Minutes of the Hurricane City Council meeting held on March 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.

Member Excused: David Hirschi

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Public Works Director Mike Vercimak, Assistant Public Works Director Weston Walker, City Planner Gary Cupp, Assistant Planner Fred Resch III, Street Superintendent Sam Lytle, Water Superintendent Ken Richins, Parks Superintendent Darren Barney, MS4 Coordinator Roger Blaser, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, and City Recorder Cindy Beteag.

AGENDA

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

Fred Resch III noted that the Planning Department has been short-staffed, so he has been filling in as needed. The Planning Commissioners approved a townhome subdivision in the Desert Sands area, while all other items will be presented to the Council for review. He is also working on the updates that the state legislators approved. Mayor Billings inquired about the vehicles on 920 West, to which Mr. Resch III responded that he has already contacted the owners but will follow up to ensure the issue is addressed.

Mayor Billings inquired about the timeline for getting items on the Planning Commission agenda. Gary Cupp explained that it depends on the application. Mayor Billings asked staff to review the process to see if it could be expedited. Mr. Cupp responded that they do their best to place items on an agenda as soon as possible. Mayor Billings agreed with the process, as long as items are scheduled sooner when feasible. Councilman Ellerman noted that the current 20-day timeframe is already shorter than in many cities and cautioned against pushing it too much.

Arthur LeBaron reported an ongoing issue with people parking along 600 North near the trail access, creating a safety hazard. He has been in discussions with the BLM about establishing a designated trailhead in the area. Southwest issued a letter of support, which he provided to the BLM, and they have requested a right-of-way application. If approved, the trailhead would be the city's responsibility to maintain. He recommended including a restroom and noted that while funding is available, the city would need to contribute some funds. The Council expressed support for moving forward with the project. Additionally, he is collaborating with the County, WCWCD, and LaVerkin on a trail connecting Confluence Park to SR-9. They plan to apply for an Outdoor Rec grant alongside other stakeholders. He also informed the Council that interchange plans for the Kachina development have been submitted, and they will soon review an agreement between the City, the developer, and UDOT.

Weston Walker noted that their department has undergone several transitions. He announced that Sam Lytle is the new superintendent, while Roger Blaser, formerly the crew supervisor, has moved into the MS4 Director position. Hayden Roberts has stepped up to replace Mr. Blaser as crew supervisor. The team is continuing preparations for chip and seal road work and has completed all necessary arrangements with the State to submit the Storm Water Management Plan.

Sam Lytle introduced himself, noting that he started this week. He brings extensive experience across various fields and expressed his enthusiasm for joining the team and collaborating with everyone.

Sel Lovell reported that he has been reviewing the employee policy, working on OSHA requirements, and coordinating employee training. He also noted that a few positions remain open. Mayor Billings thanked him for his dedication to overseeing these new requirements.

Roger Blaser introduced himself as the new MS4 Director and noted that his office will be located in the Streets building.

Tiffani Wright reported that the pillars for the four-court gym are up. While the project is slightly behind schedule, they hope to catch up soon. She announced that *The Hunchback of Notre Dame* will begin in early April and that next week, they will travel to Nevada to gather ideas for a covered pool. The goal is to begin construction after the pool season ends this year. She also met with the Peach Days committee this morning as preparations begin. Summer program registration will open in April, and the Easter Egg Hunt and Car Show are scheduled for April 19th. Mayor Billings noted that Roger McDonald's company will sponsor the gym but emphasized the need for additional sponsors.

Chief Yates announced that the DARE graduation will take place on March 27th, with ceremonies held at each elementary school. The program spans 10 weeks, and he commended Officer Thornton for his dedication to its success. He also reported that officers conducted alcohol compliance checks last week, and all 15 stores passed, with no sales to minors. Additionally, extra officers will be on duty this weekend for Matt's Off-Road Games to ensure safety and support the event.

Ken Richins announced that the Board of Water Resources has approved funding for the city's projects. A water sample from the Sky Ranch well has been sent for testing, and they plan to begin advertising for the Dixie Springs well soon.

Darren Barney mentioned that they are still searching for a mechanic and have been conducting interviews over the past few days. He hopes to have narrowed it down to a few strong candidates soon. He also noted a significant increase in vandalism over spring break, with Pioneer Park being hit the hardest. The team is busy preparing for spring, which is their busiest season of the year. They are aiming to have the splash pads open in a couple of weeks.

Larry Palmer reported that since the last meeting, they have issued permits for 20 single-family homes, the Hampton Inn on 1760 West, and two 16-unit condo buildings.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Jeff Hall.

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for February 20, 2025, and March 6, 2025

Kevin Thomas motioned to approve the February 20, 2025, and March 6, 2025, minutes. Seconded by Clark Fawcett. Motion carried unanimously.

Swearing in of Officer Megan Holcomb
Chief Yates introduced Megan Holcomb, a Wisconsin native who joined the team in October and graduated in February. A dedicated member of the Army since 2018, she brings valuable experience to her new role. Chief Yates expressed enthusiasm about her addition to the team. Officer Holcomb was officially sworn in by City Recorder Cindy Beteag.

Presentation and Update from Liberty Village including the placement of the Stand Your Ground statue on April 19th and the Liberty Bell on June 7th

Mayor Billings announced that the *Stand Your Ground* statue, previously located at the County building, will be installed on April 19th. The Liberty Bell, which was placed on June 7th last year, will be installed on the same date this year. Jeff Hall, Director of Operations, highlighted their mission to promote liberty. A proud graduate of Hurricane, he expressed his excitement about contributing to the community once again. During the meeting, he presented a video showcasing the project's progress, including the planned statue placements. The parking lot is expected to be completed next month, with infrastructure development being the most challenging aspect of the project. The *Stand Your Ground* statue will be installed in the morning of April 19th, and a ribbon-cutting ceremony for the project is scheduled for September 17th—Constitution Day. Phase 1 is set for completion by September, with Phase 2 expected to begin soon after. The park will be open six days a week, with the ultimate goal of creating an inviting and meaningful destination for visitors.

Public Forum – Comments From Public

NEW BUSINESS

1. Consideration and possible approval of Resolution 2025-19 appointing Dave Zundel to the Airport Board

Dave Zundel introduced himself, sharing that he is a Hurricane High School graduate who later served in the military. He holds degrees in airport management and political science. He is excited for the opportunity to serve and contribute to the board.

Clark Fawcett motioned to approve Resolution 2025-19 appointing Dave Zundel to the Airport Board. Seconded by Kevin Thomas. Motion carried unanimously.

2. Consideration and possible approval of the reassignment of Byron Stansfield's lease to his LLC for a hangar pad located at the Hurricane Airport

Mayor Billings explained that the lease is currently in his name, and he wishes to transfer it to his LLC. Dayton Hall clarified that the existing lease requires Council approval for reassignment, even when transferring it from an individual to a family trust. Councilman Prete confirmed that it is the old lease form.

Clark Fawcett motioned to approve the reassignment of lease to Carl Byron Stansfield and Myrlene Y. Stansfield, Trustees of the Carl Byron Stansfield Revocable Trust, dated April 22, 2004. Seconded by Joseph Prete. Motion carried unanimously.

3. Consideration and possible approval of assigning Scott Freeman as an additional liaison for the MOU with SUU

Mayor Billings explained that Kaden DeMille will continue overseeing the matter, but Scott Freeman will now be the primary contact with SUU. This does not change the MOU, but a letter will be sent to inform them of the new liaison.

Joseph Prete motioned to approve Scott Freeman as an additional liaison for MOU with SUU. Seconded by Kevin Thomas. Motion carried unanimously.

4. Consideration and possible approval of a revised version of the Rules and Regulations for the Hurricane City Municipal Airport updating noise abatement policies - Dave Houston

Mayor Billings explained that the noise abatement policy was incorporated into the rules and regulations to consolidate all guidelines in one place. As a result, any changes to the noise abatement policy will require updates to the rules and regulations. Councilman Fawcett noted that the only modifications include an adjustment to the flight pattern on page 18 and a clarification about night flying on page 19, as the airport lacks lighting. Councilman Prete confirmed that the Airport Board supports these changes. Mayor Billings also mentioned that the AWOS system will notify pilots about the absence of lights at the airport.

Clark Fawcett motioned to approve revised version of the Rules and Regulations for the Hurricane City Municipal Airport. Seconded by Joseph Prete. Motion carried unanimously.

5. Consideration and possible approval of a Proclamation regarding the discharge of fireworks

Councilman Prete noted that this condition has been approved for years and asked what circumstances might warrant approval at a different level. Dayton Hall explained that the City's ordinance relies on the Fire District's recommendation, so that question would be best directed to them. Councilman Fawcett added that the City's goal is to prevent additional fires. Councilman Prete then inquired whether the ordinance could be changed if this has become the standard practice each year. Mayor Billings clarified that it is a State requirement and asked Mr. Hall to read the proclamation. After Mr. Hall read it, Councilman Prete questioned why Chinese New Year was included and suggested allowing fireworks from July 1-5 instead of July 2-5. Mr. Hall also recommended adding Peach Days and Homecoming to the list of approved events. Mayor Billings summarized the proposed changes: adjusting the firework allowance to July 1-5, removing Chinese New Year, and adding Peach Days and high school Homecoming. However, Mr. Hall pointed out that Chinese New Year is explicitly listed in the ordinance and would need a formal amendment for removal. The Council ultimately agreed to permit fireworks during Homecoming but not at all football games.

Joseph Prete motioned to approve the Proclamation regarding the discharge of fireworks subject to allowing them July 1-5 and adding that the City can discharge them for Peach Days and the High School can for homecoming. Seconded by Drew Ellerman. Motion carried unanimously.

Steve Nation suggested adding the location for the high school fireworks.

Kevin Thomas motioned to go into public hearing at 6:41 p.m. Seconded by Joseph Prete. Motion carried unanimously.

6. Public Hearing to take comments on the following:

a. Storm Water Pollution Prevention Plan

b. Public safety impact fee facilities plan, impact fee analysis, and increase to public safety impact fee

c. Power impact fee facilities plan, impact fee analysis, and increase to power impact fee

No comments were made.

Kevin Thomas motioned to go out of public hearing at 6:42 p.m. Seconded by Drew Ellerman. Motion carried unanimously.

7. Consideration and possible approval of Ordinance 2025-03 Approving a Public Safety Impact Fee Facilities Plan, a Public Safety Impact Fee Analysis, and an Impact Fee for Public Safety on Development

Mayor Billings stated that Zion's Bank conducted the impact fee study, which is designed to help fund public facilities. Kaden DeMille explained that it has been several years since the fee was last updated, and with aging infrastructure and the planned construction of a new police station, an adjustment is necessary. Currently, the fee stands at $257.00. Dayton Hall outlined the proposed changes, which would increase the fee to $384.49 per residential unit and $163.58 per 1,000 square feet of nonresidential space. Councilman Fawcett noted that the proposal includes annual increases. Mayor Billings reassured the Council that they could revisit the fee if needed. Mr. Hall further explained that impact fees should be reviewed every 3-5 years, but the proposed structure allows for annual inflation adjustments. If unexpected economic changes arise, the Council can reassess the fee. Councilman Fawcett stated that growth should fund growth.

Clark Fawcett motioned to approve Ordinance 2025-03 approving a Public Safety Impact Fee Facilities Plan, a Public Safety Impact Fee Analysis, and an Impact Fee for Public Safety on Development. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

8. Consideration and possible approval of the Storm Water Pollution Prevention Plan

Mayor Billings announced that Roger Blaser will serve as the new MS4 Coordinator. Paul Taylor noted that water quality has improved since the State implemented these regulations. Arthur LeBaron explained that the plan includes specific goals and minimum standards, with a focus on setting reasonable timelines for implementation. The City has outlined a five-year rollout to achieve full compliance with the regulations.

Joseph Prete motioned to approve the Storm Water Management Plan. Seconded by Clark Fawcett. Motion carried with Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. Kevin Thomas voted nay.

9. Presentation and discussion with the Beautification Committee regarding future projects

Mayor Billings read the following summary that was provided in the packet written by Fred Resch III. "The Beautification Committee is proposing to replace the "Welcome to Hurricane" sign located at the SR-7 and SR-9 interchange. The current sign, measuring approximately 38 square feet, is too small and difficult to read from SR-9. To address this, the Committee has obtained a preliminary bid of $6,714.58 from FX Lighting for a new metal sign featuring the official city logo, measuring approximately 130 square feet. Attached to the packet is a rough estimation of what the new sign would look like. The Committee is seeking guidance and direction from the Council on whether to proceed with this project. It's important to note that UDOT approval will be required to replace the sign; however, the City will be responsible for its installation and maintenance. Additionally, the Beautification Committee would like to provide a brief overview of upcoming events and projects: SR-9 Cleanup: Scheduled for April 29th at 6:00 PM. Cemetery Cleanup: Scheduled for May 20th. The Committee welcomes any additional ideas or suggestions from the Council for future events or projects.

Doug Heideman stated that he measured the sign at the last exit in St. George, noting that the capital letters were 29 inches tall, and the sign itself was 24 feet 8 inches in length. Fred Resch III stated that the sign cannot exceed 200 square feet. Mr. Heideman mentioned that he has received numerous complaints about the visibility of the current sign. Mayor Billings pointed out that the existing sign could potentially be reused. Mr. Resch III stated that the bid received last year for a new sign was $6,714.58. Mayor Billings asked if funds from the beautification budget could be used for this project. Kaden DeMille stated that if the Council is in favor, they can explore costs and check if funding is available in this year's budget. Mayor Billings suggested reaching out to FX Lighting to confirm if the previous quote was still valid and consulting UDOT to ensure the sign meets regulations. Mr. Heideman confirmed that UDOT has already approved the project as long as the sign meets size requirements, and that FX Lighting has upheld the original quote. Councilman Prete suggested revisiting the dimensions but supported the idea of improving the sign. Councilman Ellerman requested to see a visual representation before making a final decision, and Councilman Thomas agreed, expressing concerns that 22 feet might be too long. The Council agreed to move forward with the sign, provided funding is available. Arthur LeBaron added that there may be power available for downlighting and offered to coordinate with Mr. Resch III. Mayor Billings requested that the issue be added to the next agenda as an action item.

Mr. Heideman announced that the City cleanup will take place on April 29th in the evening and asked if city staff could assist. Mr. DeMille explained that it would be difficult to have staff work in the evening due to overtime costs. Mr. Heideman noted that last year, volunteers worked in the evening, and city employees completed the work the following morning. He suggested having employees work the morning shift, and volunteers could finish up in the evening. Mayor Billings pointed out that UDOT needs to be informed of the cleanup date and asked Mr. LeBaron to notify them. Councilman Prete requested to see the costs associated with paying staff for this task. Mr. DeMille mentioned that while they haven't paid much overtime in the past, employee work hours are still affected. Weston Walker added that in previous years, the Streets Department collected the trash bags and disposed of them in their dumpsters, which could still be done the next day during regular hours. Mayor Billings suggested assigning specific areas for the cleanup the week before, allowing volunteers to work longer. The cleanup will still be held in the evening, and employees can volunteer if they wish. Mr. Heideman requested that the event be advertised on the City's social media and noted that they are still short one person on their board. Mayor Billings agreed to find someone to serve. Mr. Heideman also mentioned that the board now meets on the second Monday of each month.

10. Consideration and possible approval of contract award for the Goulds Wash well drilling and well development project - Ken Richins

Mayor Billings announced that the City has been awarded $12,650,000 from the Board of Water Resources as of yesterday and is now ready to proceed with awarding bids for the project. The lowest bid for the Goulds Wash well drilling came in at $680,728. Ken Richins explained that this part of the project involves only the drilling of the well, which will be used for irrigation. Dayton Hall clarified that while the Board has awarded the funding, the bond still needs to be finalized. He recommended that the bids be awarded with the condition that the Mayor does not sign any contracts until the bond has closed.

Kevin Thomas motioned to award the contract for the Goulds Wash well drilling and well development project to Gardner Drilling in the amount of $680,728.00 executed after the bond closes. Seconded by Clark Fawcett. Motion carried unanimously by a roll call vote.

11. Consideration and possible approval of contract award for the Sky Ranch area 2-million-gallon water tank project - Ken Richins

Mayor Billings stated Interstate Rock was the low bidder at $2,737,224.25. They anticipate this will take a year to build. She stated the motion needs to include the same language as the previous item.

Clark Fawcett motioned to award the contract for the Sky Ranch area 2-million-gallon water tank project to Interstate Rock in the amount of $2,737,224.25 executed after the bond closes. Seconded by Joseph Prete. Motion carried unanimously by a roll call vote.

12. Consideration and possible approval of contract award for the Sky Ranch area 18" pipeline project - Ken Richins

Mayor Billings announced that Interstate Rock was the low bidder for the project at $1,032,382.19. Ken Richins explained that the pipeline will start at the south end of the Sky Ranch runway and will include a booster station to help pump water until the wells are operational. He noted that the bids were very close, but Interstate Rock received the highest ranking. The price includes the installation of a small booster station, which will be placed in a manhole in the road.

Joseph Prete motioned to award the contract for the Sky Ranch area 18” pipeline project to Interstate Rock in the amount of $1,032,382.19 executed after the bond closes. Seconded by Drew Ellerman. Motion carried unanimously by a roll call vote.

13. Consideration and possible selection of a design consultant for the Community Center Pickleball Courts - Darren Barney

Mayor Billings stated the two bids were very close. Darren Barney thanked Arthur LeBaron for his help with the RFQ. He then read the summary that was provided in the packet written by Mr. LeBaron. “Included in the packet are the advertisement and statements of qualifications (SOQ’s) that the City received in response to our advertisement for the design of the Downtown Pickleball Courts Project. A 5-member selection committee that consisted of Darren Barney, Tiffani Wright, Chris Hansen, Mike Vercimak, and Arthur LeBaron has evaluated and scored the SOQ’s and a summary of the scores is attached. We received SOQ’s from Civil Science and Sunrise Engineering. Both firms have St. George offices and have experience with the type of project that we envision downtown. Ultimately, Sunrise Engineering consistently came out with a higher score amongst the selection committee for this project. It is recommended that the City Council award the selection to Sunrise Engineering. Once the selection is made, Staff will negotiate a scope and fee and come back to the Council with an agenda item to award a contract based on that negotiation.”

Mr. Barney added that they sent out the RFQ to ten companies but only Sunrise Engineering and Civil Science responded. They both would do an excellent job, but Sunrise Engineering ranked a little higher and has a little more experience.

Drew Ellerman motioned to approve Sunrise Engineering as the consultant for the Community Center Pickleball Courts. Seconded by Kevin Thomas. Motion carried unanimously.

Mayor Billings stated the Peach Days committee asked for it to not to be torn up during the event.

14. Consideration and possible approval of HIL25-01, a Request for an Exception to the Sensitive Lands Ordinance for retaining walls located at 760 S 1480 W. Kendra Eliot, Applicant. Terry Spinks, Agent.

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. “The applicant is requesting an exception to the Sensitive Lands Ordinance, which limits the height of retaining walls or stacked rock walls to no more than 16 feet within a 50-foot horizontal distance. This request pertains to a retaining-wall extension that was constructed without building permits on Lot 50 of Scenic Pointe Phase 2, which was subject to the Sensitive Lands Ordinance when the subdivision was approved. The lot was originally designed as a walk-

out-basement lot; however, the owner wanted a flat pad and constructed a two-tiered rockery-faced wall with a combined height of 15 feet to create a level lot. Taking into account the existing 5-foot walls on the adjacent lots, the combined wall height is 20 feet, which exceeds the 16-foot maximum by four feet. An exception to the height requirement may be granted by the City Council pursuant to Section 10-24-3(G)(1) of the Hurricane City Code if they determine, after a recommendation from the Planning Commission, that the four following conditions have been established: The non-compliant retaining wall is based on sound and generally accepted engineering and land development principles; The non-compliant retaining wall will result in equal or better protection than development under normal standards; The non-compliant retaining wall is consistent with the purposes of the Sensitive Lands ordinance; and The non-compliant retaining wall is consistent with the general plan policies affecting sensitive lands. Findings. The applicant has provided geotechnical and civil engineering reports certifying that the wall's construction meets the compaction requirements and design recommendations contained in the Scenic Point geotecnical recommendations. These reports have been reviewed and accepted by the Building Official. Planning staff have also reviewed the wall construction and have determined that it does not conflict with the intent or purpose of the Sensitive Lands Ordinance or with any provisions in the General Plan, and therefore find that the four conditions needed for approval of the requested exception have been satisfied.
3/13/2025 Planning Commission. The Planning Commission reviewed and considered the exception request after discussion with staff, the applicant, and a neighboring property owner (Aaron Earles) who reported the unpermitted construction. The Planning Commission expressed concern about setting a negative precedent by approving something that was constructed without permits or without going through the proper process, and they do not want to condone builders who "ask for forgiveness instead of permission." The applicants stated that they didn't know that building extensions to existing retaining walls that were previously constructed by the subdivision developer required building permits. The Commission discussed the option of denying the exception, but felt it would be unreasonable since the four conditions required for approving the exception have been adequately satisfied. The Commission unanimously recommended that the City Council approve the requested exception."

Councilman Fawcett clarified that the original developer constructed the first retaining walls, sold the lots, and then the current owner added additional rows. Councilman Thomas shared that he visited the property with the neighbor and took drone footage, which he showed to the Council. He explained that the lot was originally designed for a walk-out basement, but the owner wanted a single-level home. As a result, the retaining wall was built without a permit, although it was engineered. He pointed out that the existing homes surrounding the lot also have retaining walls. Councilman Thomas mentioned that the neighbor, Aaron Earles, emailed the City about the wall, expressing concerns that it exceeds eight feet in height and doesn't match the width of the other retaining walls around the property. He also noted that the heavy rain caused flooding in some of the neighboring yards. Councilman Thomas raised concerns about the proximity of the footings to the retaining wall and referenced the City's sensitive land ordinance, which requires that any grading changes meet specific requirements. Measuring from the neighbor's backyard, he found the wall to be ten feet, not eight. After discussing the issue with the neighbor, Councilman Thomas spoke with City staff, who contacted Wayne Rogers, an engineer from AGEG, who performed soil testing. Mr. Rogers visited the site, took measurements, and confirmed that the wall met the design standards, agreeing that the wall's height is eight feet, not ten. Mr. Rogers assured Councilman Thomas that AGEG had conducted all the inspections and stood by the design and construction of the wall. He also addressed the drainage pipe in the gravel, stating that it needed to be abandoned. When asked about any safety concerns, Mr. Rogers confirmed there were none. Councilman Thomas concluded that, according to the engineer, the wall is safe and complies with design standards, although it was constructed without a permit and without obtaining an exception in advance.

Aaron Earles, along with his neighbor Kelli, both living adjacent to the property in question, has voiced strong opposition to the requested exception for the large retaining wall constructed without proper permitting. Mr. Earles expressed his appreciation for the City officials' engagement but criticized the Planning Commission's recommendation to approve the exception, claiming it was based on misleading information. He challenged the assertion that the wall meets engineering and safety standards, pointing out discrepancies between the approved design and the unpermitted expansion. Mr. Earles argued that the retaining wall fails to comply with the Sensitive Lands Ordinance and does not align with the City's General Plan. He highlighted that the wall, with a height of 26 feet and a steep 60-degree slope, far exceeds the permitted limits and contradicts key objectives, including minimizing grading, erosion, and visual impact. Additionally, Mr. Earles raised concerns about the outdated engineering reports that were used in the approval recommendation, noting that they predated the wall's expansion. He noted that the construction was done without permits, disregarding city regulations and neighborhood concerns. Mr. Earles also pointed out inconsistencies in the contractor's statements, referring to compaction tests that list the contractor's company as the client from the project's start. Ultimately, Mr. Earles urged the Council to deny the exception, stressing the long-term negative impact on his home's view and quality of life. He also noted that the applicant, who resides in Oregon, has been absent from the discussions.

Terry Spinks explained that a permit was obtained for the first part of the retaining wall, and the excavators were instructed to get the necessary permits and follow the engineer's recommendations. He stated that they believed the wall was approved because the existing wall was already in place. According to Mr. Spinks, the wall was constructed according to the engineering specifications and was inspected during the construction process. He also brought in a second engineer to verify that everything was up to standard, and they agreed that the wall was built correctly. Mr. Spinks mentioned that he was advised that deepening the footings would relieve pressure on the wall. He pointed out that Mr. Earles purchased his lot in Phase 1, so he was aware that the next phase of construction could potentially impact his view. He handed out pictures showing the wall from the front view. Regarding the flooding issue, Mr. Spinks explained that the work on the wall began, but they didn't finish before the end of the day. After it rained that night, it caused flooding in the neighbor's yard. He visited the neighbor, replaced the rock in her backyard, and ensured that since the wall's completion, it no longer drains into her yard. Cole Spinks added that the first two tiers of the wall are seven and eight feet tall. They consulted with the engineer to ensure that the footings were the proper size and that drainage systems were installed throughout the lot. Mayor Billings acknowledged that the challenge here is the retroactive nature of the request, noting that the only way to protect the neighbor's view would be for him to purchase the neighboring lot. She explained that the Council's main concern is ensuring that the wall is sound and was built correctly. Since the engineer has confirmed it was constructed according to standards, Mayor Billings expressed hesitation in having the wall torn down only to have the applicant return to the Council for proper approvals and then rebuild it in the same location.

Dayton Hall read code 10-24-3(G) regarding the requirements for granting exceptions, outlining four criteria that must all be met before an exception can be granted. He then asked the Council to identify which of these criteria are met or not in this case. Councilman Ellerman pointed out that if the lot were designed as a walkout basement, the neighbors would experience more drainage on their lots. He confirmed that all the retaining walls are located on the property. Mr. Cupp read the purpose of the Sensitive Land Ordinance and explained that no scenic qualities are being disturbed in this case because this is a buildable lot, and this type of development is typical. He also stated that much of the ordinance doesn't apply because the subdivision had already been built. Councilman Thomas expressed sympathy for the neighbors but emphasized that the engineers have confirmed the wall is safe. He believes there may be changes that could be made to the ordinance in the future to address rock walls, but for now, he has to rely on the engineers, who state that everything was done correctly. Councilman Ellerman stated he trusts Wayne Rogers' judgment, noting that Mr. Rogers is a member of the Hillside Committee and is one of the best geotechnical engineers in the county. Councilman Prete acknowledged that while there should be an ordinance for rock walls, there isn't one at the moment. He noted that the Sensitive Land Ordinance is more applicable during the initial stages of subdivision development. The core issue, he explained, is determining whether the wall is in compliance and safe. The Council needs to assess whether all factors are met. Councilman Fawcett, upon reviewing the four criteria, stated that he was not convinced this was the best solution and felt that drainage should be addressed before moving forward with the homes. Councilman Thomas agreed that the drainage issue depends on the building inspector ensuring that it is done correctly. Arthur LeBaron added that when a site plan is submitted for review, it must demonstrate how water will be drained from the property.

Councilman Prete focused on the four criteria, noting that they have an engineer's report from a respected professional confirming that the wall is built correctly. He stated that it provides at least equal protection, and he believes it meets the third and fourth criteria. Based on this, he feels all four factors have been satisfied. Councilman Ellerman agreed, highlighting that the decision is based on sound engineering that has been proven. He added that the development meets or exceeds normal standards. He highlighted that the third requirement, which concerns consistency with surrounding uses, is also satisfied, as the four criteria are consistent with the area. He reminded the builders that they are responsible for managing drainage water.

Councilman Thomas mentioned that Mr. Rogers would provide an updated letter confirming what was built. Mr. Cupp stated that the compaction tests are valid, and the wall is constructed correctly. The updated letter will address drainage issues, some rocks that need to be moved, and the footings. Mike Vercimak questioned why a house would be built where you couldn't walk around it. Councilman Ellerman responded that such structures are built everywhere, and Councilman Thomas agreed, noting that this is why new requirements need to be adopted for future cases. Councilman Prete requested to see the updated report before making his decision. Mayor Billings pointed out that the letter wouldn't affect the wall itself, as the building official is waiting for approval of the application before signing off on the building permit. The updated report, which will address the footings, will be submitted to the building official before the permit is issued.

Drew Ellerman motioned to approve HIL25-01 exception to hillside based on the reports that have been submitted including it meets the four conditions on the sensitive land criteria. Seconded by Joseph Prete. Motion carried with Kevin Thomas, Drew Ellerman, and Joseph Prete voting aye. Clark Fawcett voted nay.

15. Consideration and possible approval of Ordinance ZC25-06, a Zone Change Amendment request located at 1485 W 400 S from Residential Agricultural RA-1 to Residential Agricultural RA-0.5 and Single Family Residential R1-15. Parcel number H-3-2-4-1416. Tonya Beutler, Applicant.

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "The applicant requests a zone change from a single zoning designation to a dual zone; that is, from Residential Agricultural RA-1 to Single Family Residential R1-15 and Residential Agricultural RA-0.5 on 1 acre located at 1485 W 400 S. This request is in preparation for a future lot split that would result in a 15,026-square-foot lot zoned R1-15 and a 28,611-square-foot lot zoned RA-0.5. There is an existing home on the front portion of the lot where the proposed R1-15 zone would be, while the back half of the lot is proposed to be rezoned to RA-0.5. The application meets the standards within the General Plan and General Plan Map.
Most of the surrounding development is large-lot single-family homes consistent with the proposed development. The proposed amendment will not adversely impact the area since it conforms with the parameters and recommendations of the General Plan.
Services are adequate to serve the area and proposed project. The Planning Commission heard this item at the March 13, 2025, meeting. A public hearing was held and no comments or objections were received for this application. The Commission had no concerns about the request, but had clarification questions about the proposed split zone for the property. The Commission also had discussion about the planned lot split regarding the feasibility of creating a flag lot and meeting fire-turnaround requirements. They voted unanimously to approve the zone change since there is enough area on the 1-acre lot to meet all the lot-split requirements."
Tonya Beutler stated that she currently has no specific plans for the back lot but is planning for future development. She intends to keep a portion of her land for potential use later. The flag

portion of the lot will be located on the east side, and she plans to extend utilities to the back portion of the property.

Joseph Prete motioned to approve Ordinance ZC25-06 a zone change amendment request located at 1485 W 400 South based on reasons stated in packet. Seconded by Kevin Thomas. Motion carried with Kevin Thomas, Clark Fawcett, and Jospeh Prete voting aye. Drew Ellerman voted nay.

16. Consideration and possible approval of LUCA25-01, a Land Use Code Amendment to Title 10 Chapter 15 regarding Planned Commercial standards. -Gary Cupp

Mayor Billings read the following summary provided in the packet written by Gary Cupp. “In response to direction by the City Council, the Planning Department has proposed updates to the requirements of the Planned Commercial zoning designation located in Chapter 15 of Title 10. The intent of the update is to increase the percentage requirement for the commercial component in the Planned Commercial zoning district. For requests to rezone properties to the Planned Commercial designation, the current code standard requires a minimum 20 percent of the development area be used for commercial activities, and another 20 percent for long-term residential uses with the remaining 60 percent to be used for additional commercial, residential, or open space uses. The desire of the City Council is to encourage more commercial development to benefit the city and its residents; therefore, staff was directed to increase the minimum percentage for the commercial component of any proposed Planned Commercial developments to 70 percent. The residential minimum was not proposed to be changed and will stay at 20 percent, thus, leaving the remaining 10 percent of the development area for additional commercial, residential, or open space uses. The code update also proposes to reduce the building height maximum for the Planned Commercial and Pedestrian Oriented Commercial zones from 55 feet to 35 feet to match the standard in the other commercial zones. The Planning Commission heard this item at the March 13, 2025, meeting. A public hearing was held and no comments or objections to the proposed code update were received. The Commission discussed the requested ordinance amendment and expressed overall agreement with the intent of the proposed changes, but felt that increasing the commercial component to 70% seemed very high and would reduce the City's ability to get a variety of uses when a zone change to Planned Commercial is requested, and felt that the commercial component should be increased to 50% instead. They also felt that requiring "hard minimums" for this zone is not desirable and suggested building some flexibility into the code to be able to negotiate the percentages with applicants, at the City Council's discretion, if there were reasonable alternatives to the minimum percentages. The Planning Commission unanimously recommended that the land use code amendment be approved, but only by increasing the commercial component to 50% instead of 70%, and also making the percentage minimums flexible as opposed to a strict requirement, or by providing an exception option.”
Gary Cupp mentioned that the Planning Commission believed 50% commercial would be better than 70%, but they still supported the overall intent of the proposal. Councilman Prete stated

that the name suggests a commercial development and expressed uncertainty about whether 70% was the right figure. He suggested the percentage should fall between 50% and 70%. Councilman Thomas felt 70% was too high, while Councilman Fawcett questioned whether different standards could apply depending on the development style. He proposed that if the building is one level, the commercial portion could be 70%, but if it has residential on top and commercial on the bottom, the ratio could be 50%. Mr. Cupp explained that the main purpose of the proposed changes was to start with a higher commercial requirement. Councilman Thomas liked the idea of defining whether the commercial space would be one or two stories, so developers would know the expectations upfront. Mr. Cupp added that the Planning Commission did not favor hard minimums for the commercial portion. Councilman Ellerman expressed concerns about reducing commercial space, especially in areas where commercial zones are needed. He suggested that the smallest ratio he would support is 67% commercial and 33% residential. He also noted that this plan should not result in losing any commercial zones. Mayor Billings noted that this approach wouldn't apply to highway commercial zones. Councilman Ellerman also recommended calculating the ratio based on square footage, which Dayton Hall confirmed is how it would be calculated. Hall also clarified that the percentages could be calculated considering common areas. Councilman Prete proposed requiring that commercial space be built first and expressed a preference for a 2/3 (67%) commercial and 1/3 (33%) residential split, rather than 70%. Mr. Hall confirmed the Council's preference to require commercial first or simultaneously, with the agreed-upon 67% commercial and 33% residential. Councilman Ellerman suggested including exceptions if developers propose a development agreement. Councilman Prete then asked if they could require attainable housing in these developments. Mr. Hall explained that attainable housing is already addressed through a previous ordinance allowing for density bonuses.

Joseph Prete motioned to continue LUCA 25-01 a Land Use Code Amendment to Title 10 Chapter 15 to the next meeting. Seconded by Clark Fawcett. Motion carried unanimously.

17. Continued training for Municipal Officials

The next videos regarding the fraud triangle and internal audit plan were played.

18. Mayor, Council, and staff reports

Kaden DeMille reminded the Council of the budget meeting on Monday at 3:30 p.m.

Councilman Thomas inquired about the status of creating an airport protection zone over Sky Ranch. Mayor Billings explained that she had reached out to the County, but the Commissioners were hesitant to take action since Sky Ranch is a private airport. She also mentioned that recent legislative updates to the code now include private airports, with new regulations set to take effect on May 7th. Fred Resch III added that the State law will require UDOT to assess whether Sky Ranch qualifies as a significant private airport, and he is keeping an eye on the bill's progress. Mayor Billings concluded that the City cannot make a determination on this matter because it falls under the County's jurisdiction.

Mayor Billings shared updates on recent legislative activity, highlighting several bills that have passed or not passed: SB67 regarding sales tax did not pass. The TRT bill passed a quarter percent of the tax but did not pass the advertisement portion. It also redistributed a percentage of the tax revenue from the three larger counties to smaller counties. SB340 protects elected officials, police officers, and others threatened in their homes. HB104 requires firearm awareness videos for students: three times in K-6, once in middle school, and once in high school. SB181 allows cities, rather than the state, to determine parking requirements for affordable housing. HB262 benefits first-time homebuyers. HB240 allows small farms to get exceptions if they produce a certain amount of agriculture annually. Income tax cuts reduced the rate from 4.55% to 4.5%, along with an expansion of the child tax credit. Social Security tax exemptions now apply to those earning up to $90,000 (up from $75,000). Education funding was reallocated to promote career development. The trespassing bill regarding squatters was approved. An energy bill with IPA was renewed through 2026. Line of duty death benefits were updated. An EMS bill was approved to allow cities to be competitive and attract new providers, expanding options for services. SB442 regarding HVAC and linemen was approved. She also mentioned the Utah Cities and Leagues will provide an update next Wednesday, and the State of the City event is scheduled for April 28th.

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

Joseph Prete motioned to go into closed session at 10:12 p.m. to discuss the purchase of real property. Seconded by Kevin Thomas. Motion carried unanimously.

Adjournment: Kevin Thomas motioned to go out of a closed session and adjourn the meeting at 10:33 p.m. Seconded by Drew Ellerman. Motion carried unanimously.