Minutes of the Hurricane City Council meeting held on March 6, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, City Planner Gary Cupp, Assistant Planner Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, HR Director Sel Lovell, and City Recorder Cindy Beteag. Mike Chandler. Paige Chapman

AGENDA

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

Fred Resch III stated that the Beautification Committee met on Monday to discuss plans for installing a larger "Welcome to Hurricane" sign on the SR-7 overpass. They have requested time to present their ideas to the Council and will attend the next meeting. The SR-9 cleanup is scheduled for April 29th at 6 p.m. Additionally, the Planning Commission approved the preliminary plat for a 100-unit patio home subdivision near Desert Sands and the final site plan for Washington County’s new parks and emergency operations center by the fairgrounds. Mayor Billings noted she received a call regarding multiple cars parked on 920 West and asked Mr. Resch to follow up on the matter.

Gary Cupp mentioned there weren’t any planning applications that went to JUC this week. They are continuing to work on the code updates.

Councilman Prete confirmed the City was on track for the MS4 requirements that were presented at the last meeting. Mayor Billings announced Weston Walker was hired to be the assistant Public Works Director. Sam Lyttle will be the new Street’s Superintendent, Roger Blazer will be the MS4 Coordinator, and Hayden Roberts will be promoted to a foreman in the Streets Department. She explained these changes are due to the MS4 requirements and staff will work together to ensure they are met.

Mayor Billings inquired whether a conditional use permit could be utilized to permit a farm store on Jeremy Johnson’s property. Mr. Cupp clarified that the current code does not provide a provision for this, and a code amendment would be necessary. Mayor Billings then asked the Council if they would support such an initiative. Mr. Cupp responded that it might be possible to expand the allowed uses in agricultural zones to include a small farm store. Cindy Beteag raised additional concerns, noting that the business had not applied for a building permit, a business license, or a Department of Agriculture permit. Mr. Cupp reiterated that the property is currently zoned as residential agriculture. The Council expressed general support for exploring options to accommodate this proposal. Dayton Hall acknowledged that there is broad support for agriculture but raised concerns about the property’s existing code violations. He clarified that the issue was with the property itself, not the proposed business. He also mentioned staff has met with the owner who is considering a potential zone change that would cluster mobile homes in the center with agricultural use surrounding them. Discussions with the property owner are ongoing to bring the property up to code.

Arthur LeBaron provided an update on several ongoing projects, beginning with the Frog Hollow Dam Rehabilitation. He shared progress photos and noted that the project is expected to be completed by July. The 100 North project is also underway, with natural gas crews currently replacing their line. Meanwhile, the 1100 West widening project has begun. Mr. LeBaron reminded the Council that the Storm Water Management Plan, which outlines key deadlines, is scheduled for discussion on the next agenda and must be adopted by the end of the month. At Mayor Billings' request, he agreed to email the plan to the Council immediately. Additionally, Mr. LeBaron mentioned that he has requested a proposal from Abe Hepworth regarding the bell tower. He concluded by reporting that all concrete has been poured for the floors of the four-court gym.

Weston Walker reported that cleanup efforts along the wash are progressing, reaching the bridge on 1580 West. He also mentioned the relocation of mailboxes along 600 North near Peregrine Pointe due to complications with road restriping. Slurry seal projects are scheduled to begin at the end of April, though the date for the chip seal has not yet been confirmed. In response to Councilman Prete's inquiry about updates on new developments, Mr. Walker noted that the Coral Cliffs Fun Center recently went through the Joint Utility Committee (JUC) review but deferred to Larry Palmer for information on other ongoing projects.

Mike Vercimak added that they are busy working to get the MS4 plan squared away. Development is keeping his department busy.

Tiffani Wright mentioned that Brian Hinton from the Sons of Utah Pioneers (SUP) informed her they received approval to proceed with the Bell Tower lights installation, which is scheduled for April. She noted that the gym floors have been poured, though rain delayed additional work planned for today. Looking ahead, she mentioned a busy weekend with several events, including Rocky Mountain Baseball, the Farmer’s Market, a half marathon starting and finishing at the Community Center, and soccer games.

Sel Lovell stated there is a police position and a parks mechanic position open. He stated the City has started Healthy Hurricane again to remind employees their health is important. March Madness brackets will be sent out soon.

Paige Chapman mentioned she sent an email about the budget meeting and what they wanted for dinner that night. It will be on the 24th at 3:30 p.m.

Chief Yates stated that Red Rock Media contacted him regarding the upcoming 4th of July event. He advised them to coordinate with the State Park to confirm their participation and hosting plans. He also addressed a recent string of business burglaries, noting that the suspect was tracked down and arrested, with over $50,000 worth of stolen merchandise recovered thanks to collaboration with LaVerkin and the County. Chief Yates commended Sergeant Stacey

Gubler for leading the investigation. He mentioned that the department remains busy with various community events and highlighted a 25% increase in accidents. He announced that testing for the open position will take place on March 31st.

Mike Chandler reported that the Confluence Park Treatment Plant is now 50% complete. He acknowledged the recent burglaries, noting that the police successfully resolved the cases and recovered some of the stolen items. He also mentioned their participation in the City's 100 North project and highlighted ongoing efforts to connect the sewer line near Canyons RV.

Mayor Billings announced that Scott Hughes has accepted a position in Washington City. Scott Hughes expressed his gratitude for the support he received throughout his career. He also mentioned that a new employee has been hired and will be introduced at the next Council meeting. He reminded the Council about the upcoming UAMPS annual member conference in August, which will be held in Tahoe. Additionally, he highlighted the Toolkit Workshop scheduled for April 16th in St. George, where they will focus on the Extended Day-Ahead Market (EDAM). The workshop will cover upcoming EDAM regulations set to take effect in the spring of 2026.

Dave Houston reported they are still cleaning up weeds around the airport. He is currently attending the Utah Airport Operators meeting.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer and Pledge led by David Hirschi

Swearing in of Officer James Ober

Chief Yates introduced Officer Ober who came from California where he retired from the Department of Fish and Wildlife as a Lieutenant. He is very well educated and has a master's degree in genetics. He has also served in the US Air Force. He and his family live here in Hurricane. Officer Ober was sworn in by City Recorder Cindy Beteag.

Introduction of K9 Handler Weston Marshall with K9 Gee

Chief Yates introduced Officer Marshall who is a transfer from Gunnison where he was the K9 handler. He explained Officer Torres, who was the previous handler, was promoted and Officer Marshall was able to step in and fill the role as the new K9 handler with his three years of experience. He has certified in narcotics and will be going to post soon. Gee is now five and has been a great dog. Officer Marshall stated he has been doing law enforcement for 17 years. He has worked with dogs his whole career. He is thankful for the opportunity to be here and work with Gee.

Mayor Billings thanked Sargant Stacey Gubler for his diligent work in solving the burglary case.

Declaration of any conflicts of interest

None declared.

Public Forum – Comments From Public

Andrea Kaz addressed the Council regarding an incident over Valentine's weekend involving an out-of-state individual selling puppies. She explained that while St. George and Hurricane simply asked the person to leave, LaVerkin was able to take action due to an existing ordinance. The puppies had no proof of vaccinations or licenses, and she emphasized that it is illegal to cross state lines to sell animals. She expressed concern that the seller's willingness to travel such a distance highlights a larger issue. She urged the Council to consider creating an ordinance to prevent similar situations, stressing that animal dumping is a growing problem and local shelters are already at capacity. She asked the Council to revisit this matter to protect the community and its animals.

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 on February 6th and again on February 20th, after the item had been discussed by the Airport Board on February 18th. One of the key points of discussion by the Council on February 20th was restricting training aircraft within the flight pattern to no more than four; requiring business license and hangar lease applicants to confirm they will comply with the rules, regulations, and minimum standards; and requiring flight instructors to ensure students' compliance with the rules and regulations. The City Attorney has incorporated these requirements into the prior draft of the Rules and Regulations and Minimum Standards. Within the City Council packet there is a draft of the documents showing the redlined additions to the prior drafts, as well as a clean copy of the documents with the changes incorporated in a form ready to be adopted."

Clark Fawcett motioned to approve the Hurricane City Airport Rules and Regulations and the Minimum Standards for Commercial Aeronautical Activities. Seconded by Kevin Thomas. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete voted nay.

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

Mayor Billings read the following summary written by Cindy Beteag that was provided in the packet. "This item was discussed and continued on February 20, 2025. Council had directed staff to contact the property owner, however, the owner proactively visited the City Office the day after the meeting to address the matter. As of today, the issue has been fully resolved, and a revocation hearing is no longer necessary. Staff recommends that the Council table this item."

Joseph Prete motioned to table the revocation hearing for IZ Towing. Seconded by Kevin Thomas. Motion carried unanimously.

3. 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 Dayton Hall that was provided in the packet. “The Council discussed this item on February 20th and were generally in favor. However, there were issues with the prices in the contract not being current, and the City Attorney had concerns about some of the provisions in the contract. The contract, including the project price and indemnification provisions, has now been updated and is in a form approved by the City Attorney.“

Dayton Hall explained that an additional grant of $15,000 was secured from the County so he wanted to clarify that the City was only providing $25,000 of its own funds and there were $20,000 and $15,000 coming from other grants. The other change was the Indemnification provisions were rewritten so they are fair to both sides. He understands the contractor has agreed with the revisions. Arthur LeBaron added the contractors were happy with Mr. Hall’s revisions.

Kevin Thomas motioned to approve the Bike Park Build Agreement with Sensus Rad Trails. Seconded by David Hirschi. Motion carried unanimously.

NEW BUSINESS

1. Discussion regarding a new Power impact fee study and Capital Facilities Plan - Scott Hughes

Mayor Billings stated this was discussed at Power Board yesterday. She noted that the last study was conducted in 2018, when the Council adopted the fees at 75%, and in 2023, they adjusted them to 100%. Matt Levorsen from IPP explained the impact fee process, which involves a two-part approach: an engineering system study to forecast the power load over the next ten years, followed by a financial analysis to calculate the necessary fees. He presented projections showing an anticipated 6% annual increase in the current power load. Mr. Levorsen also provided a summary of approved projects, along with cost estimates and necessary system upgrades, totaling approximately $40 million. In response to Councilman Thomas’s question about whether AI-related power demands were considered, Mr. Levorsen clarified that such loads would typically come from data centers, which are not included in the current project plans.

Fred Philpot from Public Finance Advisors highlighted the importance of recognizing that the assumptions made in the study about future projections could change, meaning the study would need to be updated as trends evolve. He noted that most entities revise their impact fee studies every 3-5 years and pointed out the impact of recent high inflation. He explained that

two documents are required for adopting impact fees: the Impact Facilities Plan and the Impact Fee Study. Mr. Philpot outlined the six key elements that should be considered when adopting an impact fee: determining demand, providing an inventory of existing facilities, establishing existing and future levels of service, identifying facilities needed for growth, considering all revenue sources, and conducting a proportionate share analysis. He referenced a map showing the areas served by Hurricane Power and explained the process of calculating the cost per kilowatt. The proposed impact fee for a 200-amp service reflects a 132% increase, though the Council can choose to adopt the recommended fee, approve a lower amount, or reject the study. Regardless of the Council's decision, Mr. Philpot emphasized that the infrastructure costs would need to be addressed.
Councilman Prete asked whether similar fee increases had been seen in other communities. Mr. Philpot responded that entities that had not updated their fees in many years were seeing these kinds of jumps. Councilman Prete also clarified that large approved projects, which haven't yet started paying impact fees, would be subject to the higher rate if it’s adopted. Mayor Billings explained that the next step would be a public hearing, with the possibility of modifying the plan later if needed. She stressed the importance of investing in the necessary infrastructure over the next ten years, ensuring that development would pay for itself. Dayton Hall added that this matter had been discussed by the Power Board and recommended postponing a Council vote for four weeks to allow the Power Board to make a formal recommendation. The Council agreed to hold a public hearing at the next meeting but postponed any action until the first meeting in April.

2. Consideration and possible approval of Resolution 2025-18 Vacating and Abandoning a Sewer Line Easement - Dayton Hall

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. “This item is a proposal to abandon a sewer line easement. The easements were previously granted to both Ash Creek SSD and Hurricane City. Ash Creek SSD is in the process of abandoning its interest in the easement, as it is no longer needed, and Ash Creek has requested that the City also abandon its interest in the easement. Staff recommend approval.”

Dayton Hall explained the sewer line will go in the public street in a recorded subdivision. Ash Creek requested the City to abandon this because they were named in the original document. Ash Creek plans on abandoning the easement at their next meeting.

Joseph Prete motioned to approve Resolution 2025-18 vacating and abandoning a sewer line easement. Seconded by David Hirschi. Motion carried unanimously.

3. Consideration and possible approval of Ordinance ZC25-05 request from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre located at 952 S 920 W. Parcel number H-NTW-2. Christine Stratton, Applicant. Nicholette Parker, Agent.

Mayor Billings read the following summary written by Fred Resch III that was provided in the packet. “The applicant requests a zone change from Residential Agricultural RA-1 to Residential Agricultural RA-0.5 on 1.86 acres located on the west side of 920 W and south of 900 S. The applicant has stated that their purpose is to facilitate a lot split to build an additional home, although the RA-0.5 zoning could allow up to three homes on this property. The Planning Commission unanimously recommended approval of the zone change as presented. A public hearing was held and no public comments or objections were received. Staff and JUC comments are generally supportive of the zone change request. Engineering and Public Works brought up the need for widening and improvements along 920 W, a master-planned minor collector. The Planning Commission discussed this concern briefly, however, coordination on road improvements will need to be resolved at the amended final plat stage and the Planning Commission ultimately recommended approval unanimously.”

Councilman Prete stated he would prefer to limit it to two lots. Councilman Ellerman pointed out the minimum lot width is 100’ so they couldn’t do three lots. Fred Resch III explained a flag lot would be permitted. Dayton Hall stated a development agreement could be requested to limit the number of lots. Councilman Thomas stated he has no objections to approve it as presented.

Kevin Thomas motioned to approve Ordinance ZC25-05 a zone change request from RA-1 to RA-0.5 located at 952 S 920 West. Seconded by Drew Ellerman. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete voted nay.

Councilman Prete explained he voted nay because they asked for a lot split, but this zone change gave them more than what they are asking for. Mr. Cupp stated they didn’t have enough acreage to do a lot split so that is why they requested the zone change.

4. Continued training for Municipal Officials

The next two training videos were played regarding hiring an independent auditor and separation of duties between the clerk and treasurer.

5. Mayor, Council, and staff reports

Dayton Hall mentioned he looked up contract with Red Rock Media. It was a three-year contract so this is the last year of the contract.

Cindy Beteag shared that the Lieutenant Governor’s office has funded a platform called Civic Roundtable for all election officers. She highlighted its value and expressed her hope that it will continue to be funded in the future. She mentioned that discussions are ongoing about who will fund the platform moving forward and encouraged the Council to support it if they are approached about it.

Councilman Fawcett raised concerns about how the water supply is tracked, particularly regarding water promises made during the approval of subdivisions. He pointed out that the District only guarantees water once a building permit is issued but questioned how that could work if a subdivision is approved and developed, only for applicants to be told later that the water is no longer available when they attempt to pull permits. He expressed concerns about the process. Councilman Ellerman responded by stating that the District tracks all approved plats and believes they are more aware of water availability than is being acknowledged. Mayor Billings clarified that the agreement states the District is responsible for providing the water source, and their twenty-year plan takes into account projected growth. Mike Vercimak added that the District includes a disclaimer with every approved subdivision, stating that there is no guarantee of water availability. Dayton Hall inquired about the agenda item regarding providing water to members outside the existing agreement. Councilman Fawcett explained that there were two groups—one near Toquerville and the other near Leeds—seeking water service. The District was willing to provide service to these areas but required them to connect to the sewer system. Leeds decided not to pursue that option. He described the process that must be followed before the District can provide service to these areas. Mr. Hall expressed concerns about fairness, as

Joseph Prete noted that the legislative session ends tomorrow and requested an update at a future meeting on any changes that might affect the City. Mayor Billings responded that Five Counties will be meeting before the next City meeting, where they will discuss relevant legislative updates. Dayton Hall shared that he and Kaden DeMille have attended some of the Legislative Policy Committee (LPC) meetings, but he wasn’t prepared to present a comprehensive list of bills impacting the City. He mentioned that he would be attending additional training sessions and could provide an update afterward. Mr. DeMille added that the League of Cities and Towns typically provides a summary of the legislative changes.

Mayor Billings stated the State of the City will be on April 28th at 6 p.m.

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

No closed meeting was held.

Adjournment: David Hirschi motioned to adjourn at 7:46 p.m. Seconded by Drew Ellerman. Motion carried unanimously.