Minutes of the Hurricane City Council meeting held on February 20, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

Members Excused: David Hirschi

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Public Works Director Mike Vercimak, City Planner Gary Cupp, Assistant Planner Fred Resch III, Street Superintendent Weston Walker, Power Superintendent Scott Hughes, 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

Fred Resch III reported the cars have been moved back to the house on 920 West. He did go out and check, but he hasn't been able to contact them. He received a complaint regarding lighting at the storage units by Grandpa Ponds. Last week the Planning Commission approved three preliminary plats and the three zone changes on tonight's agenda. The previous Eagles Lounge that is on for zone change tonight received a parking exception for a restaurant.

Gary Cupp mentioned the Planning Commission has a small agenda next week. The planned commercial code changes will be moving forward. He adjusted the commercial ratio by increasing it to 40%. He explained that it is a minimum requirement but gives them flexibility to design it. Councilman Ellerman doesn't think that is enough. Councilman Thomas agreed. Mr. Cupp stated he is also working on the aircraft taking off and landing in all zones and mobile home/RV zones. Dayton Hall clarified that the current ordinance prohibits aircraft takeoffs and landings in commercial zones but is silent on the matter in other zones. He explained that the general rule is that something is only permitted if it is explicitly listed as a permitted use. However, while the ordinance prohibits it in one zone, it doesn't address it in others. This update aims to make the regulations consistent across all zones.

Weston Walker stated they have received the mulch machine for the wash and have already started. They began at 1150, and they are almost to the 180 West bridge. They should finish that area tomorrow and will be able to move on. They have hired for their open positions. They have started to spray weeds, fill potholes, and some road projects. A group of employees will tour our facilities tomorrow with the MS4 engineers to determine what needs to be done. Councilman Prete asked who maintains the vehicles and equipment. Mr. Walker explained each department is responsible for their own vehicles. They have a logbook that tracks his

department's vehicles. The Parks Department and Golf Maintenance do have a mechanic on staff.
Paige Chapman stated it is budget season, and they need to get the preliminary department head meeting set. Council decided March 24th at 3:30 p.m. Mrs. Chapman will send out an invite.

Chief Yates mentioned they have been doing community engagement with the senior citizens. They reviewed with them what scams were going on, and it was very well received. They are also trying to engage with the high school to get the youth involved. Mayor Billings would like to involve them in the Youth Prevention Coalition.

Ken Richins stated they had a bid opening on Tuesday for the last phase of the expansion project. The engineer's estimate was 8.8 million, but the team hasn't had a chance to get together to rate the bids. He stated they had some really good bids come in that were over two million under the engineer's estimate. Mayor Billings stated there is an item on the agenda for a parameters resolution but it can be tabled since we won't need additional funds. Mr. Richins explained they haven't got a water test out of the Sky Ranch Well due to some mechanical issues. Mayor Billings stated the Council will still need to award some bids for the irrigation project but that won't happen until we receive the funding from the NRCS. Mr. Richins stated they met with the Division of Water Resources today and he thinks we have everything in order for the project.

Larry Palmer reported they have received twelve single family, sixteen townhomes, and three commercial permits consisting of the old paparazzi being converted into a high school for Valley Academy, the Water District is building a pump station, and Rush Fun in Coral Junction.

Dayton Hall mentioned he is a member of the Municipal Attorney Association and last month when they met something came up about donations made by cities. He stated the City should act as a corporate entity and shouldn't spend money unless there is something of equal value. He hopes the Council is very specific about their analysis of issuing a donation. He mentioned a Supreme Court case that states "cities may appropriate money for corporate purpose only but a corporate purpose which may include any purpose that provides for the safety, health, prosperity, moral wellbeing, peace, order, comfort, or convenience of the inhabits of the city. It doesn't have to be monetary, but it has to benefit the City. Mayor Billings suggested whoever is asking for a donation needs to provide what the benefit is for the City. Councilman Ellerman asked how RAP tax worked according to this. Mr. Hall explained that money is already earmarked for parks, art, or recreation but he thinks they need to do the same analysis. Kaden DeMille stated that money has been earmarked for the next ten years. Mr. Hall stated he didn't get to review the contract for the bike park until today and he is not comfortable with the language. He would like to make some changes before the Council votes on it.

Cindy Beteag stated we have received a ballot initiative titled Term Limits for Elected Municipal Officers. It is still being reviewed internally and hopefully they will be able to respond to the sponsors next week. Mr. Hall mentioned there are restrictions on the City Council discussing a ballot initiative unless they have met certain requirements.

Mayor Billings took new business 19 out of order and addressed it next. These minutes are in the order of the agenda.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order. She introduced the 2025 Hurricane City Royalty as Miss Hurricane Emily Stewart, 1st Attendant Kay Annie Huntsman, 2nd Attendant Mckinely Segway, and Miss Congeniality Savana Rasmussen.

Prayer: Savana Rasmussen

Thought: Kay Annie Huntsman

Emily Stewart did a musical number that she wrote and then led the pledge.

Declaration of any conflicts of interest
Mayor Billings declared a potential conflict on item 16.

Minutes of the Regular City Council Meeting for February 6, 2025
Clark Fawcett motioned to approve February 6, 2025, minutes. Seconded by Drew Ellerman. Motion carried unanimously.

Introduction of the 2025 Hurricane City Royalty and presentation of the 2024 scholarships - Dena Humphries
Mayor Billings expressed heartfelt gratitude to Ms. Stewart for her touching song. She proudly announced that the City has raised approximately $383,000 for Veterans Park and invited the royalty to attend the upcoming ribbon-cutting ceremony. Mayor Billings also requested that Ms. Stewart perform her song at the park's dedication. She thanked the outgoing royalty for their dedication and support, highlighting several contributions they made to the community. Recognizing their many hours of service, Mayor Billings commended their efforts and presented each member with scholarship awards in appreciation of their time and commitment. She then welcomed the new royalty, presenting them with their official certificates.

Presentation by J-U-B Engineers to present the Storm Water Management Plan to comply with the MS4 requirements

Paul Taylor introduced himself as a retired civil engineer, formerly with J-U-B Engineers. He explained that J-U-B Engineers requested his assistance in helping the City comply with new requirements under the Utah Pollutant Discharge Elimination System (UPDES) program, part of the Clean Water Act. The program mandates the implementation of six minimum control measures, all aimed at improving water quality before it reaches the river. The City has five years to fully implement the program.

Mr. Taylor highlighted that this is an unfunded mandate, meaning the City must find its own way to finance the program, though J-U-B will provide guidance on potential funding strategies. Compliance also requires submitting an annual report to the State. Should the Environmental Protection Agency (EPA) determine that the State is not adequately enforcing these standards, they have the authority to step in and regulate directly.

The City received notification of these requirements in the spring of 2024 and formally challenged the mandate, but the challenge was denied. Although Hurricane City does not technically meet the criteria for this program, the State received enough complaints to warrant concern, leading to the rejection of the City's appeal. As a result, a Storm Water Management Plan (SWMP) must be adopted by March 31, 2025. The draft plan is currently under staff review.

Mr. Taylor explained that the SWMP outlines how the City will control pollution. Over the next five years, all City employees—including seasonal and part-time staff—will be required to undergo annual training, with detailed documentation of all related activities. The City will also need to conduct monthly inspections of every construction site. While developers must obtain permits through the State, the City will be responsible for performing these inspections. Additionally, a dedicated staff member will need to oversee the program.

To streamline efforts, surrounding communities have formed a coalition to conduct joint training sessions. Once the plan is submitted to the State, the City will have five years to fully implement it. Regular audits will offer feedback and guidance, and there are penalties for non-compliance if standards are willfully ignored.

Mr. Taylor noted that a public hearing will be required to inform residents of the new regulations. Councilman Thomas asked whether existing river contamination had been considered when determining Hurricane City's compliance status. Mr. Taylor responded that water quality tests are conducted every two years and that past improvements have already had a positive impact on the river's condition.

Public Forum – Comments From Public

A group of Intermediate School students introduced themselves as the Great Whites Robotics Team. They attended the meeting to ask the Council for support in encouraging local residents to plant drought-resistant plants. The team requested a spot in the City newsletter to share information with the community and sought additional suggestions from the Council on how to spread their message. Mayor Billings explained that the newsletter is reserved for official City news; however, if the team provides their information, it can be included within one of the department's reports. She also mentioned that Hurricane City has a Public Relations representative who can assist in promoting their initiative through social media.

OLD BUSINESS

1. 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. "This item was discussed by the Council on February 6, 2025, and the Council expressed various reservations regarding the amendments to the minimum standards for flight instruction in the Minimum Standards for Commercial Aeronautical Activities. There was not a consensus by the Council on how to revise the proposed language. In an attempt to capture the Council's desires, the following proposed changes have been incorporated into the Minimum Standards: (1) the existing requirement for 140 square feet of office space remains the same; (2) the flight instructor must provide or lease additional space for instruction, classroom training activities, and restroom facilities; and (3) the provision that space may be common with other users in the facility remains the same."

Scott Freeman acknowledged that while Mr. Hall's suggestions may indirectly address some concerns, there are additional steps that could more effectively tackle the issues at hand. He distributed his talking points, which included a diagram explaining how a flight pattern is defined. Mr. Freeman noted that there are only three towered airports in Utah, and Hurricane is not one of them. Without a control tower, pilots rely on self-announcing their positions and intentions. He explained that most training flights originating from Hurricane involve both takeoff and landing at the airport, with the majority of flight time occurring outside the airport's pattern area. To enhance safety and noise management, Mr. Freeman highlighted the installation of a traffic monitoring system at the airport as part of its noise abatement program. He noted that this program, along with the Memorandum of Understanding (MOU) with Southern Utah University (SUU), has been and continues to be successful. To further address safety concerns, he recommended adding a procedural element to the noise abatement policy, requiring each business owner to confirm they have read and understood the airport's policies, procedures, and regulations. He clarified that his suggestions had not yet been presented to the Airport Board but were ideas he was asked to develop. Mayor Billings referenced Mr. Vercimak's observation that traffic in the flight pattern tends to regulate itself since there is a natural limit to how many planes can safely operate within the pattern at one time. Councilman Prete inquired whether allowing four planes in the pattern was too many. Mr. Freeman responded that, in his opinion, four planes is a safe limit, but anything beyond that would pose a safety risk.

Mayor Billings acknowledged the productive discussion at the recent Airport Board meeting, noting that Mr. Freeman was selected as the board's spokesperson. She then asked the Council whether they wanted to retain the changes proposed by Mr. Hall. Mr. Hall explained that, in line with the Council's direction, he adjusted the office square footage requirement to be more restrictive. While the Federal Aviation Administration (FAA) has jurisdiction over airspace, the

City retains authority over business licensing. He clarified that the City could link its rules and regulations to business license holders. If the Council chooses to adopt Mr. Freeman's recommendations, Mr. Hall requested flexibility to revise the draft or suggested continuing the discussion to allow time for the changes to be reviewed. He also proposed the option of postponing the matter for a month so the Airport Board could provide further input.
Dave Houston expressed that he was open to either approach, adding that flight instructors typically self-regulate based on the number of planes already in the pattern. He mentioned a conversation with FAA representative Kevin Keith, who explained that the City can regulate businesses through the adoption of minimum standards, allowing for as much flexibility or strictness as deemed necessary. However, Mr. Houston also cautioned that if the City imposes overly strict regulations, pilots could file complaints with the FAA, which would require the Council to justify any limitations placed on flight instructors. He further noted that the airport's capacity is naturally constrained by the number of available tie-down spaces, highlighting that there is no room for expansion.

Clark Fawcett motioned to continue the updates to the Hurricane City Airport Rules and Regulations and the Minimum Standards for Commercial Aeronautical Activities for two weeks to allow staff time to make the changes discussed tonight. Seconded by Joseph Prete. Motion carried unanimously.

NEW BUSINESS

1. Presentation from Tuacahn - Darrin Winn and Kevin Smith

Gary Cahoon, CFO of Tuacahn, addressed the Council to express his gratitude for their continued support. He noted that Tuacahn, as a nonprofit organization, relies heavily on donations and would not be able to operate without them. While they generate enough revenue to cover 90% of their expenses, community support remains vital. Mr. Cahoon highlighted Tuacahn's strong connection to Hurricane, noting that 11,000 tickets were purchased by Hurricane residents last year. Additionally, several of their employees live in Hurricane, and the organization frequently sources products from local businesses.
He also pointed out Tuacahn's significant impact on regional tourism, sharing that 70% of their audience comes from outside Washington County, making them the second-largest driver of tourism in the area. Mr. Cahoon provided an overview of Tuacahn's upcoming season, which will feature outdoor productions of *The Little Mermaid*, *The Wizard of Oz*, and *Newsies*. While they will no longer offer an indoor summer show, they plan to stage a holiday production of *Elf* this winter, followed by *Million Dollar Quartet* at the start of the new year.

2. Consideration and possible approval of the revocation of the business license for IZ Towing -Cindy Beteag

The following summary was provided in the packet written by Cindy Beteag. “IZ Towing received a home-based business license in April 2023 for towing personal property. In May 2024, code enforcement began receiving complaints from neighbors about business vehicles being parked on the street. A notice was sent informing the owners that home-based businesses cannot use on-street parking for business vehicles. The owners met with staff to discuss the issue, and street parking ceased. In October, new complaints arose regarding someone living in a trailer in the driveway. A notice was sent to the owner, stating that occupied trailers are not permitted on residential properties. When the owner failed to respond and the trailer remained, a violation notice was issued in December, warning that the business license was at risk due to noncompliance with city ordinances. The notice included a deadline for removing the trailer or facing a revocation hearing. After no response from the owner, a revocation hearing notice was sent on January 28, 2025, providing another deadline for compliance. As of today, the trailer still appears to be occupied, with its pop-out extended and extension cords running to it.”

Cindy Beteag explained that the issue began as a code enforcement matter. When the business owner did not comply, the case was sent to the business license office. Councilman Prete confirmed that the business owner was not present at the meeting. Mrs. Beteag said she has not received any response from the business owners since the letters were sent. The most recent letter was returned as unclaimed, so she followed up by emailing the address on file. Mayor Billings said she would like staff to make a direct effort to speak with the business owner in person before moving forward with revoking the license. Councilman Ellerman said the Council must be able to connect the business license to the code violations in order to justify a revocation. Mrs. Beteag explained that the business license chapter includes a rule requiring businesses to follow all City ordinances, and not doing so could result in the loss of their license. Councilman Fawcett said he did not want to see someone lose their business license over living in a trailer and suggested finding another way to handle the situation. Mrs. Beteag asked the Council how they wanted to enforce the rules if revoking the license was not their preferred solution. The Council agreed that staff should try to speak directly with the business owner to make sure they understand the violations and the process for resolving them before taking any further action.

Drew Ellerman motioned to continue the revocation hearing for two weeks and directed staff to go to their door to try to speak to the owners directly. Seconded by Joseph Prete. Motion carried unanimously.

Councilman Prete didn’t want a heavy hand with code enforcement. This feels a little heavy handed.

3. Consideration and possible approval of local consent for a beer garden at the Washington County Fair - Susi Lafaele

Mayor Billings read the following summary written by Cindy Beteag that was provided in the packet. "Washington County is requesting local consent to operate a beer garden during the Washington County Fair, scheduled for April 11-19. The Sheriff's Department will oversee law enforcement at the event. The County has successfully hosted a beer garden at the fair for several years without any reported issues. Both staff and law enforcement have no concerns regarding the approval of local consent."

Susi Lafaele stated that they have been running this event for six years without any alcohol-related issues. She noted that the Sheriff's Office actively regulates the event, ensuring alcohol remains within the designated areas. She mentioned they will kick off the Fair by celebrating America's 250th anniversary. Councilman Prete confirmed that the event will operate the same way as in previous years. Ms. Lafaele outlined the beer garden's hours, running from 6 p.m. to the last call at 9:30 p.m. She added that the beer is purchased from Carlson Distributing in Hurricane and that individuals are limited to three drinks each.

Joseph Prete motioned to approve local consent for the Washington County Fair. Seconded by Kevin Thomas. Motion carried unanimously.

4. Consideration and possible approval of local consent for a beer garden at the Hurricane Mountain Bike Festival - Michael Key

Mayor Billings read the following summary written by Cindy Beteag that was provided in the packet. "Silver Reef Brewing Co. is seeking local consent to operate a beer garden at the Hurricane Mountain Bike Festival on March 28-29 at Quail Creek State Park. A map outlining the designated area is attached. Both staff and law enforcement have reviewed the request and have no objections to its approval."

Councilman Prete asked if this event had been held in the past. Michael Key explained that while the event has taken place for many years, this is their first time hosting it. He mentioned that they have their own security in place and that food will be provided. Most attendees will be camping, and he added that they have never experienced any issues at the events they've organized.

Kevin Thomas motioned to approve local consent for the Hurricane Mountain Bike Festival. Seconded by Drew Ellerman. Motion carried unanimously.

5. Consideration of a resolution authorizing the issuance and sale of water revenue bonds and related matters

Mayor Billings read the following summary written by Kaden DeMille that was provided in the packet. In June 2024, the Hurricane City Council approved a parameters resolution authorizing the issuance of bonds for completion of the Pressurized Irrigation Expansion System Project. At that time, approval was given in the amount of $14,000,000. As bids have come in, numbers have been refined and further direction from our project partners has resulted in the possible need for expansion of the financing parameters to complete the project. In anticipation of possible project overruns, staff built a buffer of approximately $1,413,741 into the financing of the project. It appears there is a possibility that the currently approved amount will be insufficient. It is also quite entirely possible that that amount will be more than sufficient, and no further action will need to be taken by the council. The City will have a bid opening on the final phasing of the project on Tuesday February 18th where the numbers will be much more accurate. After that, we should have a better understanding of most of the costs associated with the project. It is important to note that the forward progress of any additional funding as a result of this agenda item is entirely contingent upon the City receiving additional funding through the NRCS. If that funding does not come through, there will not be financing available for that portion of the project and this additional requested amount will be void. To date, we do not know if the additional NRCS funding is approved. Staff's recommendation to the council is pending the bid opening on February 18th."

Kaden DeMille explained that the pressurized irrigation portion of the project came in under budget, while the costs for the tanks and wells were higher. He noted that not all the numbers are final yet, as the project is contingent on NRCS funding. He stated that, with the exception of the tank, the project can move forward, as the property still needs to be secured. He believes they can proceed without making any adjustments at this stage. Staff recommends tabling the item for now.

Kevin Thomas motioned to table the resolution authorizing the issuance and sale of water revenue bonds. Seconded by Clark Fawcett. Motion carried unanimously.

6. Consideration and possible approval of Ordinance ZC25-04, a request for a Zone Change Amendment from Light Industrial M-1 to Highway Commercial HC for the former Eagles Lounge property located at 495 E 800 N. Parcel H-316-A-1-H. Matt Lowe, Applicant. Clint Hancock, Agent.

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "The applicant requests a zone change from Light Industrial M-1 to Highway Commercial HC for the former Eagle's Lounge property. The applicant has indicated that they would like to open a restaurant at the former private club location. The existing building on site, built in the late 1970s, is proposed to remain in place and be renovated. A public hearing was held at the February 13, 2025, Planning Commission meeting regarding the proposed zone change request and no public comments were received. The Planning Commission unanimously recommended approval of the zone change."

Councilman Fawcett asked how many parking spaces the project is short. Gary Cupp explained that 53 spaces are required, but they can only provide 29. They have requested a parking modification, which was approved by the Planning Commission. Clint Hancock mentioned that they are still considering restaurant options and he believes they can make the space appealing. He added that if parking becomes an issue in the future, they could purchase the land to the north to expand the parking area. Mayor Billings noted that she has received three letters from other restaurants in Hurricane that have exceeded their sales expectations.

Kevin Thomas motioned to approve Ordinance ZC25-04. Councilman Ellerman asked the reasoning why Planning Commission gave parking exceptions. Gary Cupp explained Hurricane City code bases the parking calculations off of square footage. Councilman Ellerman thinks it would be better to calculate off of seats because square footage includes the whole footprint. Mr. Hancock stated there are two large offices that will stay, and they want to keep the stage and pool tables, so it won't seat as many people. Mr. Cupp mentioned the applicant submitted a parking study that did a good analysis to justify the parking exception. Seconded by Drew Ellerman. Motion carried unanimously.

7. Consideration and possible approval of Ordinance ZC25-02, a request for a Zone Change Amendment from Multiple Family Residential RM-2 to Multiple Family Residential RM-3 located at approximately 126 S 850 W. Parcels H-PMSD-4-A, H-3-1-34-3228 and H-3-34-3205. Interstate Homes, Applicant. Amanda Pectol, Agent.

Mitch Godfrey explained that they are looking to add two more units to the Pecan Apartments, with a duplex planned for the south parcel. They included the other two parcels in the zone change to allow for consolidation. Mayor Billings pointed out that a park is currently located on the parcel and asked why it was being removed. Mr. Godfrey responded that they believe the units would be a better use of the space, noting that there are sufficient amenities in the surrounding areas. Their plan is to combine all the parcels to accommodate the additional units. Councilman Prete inquired about the neighboring zones. Gary Cupp clarified that RM-2 is adjacent to the property, with an RM-3 development currently being built to the northwest.

Kevin Thomas motioned to approve Ordinance ZC25-02 a zone change request from RM-2 to RM-3 on parcels H-PMSD-4-A, H-3-1-34-3228 and H-3-34-3205. Seconded by Drew Ellerman. Motion carried unanimously.

8. Consideration and possible approval of Ordinance ZC25-03, a request for a Zone Change Amendment from Single Family Residential R1-10 to Single Family Residential R1-8 located at 380 W 500 S. Parcel H-TKRE-1-4. Don Behunin, Applicant.

Don Behunin explained that he is attempting to build an addition but is unable to meet the required setbacks. Councilman Ellerman expressed that he is opposed to spot zoning but believes there may be another solution. He asked how many feet would remain behind the addition. Mr. Behunin responded that there would be 11 feet behind the addition, whereas 20 feet is required under the current zoning. Councilman Ellerman suggested granting an exception to the setback requirement rather than changing the zoning, as there is a wash behind the property, and nothing is likely to be built there. Gary Cupp noted that any exception would need to go before the Appeals Board. Mayor Billings stated that the Council has the authority to make exceptions. Mr. Cupp explained that the only difference between the two zones is the rear setback, so he did not consider spot zoning to be an issue. Councilman Ellerman proposed changing the entire cul-de-sac to R1-8 zoning instead of altering just one parcel. Mr. Behunin mentioned that he has spoken with his neighbors, and they have no objections to his addition, but they do not want their zoning changed. Dayton Hall stated that he didn’t see a way for the Council to override the ordinance. Councilman Ellerman noted that he has seen exceptions made in the past but does not recommend doing so in most cases. Councilman Fawcett stated that if the code is clear, the Council cannot override it. While there is an appeals process, he expressed no concerns about changing the zone in this case.

Clark Fawcett motioned to approve ZC 25-03 a zone change request from R1-10 to R1-18 at 380 W 500 South. Second by Kevin Thomas. Motion carried with Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman voted nay because of spot zoning. Councilman Prete stated he is against spot zoning, but he can justify this one because of the surroundings.

9. Consideration and possible approval of a contract with the State of Utah Division of Outdoor Recreation regarding the connection from Sand Mountain to Sand Hollow State Park - Arthur LeBaron

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. “Hurricane City won a grant for $2,000,000 to go towards construction of exit and entrance ramps for Exit 19 (3200 West) on SR-7. This is a smaller part of a larger project that includes providing a new entrance into Sand Hollow State Park at Exit 19. The contract that is before is required by the Utah State Division of Outdoor Recreation, Utah Outdoor Recreation Initiative in order to receive the funds. The contract spells out the City’s obligations relative to spending the funds and how the funds will be administered. It is recommended that the City approve and execute the contract so we can receive the grant funds and move forward with the project.”

Mayor Billings stated she talked to Scott Strong, Director of Parks, and he is in favor of the City being the project manager. They are trying to nail down the amount of property. Arthur LeBaron explained the State requires this contract before we can receive the money.

Clark Fawcett motioned to approve the contract with the State of Utah Division of Outdoor Recreation. Seconded by Kevin Thomas. Motion carried unanimously.

10. Consideration and possible approval of contract award for the Hurricane City 2025 Slurry Seal Project - Arthur LeBaron

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. “Hurricane City budgets restricted funds each year for pavement management. Public works has identified streets that should be slurry sealed in accordance with the City pavement management plan. Five contractors responded to the City's advertisement for bids.”
Arthur LeBaron corrected the summary stating the low bid was Asphalt Preservation at $813,056.50. We have used this company before, and they were reputable. They are based out of Utah County. The engineer estimate was higher.

Clark Fawcett motioned to approve the contract for the Hurricane City 2025 Slurry Seal project to Asphalt Preservation in the amount of $813,056.50. Seconded by Drew Ellerman. Motion carried unanimously by a roll call vote.

Mr. LeBaron stated the slurry seal project will include new roads in the Copper Rock subdivision, a few cul-de-sacs on 400 S., the Zion Vista subdivision, Park Side and Brentwood subdivisions, new streets in the Desert Sands subdivision, all new streets in Pecan Valley subdivision, Dixie Springs Ph 2, and Red Stone Springs.

11. Consideration and possible approval of contract award for the Hurricane City 2025 Chip Seal Project - Arthur LeBaron

Arthur LeBaron stated Interstate Rock was low bid at $191,1888, which was below the engineer estimate. He stated they are focusing on the old streets downtown on the south side of State Street. Weston Walker mentioned they did north south roads last year, so they are doing east west roads this year.

Joseph Prete motioned to approve the contract for the Hurricane City 2025 Chip Seal Project to Interstate Rock in the amount of $191,188.88. Seconded by Drew Ellerman. Motion carried unanimously.

12. Consideration and possible approval of the Bike Park Build Agreement with Sensus Rad Trails for the Hurricane Bike Park

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. “Professional Mountain Biker Tyler McCaul has approached the City about improving the bike jump park that is located up at the Spilsbury Sports Complex. There are issues with the current jumps, which have served the City well, but were not built in accordance with a master plan for the area. The City has recently adopted a masterplan for the complex that shifts the bike park to the East and complete rebuild has been proposed in order to be compatible with the new master plan. Mr. McCaul has secured a $20,000 grant from the Bronco Wild Foundation and the City has awarded $25,000 toward this effort for a total project budget of $45,000. Mr. McCaul has engaged with Cody Wilkins from Sensus RAD Trails to design and construct the new jumps within the masterplanned location. Cody has indicated that between the $45,000, donations, and volunteers, he can construct the project. The project plans are in accordance with the Parks Department's master plan for the Spilsbury Sports Complex. The contract amount exceeds the $25,000 threshold that requires public bidding. However, due to the specialized nature of the work, it is Staff's finding that it is appropriate to award the project the Sensus RAD Trails because of their unique qualifications. Approval of the agreement is recommended.”

Arthur LeBaron explained that the invoice they received was for an amount lower than the actual cost of the job. He believes that’s why Tyler McCaul is involved in the matter. He noted that the City would need to secure donations to fully achieve what is outlined in the master plan. As a result, the contract amount will need to change. Dayton Hall clarified that the agreement does not align with the actual deal and expressed a desire to clarify some of the language in the agreement before it is signed. Mr. LeBaron raised concerns about the time frame, citing time-sensitive procurement issues. Councilman Ellerman confirmed that the project will be built in the location shown on the master plan.

Clark Fawcett motioned to continue for two weeks to allow the City Attorney time to amend the document. Seconded by Joseph Prete. Motion carried unanimously.

13. Consideration and possible approval of awarding the contract for the Hurricane City Bradshaw Hotel Foundation Repair Project - Arthur LeBaron

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. “The Bradshaw Hotel is located at 95 South Main and is one of the most historic structures in Hurricane. The Bradshaw Hotel, which is owned and operated by the City as a museum, is experiencing differential settlement under the foundation of the northern annex and is in need of repair. The foundation has settled 6" at the northwest corner and 3" beneath the northeast corner. The City applied for a grant from the State Historic Preservation Office and was awarded $20,000 to go toward the foundation repair. This grant requires a 50/50 match, so the City will need to spend $20,000 additional to make full use of the grant. A bid package was advertised and the City received two proposals from qualified foundation repair contractors. Detailed bid proposals are attached. Both contractors examined the project with the City Engineer. The City received the following bid proposals: Davenport Foundation Repair $53,785.78 and BASEco Sinking Foundation $29,984.00. There are slight differences between the bids, but it is Staff's opinion that the bid from BASEco is the better value. Additional work will be required after the foundation repair is completed by others to restore concrete, landscaping, and the interior of the building. The City has budgeted funds to match the grant that can go toward these other items. Some of the items will be performed by Public Works crews while others will require work by contractors. It is recommended that the City award the project to BASEco in the amount of $29,984.00.”

Councilman Prete pointed out the hotel has about a hundred visitors a year. He thinks we should invest in improvements to the inside too. Kaden DeMille stated they would need to have a work meeting to address those issues.

Joseph Prete motioned to approve contract for the Hurricane City Bradshaw Hotel Foundation Repair Project to Baseco in the amount of $29,984.00. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

14. Consideration and possible approval of the UDOT Master Landscape Maintenance Agreement - Arthur LeBaron

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. "Ace Hardware requested the City petition UDOT to allow them to landscape in the UDOT right-of-way. The City Engineer approached UDOT about this and was informed that the City would need to approve a master landscape agreement with UDOT prior to installing additional landscaping in the right-of-way. The agreement allows for a local jurisdiction (Hurricane City) to issue a permit for a property owner to beautify unimproved road right-of-way with landscaping, with certain conditions. It is good for the City when property owners desire to install landscaping to add appeal to their property along the State Highways. This agreement provides a framework for UDOT and the City to partner together and with the private sector to manage landscaping in the State right-of-way. It is recommended that the City approve the UDOT master landscape agreement."

Clark Fawcett motioned to approve the UDOT Master Landscape Maintenance Agreement. Seconded by Kevin Thomas. Motion carried unanimously.

15. Consideration and possible approval of adding a parking and backing policy to the employee handbook - Sel Lovell

Mayor Billings read the following summary written by Sel Lovell that was provided in the packet. "This policy was put forth by our insurance company for adoption by the City for continued participation in their Safety Incentive Program."

Sel Lovell explained that this notification will be sent out to all employees to inform them of the new requirements. Originally part of the safety program, the Trust is now expanding its program to include these measures as part of the insurance coverage. He mentioned that while the cones have not yet been purchased, they will be required. Mayor Billings noted that an exception will be needed for the police department. Kaden DeMille added that participating in the program will result in a 5% discount on liability insurance and workers' compensation, and after five years of participation, the City will receive 100% of the liability premium back. Councilman Ellerman asked who would be responsible for enforcement. Councilman Fawcett replied that unless there's an accident or issue, he doesn't believe the Trust would conduct inspections. Mayor Billings stated that this program would help mitigate risks and reduce accidents. Mr. Lovell pointed out that if the City does not participate in this program, they would lose the safety program altogether. Councilman Prete expressed concerns that requiring this could lead to a loss of employees. Weston Walker shared that similar requirements were enforced at the mine he worked at, alongside other safety protocols.

Drew Ellerman motioned to approve the parking and backing policy to the employee handbook. Seconded by Clark Fawcett. Motion carried with Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete voted nay.

16. Discussion regarding the installation of overhead power on private property

Mayor Billings explained that the issue has come up because the Council has approved several contracts for power line extensions. Scott Hughes is moving forward with establishing standards and creating a list of qualified contractors to install the lines. Councilman Ellerman noted that in Washington, contractors must be on an approved list and complete required training. He mentioned that they try to avoid working on private property but acknowledged there isn't a lot of overhead space. Mayor Billings pointed out that it has been the practice for the power department to handle installation, so she questioned what changes would need to occur for other contractors to take on this task. Dayton Hall explained that there is nothing in the ordinance or policy about this; it has simply been the established practice. He suggested that they could put a policy in place, but it would likely be handled internally, and an internal discussion would be the best approach. Mayor Billings clarified that the eight contracts were approved a year ago and stated they could go out for bidding. She stated that she doesn't want the City's maintenance crews installing the lines and asked for the Council's input.
Mr. Hall pointed out that the agreements were drafted with the assumption that the City's crews would install the lines, and the price in the contracts was negotiated based on that. Money has already been received for the work. He suggested that in future contracts, they could offer bidding as an option. Mayor Billings expressed that she doesn't want it as an option but as the only option, stating that taxpayers shouldn't fund private development.
Councilman Prete asked if this was becoming a common occurrence. Councilman Fawcett responded that it is, and while it might not be an issue for City projects, he believes it shouldn't apply to private development. Councilman Thomas agreed with Councilman Fawcett's viewpoint.
Mayor Billings declared a conflict of interest, as her son is a lineman. She referenced a situation with a water line that needed repair, where the City refused to fix it because it was on private property, noting that this situation is similar. Councilman Fawcett agreed and pointed out the importance of being consistent with other utilities, explaining that the water department doesn't install lines, and the street department doesn't build streets. He stated that the City handles maintenance but doesn't typically handle new installations unless they are for City purposes. Mayor Billings mentioned that the contracts require improvements to be completed within six months and suggested that if the power department cannot meet the deadline, they

should be given the option to go out to bid. Councilman Fawcett noted that if the money has already been received, the contracts should be grandfathered in. Mike Vercimak proposed allowing staff to work through the details and return to the Council in a month with a proposal. Councilman Fawcett agreed, adding that they need to review the lines the City has already installed and those projected in the future to assess where they are running and the staffing required. Councilman Prete expressed concern that this approach could cut off services the City currently provides. He noted that there is value in having a proficient crew in all areas.
Mr. Hughes pointed out that most of the power grid is on private property, but Mayor Billings clarified that it is in a dedicated easement. Councilman Fawcett responded that an easement is not the same as private property, and they need more information to fully understand the situation. Mayor Billings recommended continuing the discussion for another month and having staff bring back a proposal with their recommendations. The Council agreed to continue the discussion until the second meeting in March or the first meeting in April. Mayor Billings suggested focusing on developing standards and creating a list of qualified contractors first.

17. Continued training for Municipal Officials

Kevin Thomas motioned to continue training for two weeks. Seconded by Joseph Prete. Motion carried unanimously.

18. Mayor, Council, and staff reports

None

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

Kevin Thomas motioned to go into a closed session at 5:40 p.m. to discuss pending litigation. Seconded by Joseph Prete. Motion carried unanimously.

Kevin Thomas motioned to go out of a closed session at 5:49 p.m. Seconded by Joseph Prete. Motion carried unanimously.

Mike Vercimak stated staff is on top of the MS4 requirements. Everything is on track to meet the requirements.

Adjournment: Joseph Prete motioned to adjourn at 9:26 p.m. Seconded by Drew Ellerman. Motion carried unanimously.