Minutes of the Hurricane City Council meeting held on June 5, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3:30 p.m.

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

Members Excused: Kevin Thomas.

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, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, Finance Manager Paige Chapman, Water Superintendent Ken Richins, and City Recorder Cindy Beteag.

AGENDA

3:30 p.m. Budget Work Meeting

Discussion on the 2025-2026 FY Budget

Mayor Billing welcomed everyone and called the meeting to order. Paige Chapman led the discussion starting with the general fund. Kaden Demille stated what they are presenting is the capital outlay requests coming from each department. Mrs. Chapman explained there is $237,304 left to allocate after their recommendations. She went through the list showing what is being asked. Council discussed what was needed and what could be cut from the budget.

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

Paige Chapman noted that the budget and any proposed budget amendments will be included on the agenda for approval at the next City Council meeting.

Arthur LeBaron stated there are a lot of projects and private sector reviews going on. He introduced Bobbi Preite, project manager over Goulds Wash, and Jason Dodds from NRCS.

Weston Walker reported that the 2050 South project is nearing completion. The MS4 program is progressing well, and the team is making steady progress on their to-do list. He mentioned that ordinance updates will be coming before the Council soon. Interviews are being scheduled to fill the Streets Superintendent position. Additionally, 1760 West is being patched today, and he hopes the road will reopen shortly.

Mike Vercimak stated they are still trying to fill the locator position.

Gary Cupp noted that the Planning Commission has another full agenda scheduled for next week. Staff continue to work on updates to the City’s development code.

Sel Lovell reported that efforts are ongoing to fill open positions, and the GIS Coordinator role has been successfully filled. Health screenings were conducted this week for employees and their spouses.

Larry Palmer reported that since the last meeting, fifty-five permits have been submitted, including twenty-nine single-family homes, four twin homes, one three-plex townhome unit, three commercial buildings, and two temporary sales offices. Over the past two weeks, certificates of occupancy have been issued for five townhomes, thirty single-family homes, and three commercial buildings.

Chief Yates stated there has been an increase in call volume over the past month. Over the next couple of weeks, the department will be cross-training with Hurricane Valley Fire District. Since they are often first on scene for medical calls, the training will focus on sharing best practices and providing instruction on active shooter response tactics. He also noted that tomorrow is National Donut Day and invited everyone to attend the celebration from 8:00 a.m. to 10:00 a.m. at the Community Center.

Ken Richins explained that the west well, which serves as the City's primary water source, is currently down, requiring the City to purchase additional water from the Water District. Preparations are underway to begin drilling the Goulds Wash Well, and excavation work has started for the Sky Ranch water tank.

Fred Resch III reported that another round of short-term rental violation letters was sent out last week. He also noted that the Planning Commission recently approved several items, including a preliminary site plan for a storage unit facility on Turf Sod Road, a preliminary plat for a townhome development behind Walmart, an amended site plan for the new Valley Academy location, and a preliminary site plan for a combined townhome and single-family development at the corner of 100 North and 700 West.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Arthur LeBaron

Swearing in of Officer Mike Bassarera

Chief Yates introduced Officer Mike Bassarera and his family, sharing that he recently relocated from Cedar City and previously served in the U.S. Army. Officer Bassarera joined the Hurricane Police Department in April, and Chief Yates expressed enthusiasm about having him on the team, noting that he is already making a positive impact.

Officer Mike Bassarera was sworn in by City Recorder Cindy Beteag.

Declaration of any conflicts of interest
None declared.

Minutes of the Regular City Council Meeting for April 3, 2025, and Special Meeting April 8, 2025

Drew Ellerman motioned to approve the April 3, 2025, and April 8, 2025, minutes as written. Seconded by David Hirschi. Motion carried unanimously.

Presentation and donation from the Tri-State ATV Club

Mayor Billings thanked the club for their continued efforts and dedication to the community. Chris Anderson shared that they recently held their second annual ATV poker run, which had to take place in Apple Valley this year due to the lack of a large enough venue in Hurricane. She expressed hope that a suitable location in Hurricane will be available for future events. The poker run had over 200 participants. As a nonprofit organization, all proceeds from the event are donated to worthy causes. This year's largest donation will go to Search and Rescue, and they are also contributing $2,879 to the Veterans Memorial Park. Mayor Billings expressed appreciation for their generous support.

Presentation and update from the Zion Regional Collaborative (ZRC)

Mayor Barbara Bruno from Springdale, who serves as the chair of the Zion Regional Coalition (ZRC), provided an overview of the coalition's work and accomplishments. She highlighted key achievements such as securing funding for a trail connecting LaVerkin to Springdale, designating the road to Zion National Park as a National Scenic Byway, obtaining grant funding to update the SR-9 corridor plan to include Virgin and the east side of Zion, and securing funds to legalize the Guacamole Trail. Most importantly, she emphasized that the ZRC serves as a collaborative forum for regional partners. Mayor Bruno explained that the ZRC benefits Hurricane by facilitating connections with regional stakeholders, sharing information, participating in regional planning projects, and providing direct advantages like access to the Sun Tran transit system. She stressed the importance of the coordinator's role in managing projects, organizing meetings, following up on tasks, and writing grant applications. She noted that Hurricane has contributed $10,000 annually in the past and acknowledged the support from surrounding communities that also help fund the coalition. Mayor Bruno expressed gratitude for the previous support and requested continued funding. Mayor Billings confirmed that the funding is currently included in the city's budget.

Public Forum – Comments From Public

Dave Imlay shared a brief history, noting that in the early 1970s, a local citizen advocated for Hurricane to establish its own power utility. This effort was finalized in 1975, marking this year as the 50th anniversary of the city's independent power system. He explained that the Clifton Wilson substation was the first in the system and emphasized that local control allows the city to keep rates low. He also highlighted the Power Department's efforts in maintaining streetlights and providing electrical hookups for events like Peach Days. He praised the department for their high reliability and excellent work.

NEW BUSINESS

1. Presentation and discussion on flood control alternatives for Gould Wash - Bobbi Preite

Bobbi Preite from Adaptive Environmental Planning presented the findings for the Gould Wash Flood Protection Project. She introduced the project team and noted that they are nearing the completion of the planning phase. The next phase will focus on final design, culminating in the issuance of a record of decision. Ms. Preite explained that they evaluated eighteen different alternatives, with only two deemed feasible. The preferred option is a dry detention dam designed to slow the flow rate of water (cfs). She clarified that the dam would not hold water permanently. She shared maps comparing current conditions with the anticipated flooding under the preferred alternative. She also outlined the project's installation costs and funding details, specifying which expenses the Natural Resources Conservation Service (NRCS) would cover and which they would not. Arthur LeBaron added that the upcoming phase will include a public comment period. Ms. Preite mentioned that they will provide a public summary along with a link to the full project document.

2. Consideration and possible approval of waiving the City power impact fee for Washington County's Legacy Park trailer rental hookups

Mayor Billings explained when the fees were waived at the last meeting this wasn't included because they didn't realize they needed another 200-amp service. They are seeking a waiver of the impact fee in the amount of $9,803.00 for ten RV spots at Legacy Park. She mentioned the connection fee of $425 would still need to be paid to cover the City's actual cost.

David Hirschi motioned to approve waiving the City power impact fee in the amount of $9,803.00. Seconded by Joseph Prete. Motion carried with David Hirschi, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman voted nay.

Councilman Ellerman explained that impact fees are determined through a study designed to ensure that residents do not bear the costs of new developments. Councilman Preite asked when this practice began and whether Hurricane is unique in waiving these fees. Mayor Billings responded that waiving impact fees is not uncommon and provided examples of other cases where such fees have been waived to her knowledge.

3. Discussion on survey results regarding the City Civic Center

Fred Resch III presented the results of the City Civic Center survey, accompanied by graphs illustrating responses to each question. He noted that 511 surveys were received, but only 425 were included in the analysis due to incomplete submissions or missing addresses. He reviewed the responses in detail. Kaden DeMille asked the Council how they wished to proceed. Mayor Billings suggested analyzing the survey data alongside what is permitted under current zoning. Mr. DeMille cautioned that there are too many options and recommended the Council first decide what type of development they want for the property to help narrow the choices. Councilman Hirschi expressed opposition to high-density housing. Councilman Ellerman acknowledged the need for affordable housing but recommended restricting its use and eligibility. Councilman Fawcett agreed, noting that higher density alone does not guarantee affordability without proper restrictions. He advocated maintaining the current density and height limits to explore feasible options. Mayor Billings suggested developing a plan that fits within existing zoning and height regulations. Councilman Prete emphasized the importance of a plan that “adds up,” supporting a gradual approach but he is not opposed to the concepts presented. Mayor Billings reminded the Council that delaying the project will increase costs. Councilman Fawcett stated the plan should present a full layout that can be phased as needed. Councilman Prete added that while he supports the civic building concepts, the key questions remain when the project will be built and how it will be funded. Councilman Fawcett agreed, stressing the importance of including the project in the budget. Mayor Billings asked staff to prepare proposals and return to the Council for further review. Kaden DeMille committed to developing several variations and phasing plans. Mayor Billings also requested a comparison between leasing and selling the property, making it clear she does not support selling the land. Mr. DeMille confirmed that the Council is not in favor of selling any portion of the property.

Ross Johnson stated he is still working on the pre-casting homes proposal. It will cut the cost of housing in half. He needs around thirty acres to make it work.

Peggy Hall expressed a desire to see more variety in the visuals being presented. She suggested avoiding concentrating all the density in one area and instead spreading it out across the property. She also requested that different development options be explored.

4. Consideration and possible approval of a Boundary Line Agreement and Reciprocal Quit Claim Deed with SkyRim Development, LLC

Mayor Billings read the following summary that was provided in the packet written by Dayton Hall. “This item is requested by the developer of SkyRim, located east of Walmart. The City’s Stratton Well is located on a parcel of land surrounded by the proposed development. The developer has requested a boundary line adjustment affecting the City’s parcel of land. The purpose of the proposed adjustment is for the property boundaries to better align with the planned roadways within the development. The adjustment will be a simple, minor realignment and will not result in any loss of square footage to the City’s parcel. The Water Department has reviewed the proposed boundary line adjustment and has determined that the adjustment will not have any negative impacts on the use of the parcel. The proposed realignment will not reduce the size of the City’s parcel and will not affect the utility of the City land. City staff have no objection to the proposed realignment.”

Drew Ellerman confirmed the square footage doesn’t change and motioned to approve the Boundary Line Agreement and Reciprocal Quit Claim Deed with SkyRim Development, LLC. Seconded by Clark Fawcett. Motion carried unanimously.

5. Consideration and possible approval of Resolution 2025-25 appointing members to the Historical Committee

Mayor Billings read the following summary that was provided in the packet written by Cindy Beteag. "Due to a current vacancy and ongoing health issues affecting one of its members, the Historical Committee has been operating with limited participation. Attached is the proposed resolution to appoint Reuben Wadsworth as a new member and designate Dan Zaleski as the alternate to ensure the committee can continue functioning effectively when regular members are unavailable." She confirmed both people have agreed to serve on the committee. Councilman Hirschi pointed out they will need an alternate chair if Mr. Beatty isn't doing well.

David Hirschi motioned to approve Resolution 2025-25 appointing members to the Historical Committee. Seconded by Joseph Prete. Motion carried unanimously.

6. Consideration and possible approval of Ordinance 2025-10 clarifying amendments approved with Ordinances 2024-13 and 2024-14 - Gary Cupp

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "On November 7, 2024, the City Council adopted Ordinance 2024-13, amending Title 10, Chapter 15 regarding the takeoff and landing of aircraft in commercial zones for purposes of medical transport. Subsequently, on November 21, 2024, the Council approved Ordinance 2024-14, which amended Title 10, Chapters 3, 15, and 51 to address regulations for transient lodging facilities in commercial zones. Following the standard process in which the Planning Commission reviews the proposed changes and provides recommendations prior to Council approval, the relevant chapters were downloaded and redlined for their review. However, because the proposed amendments to Ordinance 2024-14 were prepared before Ordinance 2024-13 was adopted, the updates made on November 7 were not reflected in the November 21 ordinance. As a result, Chapter 15 inadvertently reverted to its previous version, undoing the changes made for medical transport. The current ordinance serves to clarify and confirm that all previously approved changes—both for medical transport and transient lodging—are valid and intended."

Drew Ellerman motioned to approve Ordinance 2025-10 clarifying amendments approved with Ordinances 2024-13 and 2024-14. Seconded by David Hirschi. Motion carried unanimously.

7. Consideration and possible approval of awarding the bid to install the AWOS system at the airport to Mesquite Electric in the amount of $345,800.00 - Mike Vercimak

Mayor Billings read the following summary that was provided in the packet written by Mike Vercimak. "As per the Capital Improvement Plan for the Hurricane Airport, Woolpert the airport consulting firm, designed and bid the AWOS (All Weather Observation System) system.
The project was advertised, and bids were received and opened on April 24, 2025. After a review of the bid and bid documents, Woolpert has sent a letter of recommendation that the bid be awarded to Mesquite Electric, LLC of Mesquite, Neveda in the amount of $345,800.00. It should be noted that there was only one (1) bid on this project. The bid was compared to other

AWOS projects and was slightly higher but comparable to other similar projects. The city's portion of this project is $132,625.63. The Airport Board reviewed the bid on May 20, 2025, at the regular board meeting and voted to forward the bid to the City Council with a recommendation to award the bid."

Councilman Fawcett explained that the City's usual share for airport projects is five percent, but it is higher this time due to repayment obligations from previously unapproved lighting. Mike Vercimak added that the bid received is approximately twenty thousand dollars above the engineer's estimate.

Clark Fawcett motioned to approve awarding the bid to install the AWOS system at the airport to Mesquite Electric in the amount of $345,800.00. Seconded by Joseph Prete. Motion carried by a roll call vote with Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. David Hirschi voted nay.

8. Consideration and possible approval of a firm for the Architectural Design, Engineering, and Construction Oversight for the Sky Mountain Clubhouse Remodel - Kent Abegglen

Mayor Billings read the following summary that was provided in the packet written by Kent Abegglen. "We are submitting possible approval for Campbell Architecture / Jones and Demille Engineering to provide Architecture, Engineering and Project Construction Oversight of the remodel of the Sky Mountain Golf Course Clubhouse. We have researched their experience, timeline, and fee structure and found it to be inline and very competitive." Arthur LeBaron added to the report stating "I think your estimate of $2.4 million is a fair estimate. Here is my opinion on full-service (includes construction admin) design fees for this project: Complex, 14% design fee: $336,000, Standard, 12% design fee: $288,000, Simple, 10% design fee: $240,000. In my opinion a remodel and addition is at least standard, if not complex. Based on the scope of work that has been provided, together with a cost proposal of $211,600, I think it's a fair price. The scope includes construction administration as well as the civil/site/landscaping work, which was all excluded from the 2020 MRW proposal. I would recommend moving forward with Kim Campbell. "

Kent Abegglen explained that discussions began in 2021. At that time, the cost estimate was nearly equal to their savings, so they decided to wait until more funds were accumulated. He assured that even after proceeding, they will maintain a healthy financial reserve. He also noted that last month was their busiest to date.

David Hirschi motioned to approve in the amount the Architectural Design, Engineering, and Construction Oversight for the Sky Mountain Clubhouse Remodel to Campbell Architecture/Jones and DeMille Engineering in the amount of $211,600. Seconded by Joseph Prete. Motion carried unanimously by a roll call vote.

9. Consideration and possible approval of Zone Change Amendment Ordinance ZC25-13, a request for a zone change located at 40 N 2480 W from Multiple Family (RM-2) 10 units per acre to Highway Commercial (HC); Parcel Number H-3-1-32-1101-A; James Cheney/JACI Properties, Applicant; Gerold Pratt, Agent

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. “The applicant requests a zone change from Multiple Family (RM-2) to Highway Commercial (HC) on a remainder parcel in the Desert Fields Townhomes development. The site plan for the development shows this area as an “RV storage area” intended for use by the residents of the development. The applicant has stated their purpose is to rezone this area to Highway Commercial so they can build a commercial office building on the site. A public hearing was held for the application at the May 22, 2025, planning commission meeting and no public comments or objections were received. The planning commissioners briefly discussed the item and voiced overall support of the zone change as long as staff felt that adequate parking was available for the proposed use of the property. Accordingly, the Planning Commission unanimously recommended approval of the zone change. Findings: While the application does not strictly conform to the General Plan Map designation of Multifamily, the commercial nature of the proposal supports several goals and recommendations of the General Plan. These include promoting walkability, creating connectivity, and allowing appropriate commercial development adjacent to residential uses. While the area is primarily developed with multifamily residential uses, the zone change is not out of character with the area and is, in fact, generally harmonious with the surrounding development pattern and the long-term planning vision of the General Plan. The small size of the property and the applicant’s stated intent for the zone change reduce the likelihood of adverse impacts on adjacent residential development. Public services are adequate to serve the property. Staff recommends that the City Council approve the requested zone change.”

Councilman Ellerman inquired whether setbacks could be met on the parcel. Gary Cupp responded that although a site plan has not yet been submitted, any future plans would be required to comply with setback regulations.

Drew Ellerman motioned to approve Ordinance ZC25-13 a zone change located at 40 N 2480 West from RM-2 to HC. Seconded by Clark Fawcett. Motion carried unanimously.

10. Consideration and possible approval of a Development Agreement with the Zion Regional Medical Center to allow, among other terms, an increased height limitation of 85 for a proposed hospital building on property zoned Highway Commercial (HC); Parcel Numbers H-3-2-6-1406-GS1, H-3-2-6-1407, and H-3-2-6-1408-GS2; ZRMC Operating LLC, Applicant; Jared Cox and Karl Rasmussen, Agents

Dayton Hall summarized the agreement, highlighting that the primary provision allows increased building heights exclusively for medical buildings; all other structures must comply with existing code. He noted that medical buildings constructed at the increased height cannot be converted to non-medical uses and must adhere to all applicable state and city laws. Aside from the height allowance, no other entitlements are granted by this agreement, which runs with the land. The agreement is set to expire ten years from tonight unless a building permit is issued for medical buildings on the property. Mayor Billings suggested a five-year expiration might be more appropriate, and Mr. Hall noted this could be discussed further. Mr. Hall also pointed out that the property currently lacks recorded access and adequate power. The agreement requires these issues to be resolved but does not commit the City to addressing them. Councilman Ellerman confirmed that all seven buildings shown on the plan are medical. Mr. Hall clarified that, as currently drafted, all buildings could be constructed to the increased height. Councilman Ellerman believed only the yellow section (Phase 1) was intended to have taller buildings. Jared Cox explained that this is a medical campus, with the hospital layout finalized, but they remain open to ideas for the other buildings. He noted the two medical office buildings are planned to be four stories, while the others would be two to three stories. Councilman Prete expressed excitement about the project but voiced concern about allowing an open 85-foot height across the entire property. He suggested limiting the increased height to the property's frontage and recommended starting the project promptly with an expiration closer to five years.

Councilman Ellerman suggested allowing building heights of 85 feet for the main hospital, 65 feet for the two other medical buildings, and 50 feet for the remaining four buildings. Mr. Cox said the Planning Commission had raised similar questions. He explained that at this stage, they are requesting flexibility because the final layout is not yet determined. Mayor Billings clarified that the discussion is focused solely on building heights, not the entire medical campus plan. Mr. Cox agreed to adjust the timeline to five years but emphasized that in order to proceed, they need 85 feet for the hospital and 65 feet for the rest of the site. Councilman Ellerman expressed that the two buildings along SR-9 should be shorter. Councilman Prete agreed that tall buildings should be avoided along SR-9 but cautioned that height restrictions should not hinder the hospital's development. Mr. Hall noted that it is difficult to tie height restrictions to the current layout since it has not been approved. He suggested using the distance from the UDOT right-of-way as a reference. Karl Rasmussen recommended including a clause in the development agreement to protect the first 200 feet from SR-9, requiring the developer to return for approval when that area is ready to be developed. Mr. Cox said they would prefer to consult their design team before committing to any changes. Mr. Hall confirmed he will update the expiration date and that the Council wants setbacks consistent with the conceptual plan, including shorter buildings along SR-9. Brent Moser mentioned a recent meeting with UDOT and explained that obtaining approvals takes time. He said five years is feasible but asked the Council not to set a shorter deadline. They are also working on securing better access to the site. Mr. Rasmussen added that the Planning Commission had suggested an access point off the expressway instead of from the roundabout.

Drew Ellerman motioned to continue the Development Agreement with the Zion Regional Medical Center for two weeks. Seconded by Joseph Prete. Motion carried unanimously.

11. Consideration and possible approval of Ordinance 2025-12 amending Title 10, Chapter 43 regarding site-built dwelling units in platted RV parks; Land Use Code Amendment No. LUCA25-04; Western CRE-Joby Venuti, Applicant; Rosenberg & Associates, Agent

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. “The applicant is requesting a change to the Hurricane City Land Use Code, Title 10, regarding development standards for permanent site-built dwellings (i.e., “stick-built” single-family homes) in platted RV parks such as Canyons RV. Generally, site-built units are not permitted in RV parks, since RV parks are intended for RV camping and limited manufactured home use. Canyons RV Park is unusual because it is a platted RV park subdivision that has been developed mostly with permanent residential units. This is because in 2019, the same applicant petitioned the City to change the code to allow stick-built dwelling units for lots in platted RV park subdivisions that were recorded prior to January 2020. The 2019 code change was adopted with the following language: *“However, a site built dwelling unit up to 900 square feet inclusive of covered porches not exceeding 15’ high shall be permitted on a deeded RV lot included in an RV subdivision recorded in the office of the County Recorder before January 2020 that is served by an individual water meter and individual power meter and that does not result in coverage of more than 50% of the lot in structures.”* However, the size and height limits have prevented the construction of garages on the site-built homes, therefore, the applicant is requesting that these restrictions be adjusted to facilitate garage construction. The height limit is proposed to be increased to 35 feet, and the 900-square-foot size limit is proposed to apply to the building footprint. These changes would allow the homes to expand to two stories in height and 1,250 to 1,400 square feet in size. A public hearing on the item was held at the May 22, 2025, planning commission meeting and no public comments or objections were received. The planning commissioners discussed the item and expressed support for the proposed code change. The commissioners felt that the changes would improve a bad situation that had inadvertently been created with the old park-model dwellings that were approved for the Canyons RV Park several decades ago. They also felt that the code change might help to provide needed affordable housing options. And although this is a general code update, the commission was comfortable with the global nature of the changes, since Canyons RV Park is the only RV park subdivision with separate water meters that was recorded prior to January 2020, and these standards could therefore only be applied to Canyons RV. In other words, there are no other RV parks that would be allowed to construct 1,400-square-foot, two-story, site-built homes. The Planning Commission unanimously recommended approval of the proposed code update for Canyons RV. Staff recommends approval of the proposed code change.”

Joby Venuti stated they agree with the 25-foot height restriction but noted there is already a 35-foot home within the area. Councilman Prete expressed a preference to keep the restriction at 25 feet. Councilman Ellerman raised concerns that this change amounts to backdoor zoning, effectively altering an existing development to allow smaller lots not permitted elsewhere in the city. Mr. Venuti responded that he would prefer to develop larger lots but lacks enough declarant votes, and the HOA opposes that option. He explained the area is shifting from an RV park to a small subdivision, and the 900-square-foot homes currently being built aren't working well. Councilman Prete asked how allowing this change would affect parking. Mr. Venuti explained that if permitted, garages would be built to move parking off the street. Councilman Fawcett noted that many RV parks built in the 1980s have repeatedly sought expansions, and he does not want to see continual changes. Gary Cupp added that this change likely wouldn't worsen conditions and might improve illegal uses in the subdivision. Councilman Prete mentioned that the Planning Commission unanimously recommended approval. Councilman Ellerman expressed concern that approving this could encourage other developers to request similar changes. Mayor Billings pointed out that if this were still an RV park, it would be fully occupied immediately. Mr. Venuti stated that if the request is not approved, he plans to install individual water meters and remove this section from the subdivision. Mayor Billings recalled that in 2019 he sought approval for 900-square-foot homes, and now he is requesting larger ones because the smaller homes haven't been successful. Mr. Venuti then asked for the item to be removed from consideration and voiced frustration with the Council, saying they claim to want affordable housing but reject proposals when presented.

Joseph Prete motioned to table Ordinance 2025-12 amending Title 10, Chapter 43 regarding site-built dwelling units in platted RV parks. Seconded by David Hirschi. Motion carried unanimously. Dayton Hall explained that by tabling it, it gives the applicant the opportunity to bring it back if they want to.

12. Consideration and possible approval of Zone Change Amendment Ordinance ZC25-11, a request for a zone change located at 2400 W and Liberty Way from Light Industrial (M-1) to Single Family Residential (R1-10/PDO) and to update the overall PDO for the Balance of Nature Gardens property; Parcel Number H-3373-NP-BL; Douglas Howard, Owner; EPS Group, Inc., Agent

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "The applicant is seeking a zone change and PDO update for the Balance of Nature Gardens project, located north of 3000 S. This PDO zone for this project was originally approved in 2021. Liberty Village is part of this development, although it now operates independently of Balance of Nature. The applicant is proposing modifications to the overall development and is requesting a zone change to accommodate adjustments in layout, land uses, and development standards. The primary reason for the requested zoning update is to remove the 27-acre Light Industrial M-1 zone, since a manufacturing facility once planned on the southwest portion of the property will no longer be constructed. Additionally, the applicant is requesting changes to the permitted land uses within the development, along with amendments to standards regarding setbacks and building heights, and a request for private street right-of-ways. A public hearing on the item was held at the May 22, 2025, planning commission meeting and no public comments or objections were received. The planning commissioners discussed the item and expressed several concerns, primarily regarding the proposed removal of the Light Industrial M-1 zone and the manufacturing facility. Shelley Goodfellow viewed the loss of the industrial component as an unfulfilled promise, since the applicants originally promised that it would bring jobs to the city and now it's off the table. She further stated that the project seems to have changed from what was "originally pitched." Mark Sampson expressed a desire to have a work meeting to further discuss the project. During the meeting, the commissioners asked staff questions about the project, including whether the R1-10/PDO is the appropriate zone for the project. They also inquired of staff about why the city doesn't support the proposed private streets. Brad Winder feels that the project is similar to Disney Land, which has private streets. Staff explained that this project is significantly different from Disney Land in that it includes private residential units that would be best served by public streets for the provision of utilities. Furthermore, private streets are expressly prohibited in the PDO zone. Ultimately, the commission generally supports the project and desires that it be successful. The Planning Commission voted 6 to 2 in favor of recommending approval of the zone change amendment to the City Council, subject to the JUC and Staff Comments within the Staff Report. Findings: 1. The proposed site zoning amendment aligns with the General Plan Map and Goals due to the mixed-use nature of the development. 2. There is currently little to no development adjacent to the property. To help buffer the adjacent undeveloped properties from the proposed development, the applicant has included open space and orchards along the project boundaries. The project is therefore found not to conflict with or be inconsistent with nearby development. 3. The project is not expected to have adverse impacts on the surrounding area. Furthermore, the development was previously considered and anticipated, and the proposed changes are likely to reduce the overall project impact with the elimination of the industrial component of the proposed project. 4. Although public services and facilities are currently insufficient to support the development, this zone change amendment is unlikely to worsen that status. The development agreement should be refined to further protect the City's interests regarding the provision of adequate public facilities. 5. Before final approval by the City Council, staff finds that the proposed preliminary site plan and amendments to the development agreement require further refinement to ensure they adequately address infrastructure and planning considerations as outlined in the Staff Report. Staff recommends that consideration of the item be tabled so that staff can further work with the applicants to address the following: 1. Staff does not support the proposed private street right-of-ways; the site plan needs to be updated to show public streets. 2. The project density is incorrectly stated on the site plan and needs to be updated. 3. Several of the proposed land uses still need clarification on the site plan. 4. The development standards and any requested exceptions need to be clarified on the site plan. Once the site plan is finalized, an amendment to the existing development agreement detailing the specific changes needs to be drafted for the Council's consideration."

Neil Terry, the project architect, explained that Balance of Nature's business model has shifted. They no longer plan to conduct manufacturing on-site, but the majority of jobs will remain at the headquarters, which is still planned. They are requesting private streets because the development is intended as a destination focused on promoting a healthy lifestyle. The landscaping will feature edible plants around the gardens, creating a walking village with cobblestone streets where car parking on the streets is not allowed. Councilman Fawcett confirmed that lots would be available for purchase by anyone, which could lead to double taxation. He expressed concern that selling the lots might cause issues. Mayor Billings noted that the City does not currently have standards for cobblestone roads and pointed out that utilities will run underneath the roads, which needs to be addressed. Mr. Terry assured they will work with staff to meet standards but reiterated their desire to prevent street parking. He asked if the northeast corner could have public roads while the remainder of the streets remain private. Councilman Fawcett noted that full street width is necessary to accommodate utilities. Mayor Billings recommended scheduling a work meeting to discuss the project further. Mr. Terry expressed confusion about some of the comments, stating they have been actively addressing staff feedback. Richard Wedig added that by removing manufacturing, they are creating more employees and envision the development as a campus and village with a park-like setting. Councilman Fawcett said he has no issues with that vision but reiterated concerns about private roads within single-family residential areas. He stated that private roads in the village should be clearly separated from public roads in residential zones. Mayor Billings noted the need to meet standards to ensure proper maintenance of utilities and roads. A work meeting was scheduled for June 24th from 3:30 to 5:00 p.m.

Joseph Prete motioned to continue Zone Change Amendment located at 2400 W Liberty Way from M-1 to PDO to August 7, 2025. Seconded by David Hirschi. Motion carried unanimously.

13. Consideration and possible approval of Ordinance 2025-11 amending Title 10, Chapter 7 regarding classification of new and unlisted business uses; Land Use Code Amendment No. LUCA25-05; Hurricane City, Applicant -Gary Cupp

Gary Cupp explained that SB179 requires the city to establish a process allowing businesses whose use is not permitted to appeal that decision. To comply, two procedures have been added to the city code. Dayton Hall clarified that when a new use is appealed to the Council and the appeal is upheld, the applicant can then escalate the matter to the Appeals Board. Councilman Ellerman asked if a simple clause could have been added beneath the permitted uses instead of making extensive changes. Mr. Hall responded that state law mandates specific definitions and procedural steps, so these updates were necessary to ensure compliance.

Drew Ellerman motioned to approve Ordinance 2025-11 amending Title 10, Chapter 7 regarding classification of new and unlisted business uses. Seconded Clark Fawcett. Motion carried unanimously.

14. Progress update for the proposed city pool

Mayor Billings read the following summary that was provided in the packet written by Tiffani Wright. "We have finished the architectural design for the new swimming pool. As next step we are presenting the drawings to the Council with an estimated budget for their approval. We will then move forward with the bid process for a contractor. We anticipate starting demolition when the pool closes for the season – roughly September/October. It is anticipated to be a 14 month build."
Mayor Billings noted that the facility is expected to be closed next summer. Tiffani Wright presented the proposed design to the Council. Scott Gilberg explained that the pool will be 9,000 square feet, featuring an eight-lane competition pool. He reviewed the interior layout of the building, highlighting roll-up doors on the north and south sides to allow year-round use. The facility will extend slightly to the north, and work on the water design is already underway. Councilman Prete confirmed that the only area receiving sunlight will be the southeast corner. Mayor Billings clarified that park impact fees must be used for this project, not for civic buildings. Kaden DeMille estimated the construction cost at around $480 per square foot, totaling approximately $12 million. Mayor Billings mentioned an upcoming meeting with Greater Zion on the 26th and noted that the school board will follow up to schedule a meeting. Mr. DeMille added that funding is still short. The majority of the funds will come from RAP tax revenue to cover bond payments, supplemented by savings and impact fees. Some funding was reallocated from the four-court gym project to support this pool, but additional resources are needed. If the Council approves the concept, more time will be spent on finalizing funding. Demolition and retaining wall costs have not yet been factored in. Mr. DeMille acknowledged that funding the project will be challenging and will require creative solutions.

15. Consideration and possible approval of Ordinance 2025-13 creating Section 8-1-16 in the City Code regarding Irrigation Water for Development - Ken Richins

Mayor Billings read the following summary that was provided in the packet written by Dayton Hall. "This proposed ordinance will require land developers to dedicate water to the City for outdoor irrigation when there is private water already on the property being developed. For example, if a subdivision is being proposed on property that is serviced by ground water rights or canal company shares, a condition of approving the subdivision will be the dedication to the City of sufficient water to meet the outdoor irrigation needs of the subdivision. To compensate the land developer for the dedication, the City will waive the portion of the secondary water impact fee associated with acquiring water to serve new developments. The proposed ordinance will not affect development on land that does not already have water associated with the property. At its meeting on May 27, 2025, the Water Board unanimously recommended approval of the proposed ordinance."

Councilman Prete asked for clarification on what it means to "already have water on the land." Dayton Hall explained that it's a technical term called "pertinent to the land." He clarified that if a property owner holds water shares or rights and uses that water on the property, those rights become pertinent to the land. When a development brings in water shares, the City acquires the outdoor portion of the water rights and compensates the developer by waiving the corresponding impact fees.

Clark Fawcett motioned to approve Ordinance 2025-13 creating Section 8-1-16 in the City Code regarding Irrigation Water for Development. Seconded by David Hirschi. Motion carried unanimously by a roll call vote.

16. Mayor, Council, and staff reports

Kaden DeMille announced that next Friday will be the employee BBQ following the cornhole tournament, to which the Council is invited. Lunch will be served at 12 noon at the Streets Department.

Councilman Hirschi noted that the new gym charges $1 per person for drop-in use or $30 per hour to rent, and he suggested making the rates more affordable. Councilman Prete added that gym costs have been a challenge for club ball teams, which are struggling to secure gym time within their budgets. Councilman Hirschi agreed, saying it's reasonable to charge out-of-town teams or those making a profit, but local teams should have access to more affordable rates. Councilman Prete proposed offering a bulk rate for the season. Mayor Billings recommended scheduling a work meeting with Recreation Director Tiffani Wright to discuss the issue further.

Councilman Prete said that when he saw the Balance of Nature item on the agenda, he reached out to the developer to better understand the project changes. He believes the original development might have succeeded if the city had a community developer on staff and suggested that hiring someone for that role would be money well spent to act as a liaison. Mayor Billings noted that they also explored options in Washington and St. George but were unable to build there. She shared that she met with the County's economic developer, who explained that the State did not install utility easements along SR-7, which contributes to delays. Mike Vercimak added that their design professionals are not local, which also causes months of delays. Kaden DeMille noted that staff have spent countless hours meeting with Balance of Nature to work through these challenges.

Councilman Ellerman inquired about available undeveloped acreage on Foothill Canyon Road. Fred Resch reviewed the parcels that are currently entitled. Councilman Ellerman mentioned that Bucky's Store is seeking a location and said he will speak with the property owners to explore the possibility of locating there. He also asked if others are concerned about the amount of signage along SR-9 and suggested tightening the sign ordinance. Gary Cupp responded that there are plans to revise the ordinance to address these concerns.

Mayor Billings stated she had IHC reach out to her, and they would like to meet with Mayor and two Councilmembers to come and meet with them.

Cindy Beteag confirmed the Council could canvass the Primary Election on August 26th and on November 18th for the General Election. She stated Nanette Billings is the only candidate that has declared for mayor. Shavene Butler, Cindy Matekja, Katheryne Knight have declared for council. The declaration period ends tomorrow at five p.m.

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

Joseph Prete motioned to go into a closed session at 10:16 p.m. to discuss acquisition of real property, development agreement negotiating, and pending litigation. Seconded by David Hirschi. Motion carried unanimously.

Adjournment: Drew Ellerman motioned to go out of a closed session and adjourn the meeting at 11:06 p.m. Seconded by Joseph Prete. Motion carried unanimously.