considers community input when evaluating tribal land applications. Echo Hawk noted their existing store is well-managed and expressed excitement about collaborating with the city on this new endeavor.

Mayor Billings noted that the police chief appreciates having an agreement in place, mentioning that a similar arrangement with Ivins has been successful. Councilman Fawcett expressed concern that the pricing at the proposed development might be significantly lower than that of surrounding businesses, potentially impacting them negatively. He questioned whether it is responsible for the council to support something that could harm other local businesses.

Mark Echo Hawk responded by acknowledging that while the Shivwits Band aims to maintain a competitive advantage, their intention is not to drive anyone out of business. He explained that in other instances, they have made efforts to be mindful of nearby competition and are open to discussions with other retailers to find a balance. While it is natural to aim for competitive pricing, they are willing to work to ensure it remains reasonable. Councilman Thomas voiced his full support for the proposal, and Councilman Ellerman shared his enthusiasm for the scholarships the Shivwits Band provides to students, noting that they awarded 14 scholarships last semester.

Kevin Thomas motioned to approve the Memorandum of Understanding with the Shivwits Band of Paiutes. Seconded by Drew Ellerman. Motion carried unanimously.

A member from the Shivwits Band stated she will be teaching a class about their tribe on February 26th at 6 p.m. at the Utah Tech Library Cove in the Bowing Auditorium.

**4.** Consideration and possible approval of an asphalt path to the water cisterns off of the 60 East walking path - Lee Beatty

Mayor Billings explained that she kept this item on the agenda to gather the Council's thoughts. If the Council supports the idea, they can explore the associated costs and consider including it in the budget. Lee Beatty suggested that the trail should be ADA-accessible and paved with asphalt. Councilman Fawcett recalled that the City had previously discussed the project, but nearby property owners were strongly opposed at the time. He recommended seeking their input again before moving forward. Councilman Hirschi clarified that the location is at the Three Falls Trailhead and is not adjacent to anyone's backyard. Councilman Thomas questioned how frequently the trail would be accessed by wheelchairs. Mayor Billings responded that the project isn't solely for accessibility but also to stabilize the area and prevent erosion. The Council agreed to proceed with exploring the costs. Councilman Ellerman clarified the City doesn't have the equipment to do it ourselves. He will ask if Washington City still has one that they will let us use it.

**5.** Consideration and possible approval of the relocation of the Hinton Home next to the museum - Lee Beatty

Mayor Billings explained that the Hinton Home is currently located on the Wells Fargo property, which they intend to sell. However, Wells Fargo would like the home moved before the sale, as the prospective buyers do not want it designated as a historical site. One potential location for the home is east of the splash pad, though staff raised concerns about that site due to past vandalism in the area. As an alternative, Mayor Billings suggested placing the home near the bell tower. Regardless of the location, a concrete slab will be needed to support the structure. Merlin Spendlove mentioned that measurements taken last week indicate the home is approximately 20x30 feet. He noted that if it were placed near the splash pad, the Sons of Utah Pioneers would prefer it to face the museum. Darren Barney presented the master plan, which originally designated the northeast corner near the parking lot as the intended location for the home. Wells Fargo has agreed to cover the cost of moving the home, but the City would be responsible for the slab. Councilman Thomas suggested asking Wells Fargo to pay for the slab as well. Dayton Hall noted the importance of preserving the home and determining its ownership, as whoever owns it has the final say on its future. Kaden DeMille brought up the possibility of temporarily storing the home on the property west of the city office, which includes old structures intended for incorporation into the Civic Center. However, he questioned whether the Council would want the home there, given that development on the property is still a long way off. Councilman Thomas expressed concerns that storing the home there for an extended period could compromise its structural integrity. The Council ultimately expressed a preference for placing the home at its originally approved location. Tiffani Wright noted that the plaque in front of the home states it was donated to the Hurricane Valley Heritage Park Foundation.

Kevin Thomas motioned to approve the relocation of the Hinton Home to the location where it was master planned. Seconded by David Hirschi. Motion carried unanimously. Council was in favor of asking Wells Fargo if they will pay for the concrete slab in addition to paying to move it.

6. Consideration and possible approval of the relocation of the Pine Valley monument on SR-9 to another location - David Hirschi

Merlin Spendlove presented the current location of the monument at the corner of SR-9 and Telegraph, explaining that it is largely unnoticed. To visit the site, one must enter the Shadow Ridge subdivision. Before the road improvements, there was a small parking area where people could stop to view the monument. Mayor Billings explained that the monument highlights the geological features of Pine Mountain. Mr. Spendlove noted that the sign on the monument is now illegible, but the Sons of Utah Pioneers (SUP) specialize in restoring such landmarks and are committed to preserving it. He stressed the historical significance of the monument and expressed a preference for keeping it on the bench where visitors can still see Pine Mountain. Mayor Billings added that one consideration against relocating it to the "Welcome to Hurricane" sign area is that UDOT has restrictions that prevent the development of a park there, making it a less viable option. Mr. Spendlove suggested that the columns could be moved, and the sign redone if a more accessible location is identified. Arthur LeBaron shared photos he had taken of the monument and noted that the back indicates it was part of an Eagle Scout project in 1986, possibly when the current wooden structure was added. He proposed relocating the monument to a trailhead near Pine Mountain, with the Cottonwood Trailhead as his top choice. However, since this trailhead is outside city limits, coordination with the BLM would be required. Mr. Spendlove supported this suggestion. Councilman Fawcett proposed an alternative location near the trail off 600 North to the Cinder Knolls. However, Councilman Thomas pointed out that the Cottonwood Trailhead is closer to Pine Mountain, while the 600 North trail attracts visitors primarily interested in the Cinder Knolls, making information on Pine Mountain less relevant there. Councilman Fawcett acknowledged the appeal of keeping the monument within city limits but understood the advantages of the Cottonwood Trailhead, which sees high usage. Mr. Spendlove reiterated his preference for the Cottonwood Trailhead. The Council directed him to consult with the SUP about the proposed locations and to work with the BLM to determine if the monument can be placed at one of the suggested sites. Leah Evans noted that the Beautification Committee is always seeking projects and offered their assistance with these efforts.

**7.** Consideration and possible approval of an amendment extending the term of a reimbursement agreement for Elim Valley

Mayor Billings read the following summary provided in packet written by Dayton Hall. "This agenda item is a request from the original Elim Valley developers to extend the term of an expired reimbursement agreement. On May 16, 2008, the City entered into a Reimbursement Agreement with Elim Valley Planning & Development, LLC and Mellon Valley, LC (the "Developers"). The Developers dedicated a portion of Sand Hollow Road to the City and, in exchange, the City entered into the Reimbursement Agreement in which the Developers were issued 196 streets impact fee vouchers valued at $3898, for a total value of 764,008. A few of the vouchers were used in the first phases of Elim Valley, but most were not used. The Reimbursement Agreement states that "This Agreement shall expire fifteen (15) years from the date of signature, regardless of the total amount of reimbursement paid by City to Developer." The Reimbursement Agreement also provides that the "term may be extended if agreed upon by both Parties." The Developers are requesting that the term be extended. The term was agreed to in 2008, and the City has no legal obligation to extend the term. If the Council agrees to extend the term and allow the expired vouchers to be used, the amount of revenue that will be forfeited for the streets impact fee fund will be $689,946.00."
Mayor Billings explained that the agreement expired a year and a half ago and noted that the expiration date was not printed on the vouchers. Lorin Walker, representing Elim Valley Planning and Development, provided context for their request to extend the agreement. He pointed out that a clause in the original agreement allows for extensions and explained why they believe an extension is justified. After signing the agreement, the housing crisis occurred, and no one was buying homes. Additionally, they were tied up in legal disputes for several years, preventing development from moving forward. Now that those issues have been resolved, they are ready to proceed and are requesting a one-year extension to utilize the vouchers. Mayor Billings stated that before placing the item on the agenda, she asked Dayton Hall to confirm whether the entities involved in the agreement were still valid, which they are. This means the agreement would remain with the same parties. Councilman Ellerman clarified that the current streets impact fee is $2,294, which is lower than when the vouchers were issued. As a result, the vouchers now represent greater value to the City. He also noted that the City gained land value through the agreement and said he would consider an extension based on that. Councilman Hirschi confirmed that no zoning changes are being requested. He asked why the original agreement included a 15-year expiration date. Dayton Hall explained that from an administrative perspective, it is challenging to track agreements for such a long period, and they did not want the agreement to remain open-ended. Councilman Ellerman added that it is common to include expiration dates in agreements to avoid indefinite obligations and felt that 15 years was a generous term. Councilman Hirschi remarked that the era of offering incentives to attract businesses has passed. He acknowledged the complexity of the situation, noting that times have changed and the agreement has already expired.

Mr. Walker explained that this is a large-scale project originally anticipated to take 30 years to complete. He urged the Council to consider the timing of events, noting that there was a period when building activity had essentially stopped. He stated that the inability to develop was beyond the developer's control. Councilman Ellerman pointed out that the original approval was for over 10,000 lots. Mayor Billings added that the projected density has since decreased by several thousand lots. Councilman Fawcett acknowledged the challenges the developers faced but questioned why no one had proactively addressed the issue before the agreement expired. He stressed the importance of monitoring such a significant agreement and asked why it wasn't being tracked. Mr. Walker explained that the developers were overwhelmed by legal issues at the time, and this agreement was unintentionally overlooked. Rob Robinson, who has worked for Elim Valley for 17 years and oversees their contracts, stated that he had never seen this particular agreement before. Despite managing thousands of documents, he did not have this one in his records. He noted that while he has all the vouchers, none of them indicate an expiration date. He only became aware of the agreement when they approached Ence Homes. At that point, he contacted Tami Jones about the vouchers and learned that the agreement had expired. Mr. Walker and Mr. Robinson added that they are only requesting a one-year extension. They now have builders lined up and are ready to move forward. They also reminded the Council that they provided the City with land for the road and are seeking fair treatment and some form of compensation. Councilman Fawcett stated that while he wants to be fair, it is ultimately the developers' responsibility to track their agreements. He expressed openness to making exceptions if there are valid reasons, but reiterated the importance of accountability in such matters.
Councilman Ellerman reviewed the numbers, explaining what was originally approved, what has been used, and the remaining balance. He noted that 173 vouchers are still available and that the streets impact fee is $1,600 lower today than when the agreement was signed. Dayton Hall confirmed that the applicant would accept one voucher per building permit. Councilman Fawcett observed that other developments have been allowed to carry over the dollar value of agreements rather than specific vouchers. Mr. Hall advised that if the Council decides to extend this contract, the terms need to be clearly defined and specific in the agreement. Councilman Fawcett agreed, adding that the reasoning for any extension must be carefully documented. Councilman Ellerman acknowledged that extending the agreement would reduce the streets fund but reminded the Council to consider the value of the land the City received through the original agreement. Councilman Thomas recused himself from voting but expressed his opinion that this is not about the dollar amount. He stated that the contract has expired, and this is not an extension but rather a new arrangement. He also pointed out that if the development were starting today, no vouchers would be issued under current practices. Councilman Fawcett explained that this situation is unique because the City initiated the road to provide access to Sand Hollow. Councilman Ellerman stated that while many numbers were discussed, he is not comfortable simply rejecting the developers' request without offering a solution. He supported the idea of allowing some use of the vouchers with a compromise to impose a minor penalty. Councilman Fawcett agreed, favoring a balanced approach that acknowledges the lapse in tracking while allowing partial use of the vouchers. Councilman Ellerman also noted a

preference to avoid using vouchers in future agreements. In response, Arthur LeBaron clarified that the City's ordinance currently requires agreements to be structured this way. Mr. Walker adjusted his request, stating that a one-year extension would not be sufficient and that two to three years would be more appropriate. Mayor Billings pointed out Councilman Prete would probably be unable to vote due to a conflict of interest, and three votes would be needed to approve any agreement.

Drew Ellerman motioned to create a new contract that will allow the developer to use 173 vouchers. The contract will be limited to 24 months and if impact fees go up, they will have to pay the difference but if they go down, they don't get a credit. One voucher per lot. This new contract is due to the fact that the street impact has gone down since the agreement was approved, there was a downturn in the economy right after the original contract was signed, and the property was in litigation for years. Seconded by Clark Fawcett. Motion carried unanimously. Dayton Hall clarified the contract will come back to the Council for final approval.

**8.** Consideration and possible approval of an agreement with Downtown Redevelopment Services LLC regarding the zoning overlay for the downtown masterplan - Gary Cupp

Gary Cupp began by explaining that the Council adopted the downtown master plan last year, which outlined the current conditions and the desired future for the downtown area. To achieve that vision, the plan includes an implementation schedule, and part of that involves creating a downtown overlay zone. The designated downtown area spans from 200 North to 200 South and from 300 West to the bend in State Street. The goal of the overlay zone is to foster a mixed-use, walkable, and vibrant district while streamlining the development approval process. This would help create an economically viable area to attract businesses. The overlay zone would establish guidelines for development, including an architectural theme, façade improvement programs, and a vacant property ordinance. The proposed contractor, who prepared the original master plan, would continue the project under a $23,000 contract already included in this year's budget. Councilman Fawcett raised concerns about traffic issues, noting that local traffic is already a problem in the area. He questioned whether making the area more active and viable would exacerbate those problems. He also asked how the area could be made pedestrian-friendly given the heavy traffic on SR-9 and the lack of alternative routes. Mr. Cupp responded that the intent is to create a walkable environment, but Councilman Thomas pointed out that the Council lacks a unified vision for downtown. He argued that hiring a consultant would be a waste of money if the Council cannot agree on what they want. Mr. Cupp clarified that the purpose of the consultant would be to provide guidance on how the downtown area should look. While it is part of a general plan element, he acknowledged that the Council might not see it as a priority right now. Mayor Billings suggested they consider rezoning and gathering input from residents to determine what they want for the space. Councilman Ellerman argued against spending money on a consultant, sharing that Washington City manages development along major roads by using conditional use permits. This approach allows the Council to influence the

design and theme of buildings over time, which, he suggested, could achieve the same results as hiring a consultant.
Mayor Billings recalled that when the issue was previously discussed, Councilman Thomas introduced concepts that resembled the look of Ace Hardware, and she noted that everyone seemed to be in favor of that design. She expressed support for using conditional use permits. Mr. Cupp explained that the ordinance would need to be updated to allow this approach. Councilman Thomas suggested that the Council should model their approach after the Ace Hardware design, but he noted that the real point of disagreement is the building's function, and the number of stories allowed on the City's property. Both Councilman Hirschi and Mayor Billings emphasized the importance of preserving green space in the downtown area. In response, Councilman Ellerman argued that to create a walkable community, buildings should be at least two stories, with retail on the lower level and residential space above, a design trend that is gaining popularity. Mr. Cupp acknowledged that mixed-use developments are not currently permitted and would require code updates if the Council desires such a change. Councilman Hirschi reiterated his preference to maintain open space, while Councilman Fawcett agreed, stating that the Council needs to take a leadership role in setting the vision and planning for the area. Mayor Billings noted that establishing an overlay district remains important, whether or not this particular contractor is chosen, to guide future development. Councilman Thomas argued that excluding the City property from the plan would undermine the district's effectiveness, as it is centrally located. Mr. Cupp clarified that the City property had been designated as a catalyst property. Councilman Ellerman suggested keeping the City property as a gathering space while focusing on planning the look and feel of surrounding developments. He stressed the importance of providing developers with a clear theme. Mr. Cupp pointed out the need to consider the urgency of the situation. Councilman Ellerman recommended updating the code to allow for conditional use permits in the designated area, with aesthetic standards approved by the City Council. Dayton Hall added that the Council would need to outline specific conditions. Councilman Ellerman offered to send ordinance samples to the staff for review.
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David Hirschi motioned to deny the agreement with Downtown Redevelopment Services LLC. Seconded by Kevin Thomas. Motion carried unanimously.

9. Consideration and possible approval of a renewed contract with Alpha Engineering for engineering services - Dayton Hall

Mayor Billings read the following summary provided in the packet written by Dayton Hall. "The proposed contract is consistent with the City's current relationship with Alpha Engineering. Although the City accepted these rates in a proposal by Alpha in 2015, there was never a signed contract. The lack of a signed contract surfaced this month when the Utah Board of Water Resources requested a copy of the engineering services contract as part of the Board's award of a zero-interest loan to the City for the construction of the pressurized irrigation system and the new culinary water tank and well. A contract with Alpha Engineering is required prior to the

Board's meeting on January 30th. Staff recommends approval of the contract. The City Attorney approves the contract as to form." Glen Carnahan with Alpha Engineering expressed gratitude for the long-standing relationship with the City.

Drew Ellerman motioned to approve the contract with Alpha Engineering. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

**10.** Consideration and possible approval of ZC25-01, a Zone Change Amendment request to rezone a property located at 808 S 920 W from RA-1 (Residential Agriculture, one unit per acre) to RA-0.5 (Residential Agriculture, one unit per half acre).

Mayor Billings read the following summary provided in packet written by Gary Cupp. The applicant requests a zone change from Residential Agricultural RA-1 to Residential Agricultural RA-0.5 on 1.05 acres located on the west side of 920 W and north of 900 S. The applicant has stated that their purpose is to facilitate a lot split to build two homes. The Planning Commission heard this item on 1/9/2025. No objections to the project were voiced during the public hearing for this item and the Planning Commission voted 7 in favor with 1 abstention to approve the zone change request. Findings - Staff has reviewed the proposed zone change and finds that the project: The application meets the standards within the General Plan and General Plan Map. The zone change is harmonious with existing development in the area in that most of the surrounding development is large lot single family homes. The proposed zone change will not adversely impact the area and is within the parameters of the General Plan. Services are adequate to serve the area and proposed project Staff recommends approval.
Councilman Ellerman clarified the property between the property and the street is already owned by the City. Karl Rasmussen explained they will split the lot for two half acre lots.

Kevin Thomas motioned to approve ZC25-01 a zone change amendment request to rezone property located at 808 S 920 West from RA-1 to RA-0.5. Seconded by David Hirschi. Motion carried unanimously.

**11.** Mayor, Council, and staff reports

Councilman Fawcett shared his experience serving on the Washington County Water Conservancy District (WCWCD) board, noting that it has been insightful to review their budget. He mentioned that the board recently approved contracts with Ivins, Santa Clara, and Washington for reclaimed water use. During discussions, Hurricane's contract was raised, with the District expressing concerns with the City wanting to do their own thing. He told Morgan that he plans to meet with her to address these concerns. Additionally, he mentioned a group trip to San Diego to tour a reuse plant. He highlighted the District's satisfaction with the conservation efforts, including their initiative to buy back sod. Councilman Hirschi suggested that if Councilman Fawcett decides not to run for re-election, he should petition the WCWCD board to ensure that an elected official remains on the board. Councilman Fawcett affirmed that he would appreciate the Council's input, allowing him to represent their concerns at the board level.

Mayor Billings noted that she will be attending the inauguration next week, where she plans to meet with several Utah senators and congresspeople.

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

Kevin Thomas motioned to go into a closed session at 9:25 p.m. to the discuss the potential purchase of water rights or water shares. Seconded by Drew Ellerman. Motion carried unanimously.

David Hirschi motioned to go out of closed session at 10:00 p.m. Seconded by Drew Ellerman. Motion carried unanimously.

Councilman Ellerman asked if Smith's was coming to Hurricane.  Mayor Billings stated they are in discussions but right now only Maverick and Panda Express have committed for the Elim Valley area.

**Adjournment:** David Hirschi motioned to adjourn at 10:04 p.m. Seconded by Kevin Thomas. Motion carried unanimously.