Minutes of the Hurricane City Council meeting held on April 3, 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, Public Works Director Mike Vercimak, Assistant Public Works Director Weston Walker, City Planner Gary Cupp, Assistant Planner Fred Resch III, Street Superintendent Sam Lytle, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, Water Superintendent Ken Richins, 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 stated the Planning Commission approved the conditional use permit for the Coral Cliffs Entertainment Center. The building plans have been approved for a taller building.

Gary Cupp reported the Planning department is working on ordinance updates and Planning Commission applications.

Arthur LeBaron stated there are a lot of projects going on and they have a lot of plans under review. The four court gym building is going vertically, and 100 North is going strong with the underground work. 1100 West is moving along quickly. They will be doing culverts across 1100 West that will cause road closures next week. Slurry and chip seal projects will be starting April 14th. Mayor Billings asked Mr. LeBaron to stay for the closed session after new business.

Weston Walker stated they are planning on chipping 1100 West on the 22nd. Construction should be done around the end of April. He mentioned the website has been updated to include the MS4 requirements. The plan is linked there as well as a few other requirements. The State has received all our plans, but they are still reviewing them. He stated Roger Blaser has been attending a few meetings. JUC is still seeing a lot of plans. Councilman Prete thanked him for fixing the hole on 3000 South. Mayor Billings asked what the next project is for the City. Mr. Walker stated 1400 West is the first one on the list and then 400 South and then 650 South.

Sam Lytle commented the Streets department has been working hard to get roads prepped and ready for slurry seal. The crews have also been busy spraying weeds. The hole in front of Sherwin Williams has been fixed. Councilman Ellerman stated traffic is getting backed up on SR-9 at the 3700 West light every night for over two miles. Mr. LeBaron commented he has been in communication with UDOT regarding that signal. He explained they have been trying to do some signal coordination, but it hasn't been working. They made some changes today that will hopefully relieve the problem. He stated the Council needs to keep lobbying the legislators, telling them that the fly overs are needed. Mr. LeBaron added the irrigation expansion project is going well with weekly meetings as well as the Frog Hollow Rehabilitation. He stated they met with Sunrise Engineering who determined the pickleball courts that we want will be around 1.3 million dollars. Kaden DeMille stated that is double what we were anticipating. We will have to try to find more money. Mr. LeBaron stated we will get a proposal from Sunset who will help us lay out some alternatives.

Larry Palmer stated they have issued seventeen single family home permits, one twin home, and a townhome project with five units.

Ken Richins stated the Dixie Springs Well project will be bid out on the 15th at 2 p.m. They are finally making some progress on this project. They have received the water samples back from Sky Ranch well and the water is softer than any of our other sources. They are working on a land swap for the new location of the well. They have completed around 99% of the dirt work at the irrigation ponds and they are getting ready to pour concrete. The contractor is currently working on the underground work. He mentioned they had a meeting last night with the State Engineer over water rights regarding the Sand Hollow aquifer where they had a great conversation. They are putting together comments right now. He explained there is a great committee with Lea Thompson as the chair who is helping with that. They have closed on the bonds and the contracts have been signed and delivered. Once bonds are in place the notice to proceed will be issued.

Chief Yates stated traffic accidents are up 65%. Traffic congestion is a major problem right now. There are a lot of people rear ending other people because they are in too big of hurry and running lights. He added that there are a lot of events here bringing additional people. Officers served a search warrant to a home that had a marijuana farm. He reported they did testing and interviewing on Monday where they found two officers that are already post certified.

Sel Lovell stated there are open positions in police, power, parks, streets, etc. March Madness is almost over.

Dayton Hall stated last year the State Legislator created a new type of financing district called Infrastructure Financing District "IFDs" comparable to the PIDs except they don't require City Council approval. He explained that if all the owners' consent, they can require this overlay where there are assessments collected with the property taxes. The difference is the assessment has to be paid off before the City can issue the certificate of occupancy and there is no requirement for the City to approve it. We were notified last week that the Wasatch group, formerly Collina Tinta applied for this assessment and it is working through the process. The County Clerk is the one that issues the notice if the applicant meets the requirements. This project was approved in 2006 for 1900 units. There have been five amendments to the development agreement since then. They are currently working through the agreement regarding extending power. He stated the Council will see another amendment soon to address the power concerns.

Tiffani Wright mentioned they went to Henderson last week to look at a glass top open pool. However, they had done away with the roof and covered it because it was so hot. She stated it would not be a good fit for us. They went and toured the Washington Rec Center today. They thought it would be a good fit for what we want. They have garage doors that open, and it will have great amenities. Kaden DeMille added that wind loads are calculated when the building is designed. Mrs. Wright stated the doors would have to be shut if it is really windy. Mayor Billings stated we won't do an inside/outside component, so it doesn't have to be closed when it is lighting. Mrs. Wright stated the show opens tomorrow with a preview tonight. Spring sports have started. D1 is holding a tournament this weekend. The Easter Egg hunt is April 19th at 9 a.m. which is also the Easter Car Show. The State of the City will be April 28th @ 7 p.m. where there will be a Family Fun Night like they did last year. The front entrance to the new gym was poured this week and the pillars are up. They are digging trenches in the parking lot, but they are doing a good job of doing it during non-rush hours, but she asked the Council to let her know if they get complaints.

Jared Ross stated the power 2.0 is almost complete. They are working on the finalization. Mayor Billings explained 2.0 is on 1100 West from 2300 South to 3000 South. Three Falls overhead and underground are complete. Mr. Ross added that they received the engineering back so they will put a bigger transformer at Anticline. They are working on the 2800 West line. Councilman Prete asked about operations without a director. Mr. Ross explained they already had a direction, so they are just working towards that. He added that Mike Vercimak, Kaden DeMille, and Mayor Billings have been helpful in meeting with them.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer and Pledge led by Kaden DeMille

Mayor Billings recognized Kaden DeMille for his 15-years of service.

Mayor Billings recognized the Utah Tech wrestling team for their outstanding year. She stated they are good people learning good skills. Head coach, Corey Anderson, thanked the Council for recognizing these athletes. They have twenty-five men and twenty-five women who have traveled all over the country to compete. He recognized Katie Law as a freshman national champion. He stated they got 2nd place in the nation for the women's team. He introduced the team members that were present. He stated they have eleven all Americans on the team, three national finalists, and eleven academic all Americans.

Declaration of any conflicts of interest
None declared.

Minutes of the Regular City Council Meeting for March 20, 2025, and Special City Council Meeting for March 24, 2025

Kevin Thomas motioned to approve the minutes for March 20, 2025, and March 24, 2025. Seconded by Joseph Prete with the condition that on page 7 of the March 20th minutes that the third to fourth line from the bottom about staff volunteering be adjusted so it reads that it isn't required. Motion carried unanimously.

Public Forum – Comments From Public

Valerie Douglas stated she lives in Fox Hollow where they are already suffering from the blasting. It is damaging their homes and vehicles. Now instead of the promised park next to them, the City is proposing workforce housing, commercial, and civic areas which will require more blasting. She stated affordable housing is important, but she feels the City is failing to protect the surrounding homeowners. She feels that by responding to her emails stating it is the Fire District jurisdiction is only pushing the blame. She thinks the City needs stricter ordinances regarding blasting. She asked the Council to adopt stricter regulations.

Councilman Hirschi asked what the City could do about the blasting. Dayton Hall explained that the City has delegated the blasting regulations to the Fire District. However, the City does have the option to adopt more strict regulations for within the city limits. Councilman Hirschi commented development shouldn't damage existing homes. Mr. Hall stated the Council can direct staff to research and bring something back. Councilman Fawcett thinks it needs to be enforced. The Council is in favor of exploring more strict regulations and how enforcement is handled in other communities. Councilman Hirschi would like intensity looked at too. Mayor Billings asked for an agenda item on the next meeting agenda to discuss what information staff was able to get.

Mayor Billings took new business 2 out of order and addressed it next. These minutes are in order of the agenda.

OLD BUSINESS

1. 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 that was provided in the packet. "The Council discussed this item during the March 20th meeting and agreed to update the proposal to include that commercial development must be built first or simultaneously, with the percentages adjusted to 67% commercial and 33% residential. Staff was directed to make these changes and bring the revised proposal back for further consideration."

Councilman Prete confirmed City Attorney Dayton Hall has reviewed the proposed changes and he is comfortable with the changes. Gary Cupp explained they did update the building height limits across the commercial zones to match the 35' max height. Councilman Prete likes the concurrent requirement but thinks it might need to be defined better because people could drag it out. Councilman Thomas pointed out they would have a loan that would require it to be done within a reasonable time. Mr. Cupp stated building permits would have to be watched to ensure certificate of occupancies are not issued before the commercial is finalized.

Joseph Prete motioned to approve LUCA25-01, a Land Use Code Amendment to Title 10, Chapter 15 regarding Planned Commercial standards. Seconded by Kevin Thomas. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of a boundary line agreement between Hurricane City, Western Mortgage, and Lowe - Arthur LeBaron

Mayor Billings read the following summary written by Arthur LeBaron that was provided in packet. "Lorin Lowe and Western Mortgage have been working on cleaning up some boundary issues on their common line. In doing so it has been discovered that some errors have been propagated through subsequent transfers of title, resulting in overlaps. After extensive searching of title and identifying junior and senior rights, along with performing a survey, a boundary line agreement has been proposed that sets the common boundary in the correct place, which Western Mortgage and Lowe have agreed upon. However, the Hurricane City property that contains the West Well and appurtenances is affected slightly by the agreement. Although the proposed agreement results in a net loss of acreage to the City by approximately 5,015 square feet, it does not affect the City's use and operation of the West Well. The Water Department has examined the location of existing fencelines and the new survey stakes and has indicated that as marked on the ground the proposed boundary agreement does not affect the property. It is recommended by staff that the boundary line agreement by approved by the City. The documents have been reviewed by the parties, including the City Engineer and the City Attorney. The property owners have prepared the agreement documents at their own expense and have worked with the City in good faith on other fronts for rights-of-way for City infrastructure. This is an opportunity for the City to reciprocate in good faith."

Arthur LeBaron stated this doesn't change the use of the property. Councilman Prete confirmed it won't interfere with the use of the well. Councilman Fawcett pointed out that usually when the City disposes of property they must go through a process. He asked if this needs to go through that process. Dayton Hall explained this is correcting an error in the deed and the City never had full ownership.

Joseph Prete motioned to approve the boundary line agreement between Hurricane City, Western Mortgage, and Lowe. Seconded by David Hirschi. Motion carried unanimously.

2. Consideration and possible approval of Ordinance 2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee for Power on Development

Mayor Billings stated yesterday at Power Board they were asked to update the Council on why there are different percentages shown in the study. She read the following email from the

Power Administrator Crystal Wright explaining it; We've received information back from Fred Philpot (LRB) via Matt Levorsen (ICPE) regarding our question about the differences in the 132% vs the 138% on page 6 of the Impact Fee Analysis for the residential 200/400/600 users. This was information requested during Power Board yesterday in preparation for a decision from the City Council tonight. Fred Philpot is on vacation so doesn't have access to his information, but this was his response: *"I don't have a way to look at the report and model, but it has to do with slight adjustments on the power factors and other adjustments when compared to the previous schedule. If they aren't comfortable with it, they can reduce the adjustment to be in line with the 132% increase across the board."* We know that those larger residential loads DO have a greater impact than the lower residential loads, both with equipment required as well as resource requirements, but without having been involved in the process ourselves all we can do is pass along what Fred sent to Matt. The confirmation is that it wasn't a typo and there was reasoning behind those differences. The Power Board unanimously recommended approval of the Impact Fee Analysis & Capital Facilities Plan at our meeting last night. The motion did not include any change to the Impact Fee Analysis that was presented (and included in the City Council packet)."
Mayor Billings mentioned she received an email from Stacey Young with the Southern Utah Builders Association stating they haven't had a chance to review all the numbers and asked the Council to continue this item so they could look at the numbers. Council in favor of waiting for the Southern Utah Home Builders. Councilman Fawcett would also like to wait until a representative can be here to explain the plan. Growth pays for growth but there are some big projects that he doesn't think we will build in the next ten years. He questioned who was responsible for the substations. It should be proportionate not the full cost that is shown on the chart. Dayton Hall explained the second column from right is the percentage that would be affected by growth. Councilman Fawcett doesn't feel like everything has been considered. He feels the fees are higher than what he thinks they should be.

Jared Ross clarified substation 2 is a transmission substation that will tie them all together. It is not a distributor substation. Councilman Fawcett would like to ask more questions to the people that did the study. Mr. Ross agreed. Councilman Prete would like to see input from the home builders' group as well as the people that completed the study. He stated when zone changes are considered the adequate facilities must be considered. These large increases are due to those zone changes being approved without considering the infrastructure. Councilman Ellerman pointed out if they keep peeling back on what is recommended then eventually it must be caught up. Mayor Billings agreed, stating in 2018 it was only adopted at 75% and that does affect it. Councilman Fawcett stated his concern is he wants it to be fair for the people that are building. Mayor Billings asked Mr. Ross to reach out to the consultants to come to the next meeting to answer questions. Kaden DeMille stated these are big numbers so we would have to bond these projects. Impact fees collected will go towards those bond payments, but bonding will also expand the timeline.

Councilman Hirschi agreed with Councilman Prete and Ellerman's comments. David Hirschi motioned to continue Ordinance 2025-04 Approving a Power Impact Fee Facilities Plan, a

Power Impact Fee Analysis, and an Impact Fee for Power on Development to the next meeting. Seconded by Joseph Prete. Motion carried unanimously.

3. Consideration and possible approval of a new sign on the SR-7 interchange - Beautification Committee

Mayor Billings read the following summary that was provided in the packet. "The Council discussed this item during the March 20th meeting and directed staff to check if funding was available in this year's budget. Additionally, they requested a rendering of the sign to review before making a decision."

Kaden DeMille stated the Beautification Committee has a five-thousand-dollar budget that they can use for this and there is some money in the cleanup fund. He thinks we can fit it in this year's budget if the committee wants to use their funds towards this. Arthur LeBaron mentioned he met with FX Industries who gave us the quote. He explained each element would be individually mounted to the wall. They are made of steel and powder coated. He showed three color scheme options for the Council to consider. Mayor Billings would like to see it on both sides of the overpass. She suggested putting it in next year's budget to do the other side. Mr. LeBaron stated he has been trying to find out if there is a lighting circuit available. If there is, he would like to put some down lighting on the feature. Doug Heideman stated he talked to Scott Nielson about getting the lighting on the Welcome to Hurricane sign repaired. Council is in favor of the middle option with a red tone. Councilman Prete suggested adding another word to it like "discover" or something similar.

Drew Ellerman motioned to approve the new sign with the middle option for the color at the amount of $6,714.58. Seconded by Joseph Prete. Motion carried by a roll call vote.

Mayor Billings stated the City wide cleanup is on April 29th from 6-9 p.m. People can meet at the Community Center or Walmart.

4. Consideration and possible approval of Chapters 2 and 3 of the employee manual - Sel Lovell

Sel Lovell explained staff has been working on updating the employee policy manual. These chapters deal with facility usage. Mayor Billings stated chapter 2 focuses on the standards and chapter 3 focuses on having a safe environment and displaying flags on City property. Councilman Prete feels they need to be mindful when they adopt new rules. He doesn't like to be regulated more than necessary. He hopes that as this is adopted it cuts out what is not necessary. Mr. Lovell confirmed they cut out a lot of items that weren't necessary. Mayor Billings thinks these rules are fair for the employees and citizens.

Clark Fawcett motioned to approve Chapter 2 and 3 of the employee manual. Seconded by David Hirschi. Motion carried unanimously.

5. Consideration and possible approval of Ordinance ZC24-07 Zone Change and Preliminary Site Plan request from NC, Neighborhood Commercial to R1-8 (PDO), Single Family Residential R1-8 with a Planned Development Overlay, located at 2230-2254 W 600 N. Parcel H-3-1-29-2213, H-3-1-29-2214. 317 Sycamore LLC, Applicant. Beau Ogzewalla, 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 Neighborhood Commercial with a Planned Development Overlay to R1-8 (PDO) for the property located at 2230 W 600 N, adjacent to the Sky Mountain Golf Course. As part of the Planned Development Overlay request, the applicant has submitted a preliminary site plan outlining the proposed development. The plan includes 35 townhomes, open space along the golf course, and a commercial pad along 600 N. Findings: 1. The application meets the standards of the General Plan and General Plan Map. 2. The proposed uses are generally compatible with surrounding existing and planned developments. 3. The amendment is not expected to have a significant impact on the area. 4. Adequate services are available to support the proposed development. The Planning Commission considered this request at its March 27, 2025, meeting, after previously tabling it on August 8, 2024, and February 27, 2025. A public hearing was held on August 8, 2024, where concerns were raised by residents of the Sky Mountain neighborhood regarding high density and the project's proximity to the golf course. The applicant later engaged with neighborhood representatives to address these concerns. At the March 27 meeting, no members of the public were present or voiced objections. The Planning Commission had previously delayed a decision to allow time for securing agreements with neighboring property owners regarding access and water looping, which has now been completed. While the Commission was generally supportive of the project, discussions focused on whether the City should require screening between the townhomes and the golf course, as well as the suitability of the proposed open space amenities. Ultimately, the Commission determined that responsibility for screening should rest with future homeowners, consistent with other developments in the Sky Mountain community. The Planning Commission unanimously recommended City Council approval of the zone change, subject to staff and JUC comments outlined in the staff report."

Councilman Thomas added that there were concerns with the Planning Commission that a fence might be needed for stray golf balls. However, they decided that it would be a non-issue because the homes were the same distance as the existing homes. Councilman Fawcett stated it isn't the closeness it is the location. People hit to the right.

Debbie Isic stated she lives in the cul-de-sac and sees people out there constantly looking for golf balls. She doesn't think it is consistent with the neighborhood. It will be disruptive. She understands the developer wants two story townhomes not single-family homes. She stated the people that live there will have nowhere to go but on the golf course and she questioned who would monitor that. She added there are environmental impacts that should be discussed.

Gary Cupp explained the west side is all open space and the trails are intended to be the buffer between the units and the golf course.

Councilman Ellerman asked if they would leave the open space as native land. Brixton Call, representing the item, stated they are open to suggestions on landscaping preferences. Councilman Fawcett thinks it looks nice to leave it natural. Councilman Hirschi stated he doesn't know if it is compatible with the surrounding uses. He asked for justification in asking for town homes instead of single family homes. Mr. Call explained single family homes don't lay out with the land but this way it clusters them and keeps them away from the golf course. Councilman Prete confirmed the maximum height for neighbor commercial is 35'. Councilman Fawcett voiced concern with changing anything from commercial to residential. The site plan shows some commercial on it. He asked how they can protect that commercial to ensure it stays. Dayton Hall explained the PDO zone allows them to cluster the homes and if the Council approves it then it can have commercial uses. The site plan governors development so since commercial is shown on the plan, it will be the only permitted use in that section. It will also dictate how they can proceed with construction drawings. Councilman Fawcett added that by allowing the clustering it give them more open space and a better buffer from the other residents.

Beau Ogzewalla stated they understand there are always concerns with development and they want to be considerate. They feel that homes are more consistent with the surrounding use than commercial. They looked at a single-family layout but due to the layout of the land it didn't make sense. He added that they provided the site plan, but they aren't set on everything. They are open to suggestions. They wanted to make sure they got the zone change before they explored it further. Councilman Fawcett suggested designing them to look like the homes that are there, so they are compatible. Mayor Billings stated the Council has been reluctant to change commercial properties because once you lose commercial you never get it back. Commercial is needed along the 600 North corridor. She stated we need places for people to work. We can't change everything to residential. Councilman Fawcett added that they need to spread commercial throughout the city, so the traffic is dispersed. Councilman Prete pointed out you can only build so much on one acre of commercial. Shrinking it to one-acre limits what can be there. Councilman Thomas pointed out the roads in and out make it difficult because of the layout. He stated that because of the terrain he doesn't think the north side would be suitable for commercial. Gary Cupp explained there is a site plan already approved there that has commercial aspects on it.

Arthur LeBaron stated directly east of this project is a corridor where a road is planned so he questioned why we would have two roads next to each other. He thinks they should work together to have one road. Dayton Hall stated the approval of this site plan governors the development so if the road needs to be addressed then it needs to be done now. Councilman Ellerman stated he doesn't ever want driveways to back up to a 70' road. Mr. LeBaron feels the design of the project should address that. Mr. Call mentioned they signed a memorandum of understanding (MOU) with the adjoining property owners to address the concerns with the road. Mr. LeBaron stated he hasn't seen that document but if they had been working with the Assistant Engineer then he would support his coworker's comments on the document. Mr. Hall explained the City required that MOU in order to get the City's support. We don't have the easements yet. The MOU is an understanding to get those easements in the future but if they can't then we won't sign off on drawings. Mr. Cupp explained the 70' road and how this development is laid out is shown in the MOU. Mayor Billings asked why they needed two roads. Mr. LeBaron explained there is a water looping issue. Mr. Call added that they also wanted to address the driveways off the major road. Councilman Thomas thinks it is better layout with the road. They need a secondary road, so people aren't backing into the major road. Mayor Billings pointed out if they didn't change the zone at all it could be entrances to businesses and an additional road wouldn't be needed. Councilman Thomas confirmed with some of the surrounding properties that they would rather see residential there than commercial. Councilman Ellerman would like to see all commercial along 600 North. Mr. Cupp explained that would require them to amend that piece since they already have a site plan approval. Mayor Billings suggested they come back with a plan for the whole property since they own all of it now. Mr. Call explained the other parcel already has site plan approval, so their intent was to move forward with what is already approved. He added that they have been approached to do storage here so if they can't get residential that is what they will do. Councilman Ellerman agreed that they should bring back both parcels with more commercial. Mr. Call stated they purchased that piece but it is with other investors so they don't know if they will change it. Councilman Ellerman suggesting talking to them to see if it is an option. Dayton Hall confirmed the applicant is not in favor of tabling it. He explained that if the zone change is denied, then they can't reapply for one year unless there is significant change. Mr. Call stated he doesn't see the other owners agreeing to change the front piece to help the other piece. Councilman Ellerman stated the current layout doesn't flow. It isn't good planning.

Kevin Thomas motioned to approve Ordinance ZC24-07 Zone Change and Preliminary Site Plan request from NC, Neighborhood Commercial to R1-8 (PDO), Single Family Residential R1-8 with a Planned Development Overlay, located at 2230-2254 W 600 N. Motion died for lack of second.

Joseph Prete motioned to continue Ordinance ZC24-07 Zone Change and Preliminary Site Plan request from NC, Neighborhood Commercial to R1-8 (PDO), Single Family Residential R1-8 with a Planned Development Overlay, located at 2230-2254 W 600 N. until the second meeting in May in order for the owner to make their best efforts to come back with a different proposal to include more commercial. Seconded by David Hirschi. Motion carried with David Hirschi, Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. Kevin Thomas voted nay.

The owner stated the other owners won't agree with changing the property to the west. He stated only became an investor in it because of the access. He has another property along 600 North that he would change to commercial if this one was approved as proposed. He agrees it would be nice to leave it open but that isn't an option. Mr. Call commented that they have been working on this for years to try to find something that works for everyone. Councilman Ellerman asked if the owner came back with the other parcel as commercial if they could enter into a development agreement. Mr. Hall stated yes but that would require a zone change application for the other parcel. Council stated they would consider an agreement. Councilman Thomas pointed out people come from all over to the golf course. Commercial or storage units will mess up the views. Jacqueline Wild, another owner, stated this was tabled back in August and they have come back with plan after plan trying to make the best use of the property. Her concern with doing a land swap is it will drag this out even longer. The other owner agreed that it would take too long if they had to wait for the other parcel's zone to change before they could move forward. Mr. Hall explained a zone change is a legislative act so they can't commit a future vote of the City Council. It would need to go through the process at the same time. Councilman Prete stated Mr. LeBaron and Councilman Ellerman had concerns with the layout and he wanted more commercial, so he suggested meeting with them to address the concerns. Councilman Ellerman added that there is no visiting parking. The streets are small so they can't use the city street as parking. The owner stated they would be happy to provide parking and get rid of the trail. Mr. Hall stated if that is all it will take then he suggested continuing it for two weeks to add ten parking spaces. The owner said they could also leave the trail but come back with more parking throughout the development.

Susan Powell asked about parking for visitors. Owners stated there are two parking spaces in the garage and two in the driveway.

Councilman Prete was excused at 8:26 p.m.

6. Consideration and possible approval of LUCA24-08, a Land Use Code Amendment to Title 10 Chapter 23 regarding Planned Development Overlays and Title 10 Chapter 11 and Chapter 17 regarding the Public Facility zone

Mayor Billings read the following summary written by Fred Resch III that was provided in the packet. "To support the development of the Civic Center, located on 20 acres of city-owned property west of the current City Offices, staff is proposing the use of a Planned Development Overlay (PDO) in conjunction with the Public Facility (PF) zone. This change would enable the mixture of uses envisioned in the Civic Center Master Plan. As part of this initiative, planning and legal staff have prepared ordinances to refine and clarify regulations for the Public Facility and Planned Development Overlay zones. Key Ordinance Revisions: Public Facility Zone: Explicitly allows government services within the Public Facility (PF) zone, correcting what is believed to be an oversight in the original zoning ordinance. Planned Development Overlay (PDO) Ordinance: Permits the use of a PDO in conjunction with the PF zone for city-sponsored projects. Clarifies the roles of staff, the Planning Commission, the City Council, and applicants in the proposal, approval, and development process for Planned Developments. Adjusts regulations on setbacks and density bonuses in PDOs. Planning Commission Review – March 27, 2025**.** The Planning Commission initially reviewed this item on November 14, 2024, but tabled it to allow the City Attorney and planning staff to refine the proposed changes related to the PDO zoning overlay. At the March 27, 2025, meeting, the Commission had an extensive discussion on the proposed ordinance changes, focusing on: The Civic Center Master Plan. The role of government in private development. Other general amendments to the ordinance. Public comments at both meetings primarily addressed the Civic Center Master Plan itself, rather than the zoning changes under consideration. Following discussion, the Planning Commission voted 7-1 to approve most of the proposed changes but recommended removing the Public Facility (PDO) option. Instead, they suggested requiring the City to develop the property under standard zoning regulations. While staff acknowledges that the property can be developed under existing ordinances, this approach is not ideal given the unique nature of the Civic Center. As a result, the City Council is presented with two options."

She asked Dayton Hall to explain the options. Mr. Hall clarified there is not a zone change application on the agenda. This is only updating the ordinance that governors zone changes. He explained the PDO overlay allows different types of development. After the Council approved the conceptual plan for the City Civic Center, staff was trying to find the best way to provide an avenue to achieve that. The property is currently zoned R1-10 so it would have to go through a zone change with public hearings. He stated if the Council decided they wanted to move forward with the civic center, multi-housing, and commercial components then there are two ways the current ordinance would allow it. One way is to divide the property into different areas and zone each one with what use is wanted. The other way is to zone it with a base zoning of multi-housing with a PDO overlay designating the areas for what is needed. However, planning staff thought of another way to allow it by creating a PDO overlay in the public facilities zone which would require a site plan designating the uses. He explained that a lot of the other changes in the chapter are just cleaning up items that didn't make sense. He stated in the Planning Commission meeting they had a broad discussion of why they were proposing these changes. Based on that discussion the Planning Commission directed Mr. Hall to take out the overlay option from public facilities but leave all the other changes. That is why there are two options in the packet. Option A has the overlay zone and Option B has only the clean up items. Mayor Billings stated staff is recommending option A but the Planning Commission recommended option B.

Councilman Hirschi stated this will affect the property. He thinks the City has gone about this the wrong way. He thinks more citizens would be here if they knew what the intent was. Mayor Billings explained this is just the first step. The City will still have to come in and approve the zone change and site plan. Councilman Hirschi stated he was told there would public meetings to discuss the plan before anything was decided on. Gary Cupp explained the concerns Councilman Hirschi brought up are the elements of the master plan. That is what is required to have the open houses and public input. This is only an update to the code. Staff is not trying to sneak something in. The proposal is only trying to give a better avenue. The biggest change is allowing government offices in public facilities. Councilman Fawcett stated he agrees with Councilman Hirschi. He wanted to see more public meetings before anything moved forward. He stated the consultants were asked to come up with a plan to fund the project but that may not be what the Council wants. He thinks they need to have a meeting with the public before anything is decided on. Mr. Cupp stated this isn't moving the Civic Center forward. This is a code update. Councilman Fawcett stated it looks like they are trying to slide something though.

He wants to have meetings with the public first. Mayor Billings pointed out this just allows the uses in the zones. The City would still have to come back with the public hearings and discussions. Councilman Fawcett stated the Council understands that, but the citizens don't. He doesn't want to approve anything until those discussions have been had.

Councilman Ellerman understands we will have those meetings and open houses for the actual project. This item isn't for the project. There will be plenty of meetings to discuss the project. This is just the code updates that allows the City to do something that the developers can do. Councilman Fawcett disagreed stating the Council is the same body that oversees applications. There is no oversight. He understands this isn't changing the project, but it leads to it. Mayor Billings stated there is oversight because it comes back to the Council for approval. She asked Mr. Hall to explain the process if they didn't change the code. Mr. Hall stated the City would have to file a zone change application to go to the Planning Commission where there would be a public hearing. He previously explained the two avenues in the current code. Mayor Billings stated if this code is changed then it would be the same process, but they would be able to apply for PDO overlay for public facilities.

Councilman Fawcett stated he understands that needs to be changed and he is okay with making some of those changes, but the public at large think we are trying to slide something through. He wants to hold the open house meetings first. Mayor Billings agreed she doesn't want the public to think that either, but this is only allowing public facilities on our property. Councilman Hirschi asked if the open house meetings could be held before they make a decision on this request. Mayor Billings explained the City would still have to have those public hearings when the zone change comes through. She stated no one is trying to slide anything through. Councilman Fawcett stated that is what the public is thinking. He thinks they need to do an open house meeting to get the public's input where they can share what they want it to be. Councilman Thomas stated that because it is a hot topic he thinks we should hold multiple open houses. Mayor Billings confirmed the Council was in favor of allowing the city buildings in the public facility zone. However, Councilman Fawcett clarified that is the only change he would vote for right now. Mr. Hall explained option B in the packet does not allow the PDO in the public facility zone. It does make government services a permitted use and it cleans up all the other concerns. Councilman Prete returned to the meeting at 9:18 p.m.

Councilman Hirschi feels they have gone about this the wrong way. He thinks they need to involve the public more. Mayor Billings explained this change allows the use and then we have public input moving forward. She stated what is being discussed tonight is allowing the city building and police station. The zoning is not being discussed tonight. If they don't put public facilities as allowed, then they will have to come back with a zone change where the Council will have to decide what zone they want. Mayor Billings stated this is the first time the Council has discussed this proposal. She questioned if they need to have multiple work meetings to discuss it. Councilman Fawcett stated he is okay with the ordinance changes, but he wants to get down to the actual project and how they want it laid out. After all of that is done, then they can do the ordinance changes and have open houses. Mayor Billings confirmed Councilmen Hirschi and Fawcett want to have open houses before any changes are made. Councilman Thomas stated he thinks option B is a no brainer. Cleaning up the ordinance to make sense. He is okay to wait but these changes just clean it up. Councilman Ellerman stated they could deny this now and then do all the open houses and discussions first. Councilman Prete stated it is important to be transparent. He doesn't want to do anything that is perceived as improper use of power. He doesn't think they have to rush anything through. He agreed that if it was limited to just allowing government buildings in public facilities then it should be moved forward.

Kelby Iverson stated he doesn't think the Planning Commission or the public have any issues with the code being changed. He stated Mr. Hall has said it five times that they have two options. The project has stimulated this discussion about the ordinance changes. The citizens don't want the PDO part. The City would have to apply for multiple zone changes and these citizens would comment on every zone change. He stated the citizens want them to follow the current ordinance. He stated the Planning Commissioners were good with option B. They discussed that private citizens have to come to the Council for a zone change. The Council has to answer to the citizens and the citizens do not want public facilities and private businesses to be mixed.

Mac Hall asked if there was density cap for the PDO. He thinks that it is lacking and should be added. What is being proposed in the project is high density. Dayton Hall agreed that should be added so it is identified with the site plan. Mac Hall stated in 1995 there was a big discussion about what could be allowed in a public facility zone. Members only wanted public buildings in public facilities zone. The code at that time stated a public building could be allowed in any zone by a conditional use. He stated it was not an oversight. They did not want commercial and residential in the public facility zone.

Heather Backen stated they are okay with them voting on the ordinance as long as they vote for option B.

Melanie McGinnis stated she has been here for about three years. In Long Beach she had condos that looked into her back yard. They couldn't' do anything about it. After buying here, they thought they were in a large, beautiful area with large properties. The proposed apartments would be overlooking their backyards. Traffic will be a problem. She questioned where the kids go to school. She stated no police officer will want to live near the police station. We are growing. She thinks condos on Old Hwy 91 is the perfect spot. She stated the Council has been talking all night about how they don't want to ruin neighborhoods, but this project will ruin this neighborhood. They thought this area was supposed to be a park. Mayor Billings stated all the Council didn't agree with what was presented. It will still have to go through the process. Ms. McGinnis stated they fear that this deal is somewhat sealed, and they don't want that much density in this small of an area.

Mayor Billings stated they have allowed apartments that are two stories in the city. The Council has voted no to most zone changes. The Council is not ready to make a decision on the density.

Councilman Thomas agreed there is no sealed deal. High density has not been decided. It is frustrating to the Council to see the false information all over social media. Mr. Hall asked for it to be continued if the Council wants option A so they can incorporate language to limit density. He has no concerns with option B if they want to approve it.

Kevin Thomas motioned to approve option B. Seconded by Clark Fawcett. Dayton Hall clarified option B takes out the PDO overlay from the public facility zone. Motion carried with Kevin Thomas, Clark Fawcett, and Drew Ellerman voted aye. David Hirschi and Joseph Prete voted nay.

Mayor Billings explained the next step is a work meeting. Then it will come to Planning Commission and then Council which are both open public meetings. Mac Hall suggested getting a plan in place after the open houses and then they can bring the PDO overlay back if it makes sense. Kaden DeMille stated the City needs to move forward with the public buildings. Both buildings are out of room. A work meeting was scheduled for April 21st at 5 p.m.

7. Continued training for Municipal Officials

The last video was played regarding Fraud Risk Assessment. Mayor Billings stated the City does have these checks and balances in place. There is a hotline, an internal audit processes, and external audits.

8. Mayor, Council, and staff reports

Councilman Ellerman mentioned he will be gone from April 17th to May 5th on vacation.

Mayor Billings stated the Planning Commission will be discussing the ag zone and rockfall zone.

Councilman Thomas stated several months ago when the civic master plan was first proposed in the Planning Commission meeting. In his opinion, all the concerns from the citizens stem from one of the Planning Commissioner's comments. He reminded the Council that they need to be careful about the things they say because in their position it lends creditability to that doubt. Mayor Billings stated she wants the Council to discuss items openly and then open it to the public to make comments. Councilman Thomas stated it is good for them to represent the public, but they shouldn't stir up the public. Councilman Prete pointed out they are elected to represent the entire city. They need to be careful not to be pulled into a small group. They need to think clearly and represent the entire community, not just appeasing the loud voices that come to the meetings. Kaden DeMille stated there was a series of public hearings and surveys regarding the master plan for this property. The master plan that was approved is a result of those surveys.

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

David Hirschi motioned to go into a closed meeting at 10:35 p.m. to discuss water purchases and real property. Seconded by Joseph Prete. Motion carried unanimously.

Adjournment: Kevin Thomas motioned to go out of a closed session and adjourn at 11:07 p.m. Seconded by Daivd Hirschi. Motion carried unanimously.