Minutes of the Hurricane City Council meeting held on February 6, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Power Superintendent Scott Hughes, City Planner Gary Cupp, Assistant Planner Fred Resch III, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, and City Recorder Cindy Beteag, Water Representative Kory Wright, Parks Superintendent Darren Barney, Finance Manager Paige Chapman, and Water Superintendent Ken Richins.

AGENDA
4:00 p.m. Joint Work Meeting with the Planning Commission
Discussion about the rockfall zone.

Planning Commissioners present: Michelle Smith, Paul Farthing, Mark Sampson, Amy Werrett, and Kelby Iverson

Mayor Billings referenced Kelby Iverson's statement about the desire to preserve agricultural fields, which has led to more development on hillsides—placing homes in rockfall zones. She also mentioned Scott Stratton, who contacted her regarding his subdivision, where he was required to pay approximately $26,000 for a geologist's assessment. He questioned whether such an expense was necessary. Dayton Hall explained that state law allows municipalities to regulate land use and development in floodplains or potential geologic hazard areas. Tyler Knudson, a geologist with the state, stressed the importance of enacting these hazard zone regulations, noting that such hazards have claimed hundreds of lives. His team is among the first responders during emergencies, and through experience, they have found that cities enforcing these ordinances experience fewer incidents. The state provides mapping tools to identify known hazard areas, but it is ultimately up to communities to adopt protective regulations. Addressing geologic hazards proactively is often more cost-effective than attempting to fix problems retroactively. Mayor Billings mentioned that some communities include an indemnification clause on development plats and asked whether such a measure would protect the city. Mr. Knudson responded that they have a model ordinance that has been successfully implemented in other communities. When Mayor Billings inquired about recommendations for developments in rockfall zones, Mr. Knudson explained that a geotechnical engineer typically conducts a site visit to assess risks—examining soil conditions, identifying hazards, and performing test pits if necessary. In some cases, a simple subsection in a soil report may suffice if no hazards are found. These assessments primarily focus on areas directly below cliffs.

Mayor Billings asked whether property owners could indemnify the city in such cases. Mr. Knudson responded that if infrastructure is already in place or the risk is deemed minimal, indemnification might be an option. However, he emphasized the importance of ensuring that potential home buyers are fully aware they are purchasing property in a rockfall hazard zone. Gary Cup noted that guidelines could be adopted for anyone developing in these areas. Mr. Knudson explained that while their maps identify potential hazard zones, a geologist can quickly assess the specific risks through a site visit. He then presented their map, detailing the various hazard zones. In Hurricane, the primary rockfall risk areas include Hurricane Hill, the Virgin River corridor, and the ridge above Dixie Springs—locations that require further review. He also pointed out the presence of two active fault lines in the area, noting that the 1992 earthquake triggered significant rockfalls.

Julie Iverson stated that the area from Toquerville to Moccasin Flats sits on the same fault line, with dozens of homes already built along it. A 2008 study determined that a geologist or geotechnical engineer is required for development in these areas and outlined various mitigation strategies. She mentioned that her family has a rockfall pit behind their home for protection. However, when developing a subdivision, property owners are required to indemnify the city, and the primary concern remains the cost of conducting a geological study. Mayor Billings questioned whether requiring such studies provides new information beyond what is already known. Mr. Knudson explained that the maps are conservative, but the primary concern is development near the cliffs, where lives could be at risk. He has confidence in the methodology they use. Mr. Hall asked how Hurricane's ordinance compares to the state's model ordinance. Mr. Knudson responded that Hurricane's regulations are minimal and suggested looking at Springdale and St. George for guidance on adopting stronger policies. Mayor Billings then asked the Council and Commissioners for their thoughts on requiring a geological engineer only for red-zone areas while allowing a geotechnical engineer for green and yellow zones. Mr. Knudson noted that Springdale and St. George's ordinances focus primarily on high-hazard areas. Councilman Prete questioned how much of the land is actually buildable. Mr. Cupp explained that the sensitive land ordinance dictates where development can occur on slopes. A review of maps for Angel Heights and Rainbow Canyon confirmed they are in a high-hazard zone, though most of the area has already been built out.

Kelby Iverson pointed out that the City already has an ordinance in place. Previously, there was an ordinance that wasn't being enforced, but it was later updated and is now being implemented. He reiterated Mr. Hall's statement from the beginning of the meeting: "The City may adopt an ordinance." While the updated ordinance has changed what developers can do within their subdivisions, they are here because enforcement has begun, but more refinements are needed. However, he argued that additional regulations are unnecessary, as most of the area is already built out, with only 5% left to develop. He stated that citizens primarily want an indemnification clause—nothing more. He also stressed the need for affordable housing and pointed out that more people have died from lightning strikes than rockfalls in Hurricane. In his view, the meeting was veering toward imposing more restrictions than the citizens desire. Mayor Billings responded that the meeting was called because many residents had reached out to her with concerns. She noted that despite significant money being spent on studies, no actions were taken to mitigate rockfall risks. Mr. Iverson then referenced the Bramall house, located in a rockfall zone but positioned at the highest point in the valley. Mr. Knudson explained that addressing low-risk areas could be as simple as adding a few paragraphs to the regulations. Mr. Hall clarified that under the current City ordinance the City Engineer does not conduct rock fall studies; rather, the City Engineer has the discretion to accept or reject studies submitted to the City by engineers that specialize in that area of practice.

Mayor Billings asked for input from the Council and Commissioners. Councilman Ellerman expressed concern that while indemnifying the City might seem like a solution, the reality is that those who suffer harm will likely sue. He acknowledged that while such incidents may be rare, they are inevitable over time. However, he cautioned against swinging from one extreme to another in policy decisions. Mr. Iverson questioned what would happen to homes that are already built in rockfall zones. Councilman Ellerman acknowledged his point but feels that the issue still needs careful consideration. Councilman Fawcett stated that his priority is protecting residents, particularly those who may not be aware of the risks when purchasing property. While he does not want to halt development or make it prohibitively expensive, he stressed the need for a balanced approach. Kent Clayton shared his personal experience, explaining that he purchased property in a rockfall zone, only to later find that a significant portion of it is now unusable due to an ordinance-created easement. He asked how he could be compensated for the loss of usable land, noting that his research prior to purchasing never indicated the property was in a rockfall zone. Councilman Fawcett responded that while he does not support creating easements that restrict land use, if mitigation measures are necessary to prevent future issues, they should be considered.

Councilman Ellerman clarified that the City does not currently have a review committee, whereas surrounding communities use the same committee for these evaluations. Councilman Prete noted that development is moving closer to high-risk areas and acknowledged that risk is inherent in any location. He stressed the need for balance, stating that while the government should act responsibly, it should also avoid unnecessary interference. He questioned what level of regulation is appropriate and pointed out that since there has not been a rockfall incident in Hurricane, it is unclear how much regulation is truly necessary. Councilman Thomas agreed with Councilman Prete, stating that he does not support additional regulations. Amy Werrett raised concerns about what happens when homes in rockfall zones are sold to new owners. Mayor Billings responded that currently, there are no regulations in place to address this issue. Michelle Smith argued that the remaining areas available for development are hazardous. She warned that if exceptions are made for rockfall zones, similar exceptions may also be expected for floodplain areas. She believes regulations would ultimately protect citizens, builders, and the City. Additionally, she pointed out that while an indemnification clause may protect developers, it would not shield future homeowners from liability. Paul Farthing stated that the City should take responsibility for ensuring safety and enforcing codes. He expressed skepticism about allowing property owners to simply sign indemnification agreements, stating that preventative measures can and should be taken. He noted that when he built his home, a soils report was not required, but now every lot must have one due to past issues. He argued that just because something was previously done incorrectly does not mean those practices should continue.

Mark Sampson clarified that the review committee used by other cities does not charge fees. Councilman Ellerman added that these committees typically provide recommendations after just one meeting. However, Mr. Sampson expressed concern that creating such a committee in Hurricane could introduce another layer of regulation that developers would have to navigate. Mayor Billings summarized the potential solutions discussed, which included having staff conduct site visits, requiring research by a geologist or geotechnical engineer, implementing a disclosure statement, or forming a committee. Mr. Iverson suggested that if a proposed development does not present a greater risk than what has already been built, it should be allowed to move forward. Mrs. Iverson added that every time a property is sold, buyers should be required to acknowledge and sign a disclosure confirming it is in a rockfall hazard zone. The Council agreed that, at a minimum, an indemnification disclosure should be required.

Scott Stratton voiced frustration, stating that he had already paid for a geological study, and now the requirements were changing again. He felt that the regulations were constantly shifting. Mr. Hall explained that recording a disclosure statement and recording a geological study are two different things. Mayor Billings noted that a geotechnical report is already required, and the disclosure could be incorporated into that report. Councilman Fawcett expressed concern that this approach could spread liability further than necessary. Councilman Ellerman pointed out that homebuyers often do not read all the documentation they receive. He also noted that geotechnical engineers are unlikely to sign a report if it includes a geological study, meaning developers would still need to hire a geologist separately. Mr. Stratton confirmed that this was exactly what had happened in his case. He explained that although he had received preliminary plat approval, the City later refused to sign his construction drawings because his development was located in a red zone. Councilman Ellerman stated that hazard identification and mitigation should occur at the beginning of the development process, not at the construction drawing stage. Mr. Iverson pointed out that Mr. Stratton spent $26,000 on a geological report that ultimately did not change anything—except for restricting how he could use his property. He argued that the most hazardous areas had already been developed.

Mr. Farthing countered by pointing out that a geologist had explicitly stated that some of the land should not be inhabited, and he personally would not choose to live there. Mayor Billings suggested that an indemnification statement attached to the property title could be a viable solution. Councilman Fawcett warned that developers cannot assume buyers fully understand the risks when purchasing property. He had seen cases where people were warned, built homes anyway, and later blamed the City when problems arose. Mayor Billings explained that current City ordinances require a geologist’s assessment, but if the ordinance were revised, a geotechnical engineer could potentially be used instead. Mr. Hall concluded by cautioning that, even with an indemnification agreement, the City could still face liability concerns.

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

Larry Palmer reported that since the last meeting they have issued eighteen single family homes, two townhome buildings with seven units, and two commercial buildings.

Ken Richins stated they are busy repairing many water breaks. The two irrigation ponds are almost built out and the piping installation is on schedule. The Goulds Wash and Sky Ranch wells will be bid out on February 13th. The Dixie Springs well will be advertised this Sunday. Mayor Billings stated she is asking for emergency funding for Dixie Springs. She has some legislators working on the problems.

Chief Yates stated they held a pinning ceremony on Monday for promotions within the department. Travis Hall and Justin Gray were promoted to Lieutenant and Jared Barker, Trent Leslie, Omar Torres were promoted to a Sargant. They had a great turnout.

Tiffani Wright mentioned the footings have been poured for the four-court gym. She asked if anyone was interested in being on a committee to decide the floors of the gym. Mayor Billings and Councilman Hirschi will be on the committee. Roger McDonald is donating all the doors and windows for the building. Mayor Billings stated the State of the City will be on April 28th. Mrs. Wright stated the next play is Hunch Back and it starts in April.

Scott Hughes stated he left an invitation to the State Capital for the Council to meet with legislators and other power companies. There are scholarship opportunities for seniors through UAMPS. He reminded the Council about the discussion regarding an overhead power line on Old Hwy 91. They have been talking to the businesses and so far no one has any issues with the overhead line. He confirmed the Council is in favor of him moving forward with the line. He added that the line to Branam Ranch has been purchased.

Darren Barney mentioned they have a mechanic position open. He met with Arthur Lebaron regarding the pickle ball courts. They will get it advertised to get an engineer hired.

Arthur LeBaron stated they have advertised the following projects: pavement maintenance, chip seal and slurry seal, Bradshaw Hotel repairs, and improvements on 1100 West. They have hired an intern that will be documenting the updates to the gym.

Gary Cupp stated he went to the dark sky summit last week. There was a great presentation that he will share at a later date. They are big proponents of protecting the dark sky. He stated our ordinance already requires a lot of their recommendations. The Planning Commission has a large agenda next week.

Fred Resch III reported that the car dealership that has been storing their cars on a residential lot have moved the cars. He will continue to monitor it to ensure it doesn't happen again. A preliminary site plan for park in the PID area was approved. He has been watching what the legislators have been discussing.

Mayor Billings mentioned the fentanyl bill was passed making it a class 1 violation.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer: Olivia Ruesch
Thought: Georgie Holt
Pledge: Ashton Daughterty

Declaration of any conflicts of interest
None declared.

Minutes of the Regular City Council Meeting for January 2, 2025, and January 16, 2025
Clark Fawcett motioned to approve the January 2, 2025 and January 16, 2025 minutes. Seconded by Drew Ellerman. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete abstained.

2024 annual report from Washington County Mosquito Abatement - Sean Amodt
Sean Amodt reported that last year was exceptionally busy for his team, with about 12 people assisting their efforts. They collaborated with the Division of Wildlife Resources (DWR) on willow planting and worked on various projects to reduce mosquito populations. They also received training on cyanobacteria, learning when it becomes a concern. A group of students from Utah State University helped study mosquito breeding sources, while Amodt's team partnered with the Shivwits Band to establish an abatement program. Additionally, they conducted testing in Ivins to assess potential insect issues associated with a future lake. Their work with the State Health Department focused on tick monitoring, confirming that Lyme disease-carrying ticks are present in the area. He noted that an invasive mosquito species recently moved through the region, requiring treatment in about 12 neighborhoods. To aid in mosquito control, they established a memorandum of understanding (MOU) for the use of mosquito fish. They also acquired new equipment to improve efficiency and expanded their education initiatives in partnership with the Department of Natural Resources (DNR).
He had the opportunity to collaborate with the Health Department, writing an article that was distributed countywide. Despite having a small crew, they completed over 2,000 treatments in Hurricane, focusing on areas near Tractor Supply and the Hurricane Fields. Mayor Billings invited Mr. Amodt to write an article for the City newsletter and suggested he host an educational event at the Community Center as part of a STEM initiative. Councilman Thomas inquired about the genetically modified mosquitoes being released in Florida and California. Mr. Amodt explained that this project has been in development for over 15 years. The modifications prevent mosquitoes from reproducing without altering their behavior. The

program has proven effective in reducing mosquito populations in areas where it has been implemented, ultimately lowering the risk of mosquito-borne diseases.

Presentation by Hurricane Youth City Council
Youth Council Leader Cassie Daugherty shared that the group recently had the opportunity to visit the State Capitol for Legislator Day. She played a video highlighting their trip. Ashton Daugherty described the experience as both informative and exciting, noting that he especially enjoyed learning about the Capitol building and how the House of Representatives operates. Olivia Ruesch appreciated the chance to interact with other Youth Councils, while Georgie Holt found it valuable to learn about the various roles within the Senate. Sawyer also enjoyed the trip, mentioning that he was fascinated to discover the tunnels beneath the Capitol and to gain a better understanding of the voting system. Mrs. Daugherty explained that the Youth Council is involved in multiple coalitions in addition to their Council responsibilities. She introduced the program's leaders and emphasized that they conduct assessments to measure what members have learned. She expressed gratitude to the City for recognizing and supporting the youth as the future of the community.

Public Forum – Comments From Public
David Johnson thanked the Council for the opportunity to speak and expressed his concerns about water usage, particularly regarding Jellystone Park. He questioned why the City believed it had the right to provide water to the park. According to Johnson, before construction began, the owner of Jellystone Park was aware that the Water District would not supply water for its water features and had initially planned to provide his own. However, after the park was built, the Health Department required a water source, and when the owner approached the Water District again, they declined to provide water. Instead, the City stepped in and granted access to its water supply, a decision Johnson believes constitutes fraud. He stated that he has filed a case with the state police regarding the matter and questioned why taxpayer water should be used to benefit a private business. With over a billion dollars being spent on a water reuse system to increase the availability of culinary water, he argued that it makes no sense to allocate this resource to Jellystone Park—especially in the midst of a drought.

Mayor Billings explained that the City received water rights from the Washington County Water Conservancy District, which had agreed to provide the water and issued a "will serve" letter. When Jellystone Park's plat was originally submitted, the owner stated they would use their own water. However, neither the City nor the District can selectively deny water service, as it is considered a property right. Mr. Johnson countered that Zach Renstrom claimed he did not want to provide water to Jellystone but was forced to do so by the City and Health Department. Mayor Billings asked the City Attorney Dayton Hall to comment. Mr. Hall stated that while he was not involved as the City Attorney in the original approval process, he had investigated the issue. He confirmed that Jellystone Park had initially represented that it would provide its own water, but this was never formalized in a development agreement or set as a condition of approval. At the time, a water park was a permitted use. Once the park was built, it was required to meet public park standards to use its own water rights for the water park, which led the owner to instead request a water meter for both the RV park facility and the water park. Because of the City's agreement with the District, Jellystone was required to pay an impact fee to the District before receiving City authorization for a water meter. After the City had received confirmation from the Water District that the District's impact fee had been paid, the City issued a meter to Jellystone. Since then, the City has updated its ordinance to prohibit new water parks, ski lakes, and golf courses. Mayor Billings noted that she had spoken with the owner, who is now working on upgrades to use his own water source. Mr. Johnson maintained that while the owner has the right to use his own water, the City's water is too valuable to be allocated for water rides, and Jellystone should not have been granted access to it.

OLD BUSINESS

1. Consideration and possible approval of an amended and extended reimbursement agreement with Mellon Valley, L.C. and Elim Valley Planning and Development, LLC

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. "On January 16th, 2025, the Council voted to extend by 24 months the reimbursement agreement for Elim Valley. The draft agreement in the packet is consistent with the vote and direction given by the Council at that meeting. The key terms of the Amended and Extended Reimbursement Agreement are as follows: (1) The remaining 173 road impact fee vouchers may be used within the next 24 months; (2) Each voucher may be used to offset the road impact for one residential unit—the current impact fee for one residential unit is $2,294; and (3) If the road impact fee goes up, the developer is required to pay the increased amount, but if the fee goes down, there is no credit, offset, or carryover."

David Hirschi motioned to approve the amended and extended reimbursement agreement. Seconded by Kevin Thomas. Drew Ellerman recommended having the expiration date from the night it was originally approved not from tonight. Motion was not amended to include the recommendation. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman voted nay.

NEW BUSINESS

1. **Public Hearing to take comments on the following:**
    a. Proposed amendments to the 2024-2025 Fiscal Year Budget

Clark Fawcett motioned to go into a public hearing. Seconded by Kevin Thomas. Motion carried unanimously.

No comments.

Kevin Thomas motioned to go out of public hearing. Seconded by Drew Ellerman. Motion carried unanimously.

2. Consideration and possible approval of Resolution 2025-13 approving & adopting amendments to the 2024-2025 budget - Paige Chapman

Paige Chapman explained that these are standard budget amendments. She noted that the first section covers revenues, while the lower section details expenditure adjustments. Interest earnings have been strong, and both dance and art programs are performing well. She also mentioned that grant amounts remain uncertain until they are officially received. One notable expenditure was pool repairs. Councilman Fawcett inquired about the 600 North trail project. Mrs. Chapman clarified that while the project was expected to be completed last year, it carried over into the current fiscal year, requiring payment from this year's budget.

Kevin Thomas motioned to approve Resolution 2025-13 approving and adopting amendments to the 2024-2025 budget. Seconded by Clark Fawcett. Motion carried unanimously by a roll call vote.

3. Consideration and possible approval of updates to the Hurricane City Airport Rules and Regulations and the Minimum Standards for Commercial Aeronautical Activities

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. "Introduction. This agenda item is a proposal to update the Hurricane City Airport (1) Rules and Regulations and (2) Minimum Standards for Commercial Aeronautical Activities. These standards were last updated in 2009. The proposed updates are the result of discussions by the Airport Board and contributions by Board members and an informal sub-committee. The proposed updates were recommended unanimously by the Airport Board on January 21, 2025. Summary of Updates -The agenda packet for this item includes a redlined version of the proposed amendments that shows each revision, as well as a 'clean' copy that incorporates the proposed amendments. The Council is encouraged to review the proposed amendments within the packet. A summary of the key revisions for each document is below:

- Rules and Regulations:
    - The process to obtain a business license to conduct commercial activity at the airport is changed and clarified. After review by the Airport Manager, complete applications for a business license will be forwarded to the City's business licensing officer and issued in the normal course. Business licenses for airport businesses will no longer be approved by the City Council. However, the requirement for a commercial lease approved by the City Council is still a requirement to conduct Commercial Activity at the Airport. In other words, the City Council's approval of a commercial hangar for a commercial use constitutes the City's approval for that type of business if the other requirements are met.

    - Except for the Airport Manager, residential occupancy of a hangar is prohibited.
    - The City is expressly permitted to conduct inspections of hangars.
    - The City's Noise Abatement Procedures, which were previously adopted by the Council in an independent document, are incorporated into the Rules and Regulation.
    - Many technical and grammatical changes are proposed.
- Minimum Standards for Commercial Aeronautical Activities:
    - The process to apply for approval of a commercial aeronautical activity is simplified and clarified. The process is made consistent with the business licensing requirements as described in the Rules and Regulations.
    - Revisions to the different requirements for specific types of commercial activities are proposed."

Dayton Hall clarified his summary only covers key highlights, not all the proposed changes. Mayor Billings mentioned there are a lot of flight instructors that are wanting to get a license, so she wants the Council to be aware of the change. Mr. Hall stated it was changed to allow them if they can sublease a hangar. Multiple subleases are allowed on a hangar if the approved lease allows it. Another proposed change under flight instruction is that it now requires adequate office space instead of specifying the square footage. Councilman Prete thinks that is problematic as it allows it to mushroom without oversight. Mayor Billings stated it is regulated by the Airport Manager. Councilman Prete pointed out the manager might have different views than the Council. We could end up with a lot of flight instructors. Dave Houston stated they might have a lot start up but it is hard to make it go. There isn't that much interest. Councilman Fawcett stated this was discussed thoroughly with the Airport Board and their biggest concern is they wanted to be consistent with the standards. Councilman Ellerman would rather put a maximum number of airflight schools at the airport. Mr. Houston stated that it may be against the FAA grant assurances. Councilman Ellerman stated it becomes a safety issue. Mr. Hall stated the grant assurances limit what the City can do but the City maintains some discretion to pass regulations in the interest of safety and providing opportunities to a variety of different commercial uses. Councilman Fawcett suggested putting a cap and then if it reaches that then the airport board or Council has to weigh in. Councilman Ellerman stated they need to limit it now because it is too hard in the future. Mayor Billings suggested continuing the item so staff can check into the FAA grant assurances, as she believes restricting the number of similar businesses may not be legally enforceable.

Kevin Thomas motioned to approve the updates to the Hurricane City Airport Rules and Regulations and the Minimum Standards. Motion died for lack of second.

Joseph Prete motioned to continue the discussion to the next meeting. Cindy Beteag suggested limiting the leases so they can only sublease to a certain amount. Steve Nation explained that instructors have to have space to do briefing and parking. The number of planes that can be parked is limited. It will limit itself. Seconded by Drew Ellerman. Motion carried with Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. Kevin Thomas and David Hirschi voted nay.

4. Consideration and possible approval of Resolution 2025-14 approving the Interlocal Agreement for Election Services with Washington County - Cindy Beteag

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. "In preparation for the 2025 municipal elections, Washington County has provided the cities and towns within the County with two alternative contracts for election services. One is for full election services, and the other is for limited election services. The full service agreement is consistent with how the County has conducted elections in the past. The County will assume responsibility for the election, with the City Council acting as the Board of Canvassers. The County's expenses will be passed on to the City. The limited service agreement is substantially different from the procedures that have been followed in the past, with the City taking possession of the ballots after signature verification and removing the ballots from the County's property. The County would not assist or have any involvement from the time the City takes possession of the ballots, so the City would be solely responsible to transport, secure, tally, and store the ballots in the manner and following the process required by the Utah Code. Also, under this agreement, voters at the County voting locations will have to vote by provisional ballots to ensure those municipal ballots are not inserted into the County's tabulating machine. The City would still reimburse the County for its costs to print, mail, and process the ballots for signature verification. Staff has the same concerns and reservations with the limited service agreement as were expressed when these discussions occurred in the last municipal election. Assuming possession of the ballots and responsibility for the election midway through the process will increase the risk of legal claims against the City that the ballot transition or vote counting was flawed. Allowing the County to assume the responsibility and liability of the election process from the beginning to the end is the legally prudent method to handle the municipal election. Also, the limited-service agreement will require a substantial investment of time by the City Attorney and the City Recorder to become experts in election law and to ensure that all of the legal and technical requirements of the election process are met. Staff recommends that the Council approve the full-service agreement with the County for election services."

Mayor Billings recalled that during the last election canvassing, errors were discovered. She noted that the City has the option to manage the process independently. Councilman Fawcett expressed concerns about splitting responsibilities, as it would no longer fall under a single entity's oversight. Cindy Beteag added that new laws require continuous recording of ballot areas, meaning the City would need to invest in additional equipment if it chose to handle elections internally. Councilman Ellerman clarified that his concerns lie with the election process leading up to the count, rather than the actual ballot counting. Mayor Billings mentioned that her husband had previously overseen an election, successfully counting thousands of ballots in a short time. Councilman Prete cautioned that if the City assumes election duties for a few years, the County might not allow them to revert back in the future. Councilman Fawcett pointed out that transferring ballots between multiple entities could create additional challenges. Councilman Thomas advocated for hand-counting ballots, arguing that electronic systems could be manipulated by a programmer and lack sufficient auditability. He cited an instance in the last election where a ballot with a missing signature was counted due to human oversight. Councilman Ellerman countered that such issues stem from human error and increasing manual processes could lead to even more mistakes.

Kevin Thomas motioned to approve Resolution 2025-14 approving the limited Interlocal Agreement for Election Service. Seconded by David Hirschi. Motion failed with David Hirschi and Kevin Thomas voting aye. Joseph Prete, Drew Ellerman, and Clark Fawcett voting nay.

Clark Fawcett motioned to approve Resolution 2025-14 approving the full service Interlocal Agreement for Election Services. Seconded by Joseph Prete. Motion carried with Joseph Prete, Drew Ellerman, and Clark Fawcett voting aye. David Hirschi and Kevin Thomas voted nay.

5. Consideration and possible approval of Ordinance ZC24-06 and PSP24-09 a Zone Change Amendment and a Preliminary Site Plan request located approximately 5210 W 2250 S from A-5 (Agricultural, one unit per 5 acres) to RR (Recreation Resort). Parcel numbers H-4138-A, H-4138-G, and H-4-2-15-112. Chris Wyler, Applicant; CivilScience, Agent.

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. “The applicant requests approval to rezone and add approximately 3.37 acres to the existing Pecan Valley Resort. The current zoning of the 3.37 acres is Agricultural A-5 and it is proposed they be rezoned to Recreation Resort. The request includes a site plan with additional parking spaces to support nearby clubhouses and amenities, the construction of pickleball courts, and the construction of 17 housing units. The Planning Commission heard this item on January 23, 2025, and unanimously recommended approval upon condition that it will not increase the current number of already approved Recreation Resort units within the overall Pecan Valley development, and that the development agreement for Pecan Valley Resort be updated to include the additional acreage. The applicant has agreed that the 17 proposed units will be a density transfer to the new site and will not increase the existing unit count for the overall resort. Findings: The application meets the standards of the General Plan Map in that the action would bring the zoning of the subject property into consistency with the general plan, but it does not meet policies in the Moderate Income Housing Plan. Generally, the proposal is harmonious with the surrounding uses to the north, south, and east. The proposed amendment will have an impact on the area; however, the impact could be considered minimal in light of the overall Recreation Resort development that has already been approved around the subject property. Services are currently adequate to serve the property. The application does not meet some of the requirements of rezoning a property to Recreation Resort; specifically, the overall development will be larger than the recommended 20 acres and the

property is not located adjacent to a master planned road. The Preliminary Site Plan provided is acceptable for the zone change application. Recommendation: Staff recommends approval. While the zone change may not meet all the considerations for rezoning to the Recreation Resort designation, the proposal does establish consistency with the general plan by eliminating a small island of inconsistent zoning. And even though the Pecan Valley Resort has already exceeded the 20-acre maximum area recommended by City ordinance for a Recreation Resort zone, the addition of 3.37 acres to the Pecan Valley Resort would be a negligible increase that would eliminate a small portion of agriculturally zoned land that would likely never be used for agricultural purposes and align the site with the general plan. The property is almost an island of agriculturally zoned land bounded on three sides by the Pecan Valley Resort; therefore, staff recommends approval of the requested zone change subject to the condition that it will not increase the current number of already approved Recreation Resort units within the overall Pecan Valley development, and that the development agreement also be updated to include the additional acreage.
Alternatively, the City Council could reasonably deny the application, since the zone change does not meet all the conditions for rezoning to the Recreation Resort designation in that it: exceeds the recommended 20 acres for Recreation Resort developments; is not consistent with the existing development agreement; is not located adjacent to major collectors, minor arterials, or major arterial roads; does not add significant commercial viability to the area nor does it provide commercial amenities; and would result in the loss of agricultural lands."

Chris Wyler stated he gave up some units for this parking. They would like to put in some commercial aspects with this area. This will add about 100 parking spaces. Councilman Prete clarified staff recommended approval but gave the Council the reasons for denial should they choose to do so. Gary Cupp explained they need adequate roads to accommodate the number of people that could go there. Councilman Thomas stated this does not increase the density. Mr. Cupp thinks it is a good idea. It doesn't meet the size requirements for the current zoning, and it is surrounded by the resort. Councilman Prete clarified the resort is about 70 acres. Dayton Hall asked if the Council wants to approve this do they want to see the amended development agreement. Council is comfortable with him changing it and recording it. Councilman Ellerman confirmed the Stratton piece not a part of it.

Kevin Thomas motioned to approve Ordinance ZC24-06 and PSP24-09 a Zone Change Amendment and a preliminary site plan subject to the staff and JUC comments. The development agreement must be recorded before building permits are issued. Dayton Hall, City Attorney, will make the modification to the agreement as discussed. Approval is based on this change cleans up the problems and all utilities are available. Seconded by Joseph Prete. Motion carried unanimously.

6. Consideration and possible approval of Resolution 2025-16 amending the rental fee for the Fine Arts Building - Tiffani Wright

Mayor Billings read the following summary written by Tiffani Wright that was provided in the packet. “The current rate for use of the Theater is $100 per hour with a cap of $400. We have not had any written hours of rental times and would like to get those defined. We currently require a $100 cleaning deposit for rentals that happen outside our regular business hours at the Community Center. So all weekend rentals we take a deposit for but we have not been doing the same for the FA building. I am asking for the following changes: That the rental rate for the Fine Arts building be updated to $100 per hour, with no cap on the number of hours requested for rental, and the hourly rate will apply for all hours of use. That a $100 cleaning deposit will be required for all rentals of the Fine Arts building. This deposit will be fully refundable upon the satisfactory inspection of the facility after the rental. That the Fine Arts building will be available for rental between the hours of 8:00 AM and 10:00 PM. That this new rate structure shall take effect July 1, 2025.

Tiffani Wright explained they are trying to streamline and keep everything in the same structure.

Kevin Thomas motioned to approve Resolution 2025-16 amending the rental fee for the Fine Arts Building. Seconded by Clark Fawcett. Motion carried unanimously by a roll call vote.

Mayor took item 8 out of order and addressed it next. These minutes are in the order of the agenda.

7. Consideration and possible approval of Ordinance 2025-02 amending Title 7, Chapter 5 regarding regulations of the Hurricane City Cemetery - Cindy Beteag

Mayor Billings read the following summary written by Cindy Beteag that was provided in the packet. “In 2017, the City Council adopted a resolution limiting the number of cemetery plots a resident could purchase at the residential rate. Staff has now proposed incorporating this limitation into the ordinance to make it more accessible and easier to locate. Last year, the Council also discussed how to define a "resident," and a clear definition has been added to the ordinance for clarity. While updating the chapter, staff reviewed it for other necessary revisions. All changes are highlighted in red. Key updates include: Changing the term "lot" to "plot" for consistency. Updating the authorized signers of certificates to align with current practices. Revising the allowable materials for vault construction. Removing the section that allows a portion of the cemetery to be contracted with religious and fraternal organizations. This section was removed because the term "reasonable portion" was not clearly defined. However, if the Council wishes to retain this section, it will need to define what constitutes a "reasonable portion," as a group has expressed interest in purchasing approximately 50 plots. Updating regulations on monument sizes. These changes aim to clarify and modernize the ordinance for better implementation and understanding.”

Mayor Billings read the proposed changes regarding monument size. Cindy Beteag noted that staff would like to refine the definition of "resident," suggesting voter registration as the primary criterion for residency and, for those not registered to vote, requiring proof of a valid Hurricane address. Councilman Prete questioned whether allowing six plots per person was excessive and recommended reducing the number, with an option for larger families to apply for an exception. However, Councilman Fawcett pointed out that this policy has been in place since 2017 without any reported abuse. Darren Barney explained that updates to the ordinance include revising language on vault materials to allow for alternative durable options, adjusting monument size to avoid the need for cutting, and changing the term "lots" to "plots" for consistency. Councilman Prete sought clarification on perpetual care fees, and Kaden DeMille confirmed that while individuals purchase burial rights to a plot, the City retains ownership of the land itself. After discussing potential changes, the Council agreed to maintain the six-plot allowance and supported refining the definition of "resident." Dayton Hall recommended defining residency through voter registration or alternative documentation proving current residence within Hurricane City limits.

Clark Fawcett motioned to approve Ordinance 2025-02 amending Title 7, Chapter 5 regarding regulations of the Hurricane City Cemetery with the updated definition for a resident as stated by Mr. Hall. Seconded by Kevin Thomas. Motion carried unanimously.

8. Consideration and possible approval of Resolution 2025-15 approving a Memorandum of Understanding (MOU) for the construction of SR-7 Exit 19 Interchange and Sand Hollow State Park Entrance - Arthur LeBaron

Mayor Billings read the following summary written by Arthur LeBaron provided in the packet. “Hurricane City has partnered with Utah State Parks, UDOT, and WCWCD to construct an entry into Sand Hollow State Park at the 3200 West interchange on SR-7. At the request of Utah State Parks, Hurricane City has agreed to manage the design and construction of this project, which will include the design and construction of the exit and entrance ramps for westbound traffic on SR-7, 3200 West Street, a new State Park entrance station and parking area, and associated utilities. A memorandum of understanding has been drafted by the Hurricane City Attorney and circulated amongst the stakeholders for review and is now ready for approval by each respective board. The proposed MOU has been proposed by Hurricane City and all edits are acceptable to staff. It is recommended for approval.”

Arthur LeBaron reported that State Parks indicated they might need to use some Division of Facilities Construction and Management (DFCM) resources for certain facilities, which could reduce some of the City’s responsibilities. However, he does not anticipate this affecting the Memorandum of Understanding (MOU). He received minimal feedback on the MOU but noted that if other parties propose edits, it may return to the Council for review. He stated that this project is highly beneficial for the City, particularly in alleviating congestion on Sand Hollow Road and at the tunnel. Mayor Billings added that event organizers in the area have expressed enthusiasm for the improvements. Mr. LeBaron agreed, highlighting that the project will enhance accessibility for everyone. He stated he has a concept plan he can share with the Council. Councilman Ellerman confirmed the inclusion of a ranger station. Mayor Billings outlined the financial and logistical contributions from various entities: UDOT is handling the lane improvements, the Conservancy District is providing property but not funding, State Parks will finance the ramps, $2 million is coming from a grant, and the City's primary contribution is Mr. LeBaron's time overseeing the project.

Kevin Thomas motioned to approve Resolution 2025-15 approving a Memorandum of Understanding for the construction of SR-7 Exit 19 Interchange and Sand Hollow State Park Entrance. Seconded by David Hirschi. Motion carried unanimously.

Councilman Thomas asked what the structures are on the beach. Candace Smith with Sand Hollow State Park explained they are cottages that are rented for overnight stays. One is ADA compliant, and one is not. Councilman Thomas stated it doesn't seem right to have the State Park own short term rentals. They are not permitted by anyone else. Mrs. Smith stated they are considered a cottage not a vacation rental. Jon Allred added they are rented like a trailer they are not on permeant foundation. They do have an RV pad on the side. Councilman Thomas stated he would like to see them removed. Mr. Allred stated he doesn't know if there are plans to expand them but they are used at other State Parks. It is the new State Park cabins/cottages that are being used.

9. Consideration and possible approval of awarding a contract for the 1100 West Widening Project - Arthur LeBaron

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. "We had a bid opening for the project on Wednesday, February 5th. The low bid is ACAD, at $699,704.65. We received 6 bids, with the high coming in at $975,174.50. The scope of the project includes items that the City committed to in purchase contracts for right-of-way acquisition last year. These items include relocation of fences, irrigation connections, and water services. It also includes placing fill, roadbase, chipseal pavement, signing, and striping to provide a total of 40 feet of paved surface. The pavement will be striped to provide a 12-foot travel lane in each direction, a 5-foot shoulder on the East side and an 11-foot shoulder on the West side. Originally we had requested the commit $400,000 for this project. Realizing that the low bid is much higher than the amount previously approved, we have had a discussion with administration about how we can finance the project. Kaden has indicated that we have the funds to move forward with the project. We discussed how this could affect other projects that are pending, such as 1400 West, 650 South, and 100 South. With current cash on hand and projected revenues we are still in a good position to be able to deliver all of these projects as we get them ready for construction. It is the recommendation of the Staff to commit the funds necessary to award the project to ACAD at $699,704.65."

Arthur LeBaron stated he really feels like with all the development in the area these improvements are needed. It will be nice to have the larger shoulder for bikes and pedestrians. Councilman Prete asked about extending north of 2300 South. He stated there are safety concerns around that corner. Mr. LeBaron stated they could look at extending it to 920 West, but it would be some additional funds. He added that the contractor handling the work is the same one building the roads in Copper Rock, and they are a reputable company.

Joseph Prete motioned to award the bid to ACAD in the amount of $699,704.65. Seconded by David Hirschi. Motion carried unanimously by a roll call vote.

10. Consideration and possible approval of Resolution 2025-17 Appointing a representative and alternates to the UAMPS Board of Directors - Scott Hughes

Mayor Billings read the following summary written by Crystal Wright that was provided in the packet. "Our UAMPS Representative is already set up with Scott Hughes as the representative and Brian Anderson as the alternate. This Resolution will just add Michael Ramirez as an additional available alternate."

Scott Hughes explained they are going to shift a little and have Mike Ramirez go as the first alternate so he can learn before Brian Anderson retires.

David Hirschi motioned to approve Resolution 2025-17 appointing a representative and alternate to the UAMPS Board of Directors. Seconded by Joseph Prete. Motion carried unanimously.

11. Consideration and possible approval of a Declaration of Covenants, Conditions and Restrictions between Hurricane City, Western Mortgage & Realty Company, and the Gateway at Sand Hollow Master Association

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. "To provide for the maintenance and upkeep of landscaping along roadways within the Gateway PID area and within roundabouts, a set of CC&Rs for the Gateway at Sand Hollow Master Association have been drafted. The CC&Rs provide that the Association will provide the maintenance of the landscaping, even though most of the area to be maintained has been dedicated to the City. The intent is to ensure that the roundabouts and roadways, including the privately owned areas between the sidewalks and the privacy walls, are maintained. The City's signature is required on the CC&Rs because the City will grant the Association access and permission to maintain landscaping within the public right-of-way. There are also indemnify provisions between the Association and the City. The proposed CC&Rs are the product of coordination and negotiation between Western Mortgage, the Association's attorneys, and the City. The City Attorney approves the contract as to form."

Mayor Billings stated there have been discussions about the roundabout but the City will own it so they will still come for final approval of what will be in it. Councilman Prete confirmed if a repair is needed, we will still have access to fit. Dayton Hall explained will just grant them a nonexclusive access to the landscaping. There is a landscaping area along the roads, but the owners will be on the other side of the privacy fence, so they won't take care of them. The PID wants to make sure it is maintained. There will be a master association that will oversee the entire PID area. Councilman Prete pointed out this area will have higher taxes and an HOA fee. Drew Ellerman motioned to approve the Declaration of Covenants, Conditions and Restrictions between Hurricane City, Western Mortgage & Realty Company, and the Gateway at Sand Hollow Master Association. Seconded by Joseph Prete. Motion carried unanimously by a roll call vote.

12. Continued training for Municipal Officials

Played video from State Auditor's Office regarding GRAMA.

13. Mayor, Council, and staff reports

Councilman Prete stated he attended the pinning ceremony for the police department, and it was very well attended. Moral is very high in the department.

Councilman Ellerman attended the Fire District meeting, and our ISO rating has increased so our grading is better. Mayor Billings mentioned she met with representative Ellison and the sales tax hasn't been voted on yet, but it will be next week. It is specific to Washington County. The way it is written is at a half of a percent. If the County Commissioners adopt the sales tax at more than 1/3 it has to go to the public to vote. Councilman Fawcett stated he would like to see combination of sales tax and property tax. He would like to see the increase taken back and some of the sales tax. Mayor Billings stated she doesn't know if they will take away the 52% increase. Councilman Ellerman stated they want to come back and take that full amount out if the sales tax is approved.

Councilman Fawcett attended a District meeting, and they had graphs on the snowpacks and how they look throughout the year. They are the lowest they ever have been.

Mayor Billings stated the drought survey for the Water District needs to be completed. She is considering writing an ordinance and wants the Council's thoughts. She would like to propose term limits for Council and Mayor positions of two terms. Representative Ellison stated there are term limits and then you have to rerun. She stated that is correct, but incumbents have the advantage. She knows she could get enough signatures to get it on a ballot initiative. Councilman Hirschi stated he likes it. It would set an example for other communities. Mayor Billings thinks it is a better idea to put it to a vote so future councils can't change it. Councilman Fawcett stated he doesn't think it has been an issue on the City level but could be an example for others. He doesn't see it as a necessity. Councilman Thomas wishes the senate and house were four years. He doesn't think incumbents have the advantage. He learned a lot his first term and would hate to see it turned over all the time. He doesn't think two terms is necessary to limit it to. There is too much value in experience. He is not opposed to three terms but two might be too short. Councilman Ellerman stated not all councils are great ones, so he can see both sides. Councilman Prete stated there is value in experience, but it is good to get fresh ideas. He likes the idea of the limit but doesn't know if two is the answer. Possibly three terms would be better. Mayor Billings thinks it will have to come through the community, so it is a ballot initiative. Dayton Hall stated they could do it by ordinance, but the next council could change it right back. He explained the process for a ballot initiative.

Kaden DeMille stated the 4th of July quickly approaching. He confirmed the Council is comfortable with the show from last year.

14. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request
Kevin Thomas motioned to go into closed to discuss real property at 9:32 p.m. Seconded by Drew Ellerman. Motion carried unanimously.

Adjournment: Kevin Thomas motioned to go out of closed session and adjourn the meeting at 10:08 p.m. Seconded by Joseph Prete. Motion carried unanimously.