

Minutes of the Hurricane City Council meeting held on June 2, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 5:00 p.m.

Members Present: Mayor Nanette Billings and **Council Members Present:** Joseph Prete, Dave Sanders, David Hirschi, and Kevin Thomas. Doug Heideman was excused.

Staff Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Representative Jared Ross, Planning Director Stephen Nelson, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Water Superintendent Ken Richins, and Public Works Director Mike Vercimak

AGENDA

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

Arthur LeBaron reported that the bell is ringing. He asked the City Council to thank Davis Isom and Lee Beatty for their help with the bell tower. He shared that the Utah Department of Transportation is contributing 2.3 million dollars towards the 600 North trail, and the County has also contributed funds to the project. Hurricane City's local match for the 600 North trail project is \$546,480. The estimated cost for the regional plan of the trail along Sand Hollow Road is \$897,000. Hurricane City's local match is \$179,400.

Weston Walker stated that the slurry seal and striping are complete, and the chip seal will be finished in August. They are putting in a crosswalk on 870 South with a flashing beacon for pedestrians crossing. The department is busy with curb painting, tree trimming, and patching. Councilman Prete asked if there was any action on the access near Three Falls Elementary. Mr. Weston has contacted a company to chip seal the road. Arthur LeBaron stated that the short-term goal is to have a paved surface with a stripe allowing a five-foot pedestrian area. Mr. LeBaron is working with the property owner of the field on the south side.

Chief Excell and Dayton Hall are working on the ordinances and fees for the Animal Control Department. Chief Excell reported that police officer testing is on June 13th. The department is hiring a detective on July 1st. One officer has completed field training, and another will finish field training in the next two weeks. One officer is graduating from the Police Academy on June 30th. He attended the P25 standard compliant radio project meeting. Utah Communications Authority is updating and upgrading the repeater site. P25 phase two in Washington County will start in 2023. The roadway to the repeater site must be passable and needs to be repaired. Many other entities have equipment at the site and should share in the repair cost. Mike Vercimak stated that there should be a Memorandum of Understanding to clarify the responsibilities of each entity with equipment at the repeater site. Mr. Excell met with OHV representatives from the State at the Safety Summit. He is working on them to have an OHV course taught in Hurricane. The generators have been tested, serviced, and are ready for

operation. Mayor Billings would like the Emergency Preparedness Fair information to be included in the September utility bills.

Mike Vercimak reported that the building permits are slowing down. Most of the applications going through JUC are for commercial and industrial development.

Ken Richins reported that the Water Department is still short-staffed. The flow coming out of Toquerville Springs is slowing down, but the department is covering that shortfall with the Ash Creek Spring and the City wells. Mr. Richins and Dayton Hall attended the Southern Utah Home Builders Association Conservancy District meeting.

Jared Ross reported that the Power Department is nearly finished along 600 North. The Line Crews are moving down to the Cordero line starting on 3000 South by the North Slope. The site work on the Three Falls Substation begins next week.

Matt Goodrich with Ashcreek reported that the pre-construction meeting for the Reach 11 project along the west side of Sand Hollow Road is next Wednesday. They are working with Interstate Rock to re-round the egg-shaped pipes in the mainline along 3000 South.

Stephen Nelson stated that item # 4 on New Business has been withdrawn. The agriculture protection overlay application for Items # 6 and 7 were sent to Dixie Conservation Committee for review in April. The committee has forty-five days to review the application. The public hearing should still be held because it was advertised but staff recommends continuing the item until a recommendation is received from the committee or until the forty-five days have passed. He explained that the City Council should not interpret any recommendation from the committee as a positive recommendation. The updated plat and will serve letter were received for Strawberry Fields. The Public Open House for the Moderate-Income Housing Plan is at the Community Center on June 8th between 5:00 p.m. and 8:00 p.m. He met with Councilman Hirschi to discuss the conditional use permit for greater height. The City Council recently denied this application, but they can reconsider it if the majority of the Council chooses to. Councilman Hirschi reported that the engineer and developer approached him to petition for the item to be brought back to the Council. He would be willing to look at it on a case-by-case basis. Mayor Billings would like to have it on the agenda again because other buildings in Hurricane City are taller than the proposed building. Councilman Prete stated that the City controls the requirements that must be met under the Conditional Use Permit. However, the City Council does not have the discretion to deviate from the requirements of the Conditional Use Permit. The Council cannot approach Condition Use Permits on a case-by-case basis. He stated that the best option is to create an ordinance that is far-reaching and covers what the Council is trying to accomplish. Councilman Sanders would like to have this brought back to the agenda. Councilman Prete is not opposed to having the application back on the agenda. Councilman Hirschi does not want to make this the standard; he would prefer this to be an exception. Dayton Hall stated that the City Council could craft a condition to the Conditional Use Permit,

and if an applicant can satisfy all the conditions, a building of fifty-five feet tall would be allowed. The City Council could also note that a geographic deficit could make up the height difference if proper drainage is in place.

6:00 p.m. - Call to Order –

Prayer: Councilman Prete

Thought: Councilman Prete

Pledge: Councilman Prete

David Hirschi motioned to move New Business item #1 to Old Business item #1. Seconded by Kevin Thomas. Motion carried unanimously.

Declaration of any conflict of interest

None were stated.

Approval of Minutes: 9/16/21, 10/7/21, 2/17/22, and 5/5/22

Mayor Billings stated a citizen has requested that the minutes include the word-for-word conversation between himself and Doug Heidemann during the May 5th, 2022, meeting

Joseph Prete motioned to approve the City Council minutes of 9/16/2021, 10/07/2021, and 2/17/2022. Seconded by Dave Sanders. Motion carried with Joseph Prete, Dave Sanders, and David Hirschi voting aye. Kevin Thomas abstained.

City Council Minutes for May 5, 2022, meetings were excluded.

Public Forum – Comments From Public

OLD BUSINESS

1. Discussion and possible approval of funding to Utah Small Business District Center

Jeff Mathers is the Regional Small Business Director for Washington and Kane County. He explained the purpose of the Utah Small Business District Center. Anyone who wants to open a business can go to them for free help to start and grow the business. This is a confidential program, and most services are at no cost. With a staff of two counselors and one office manager, they have helped create over 580 LLC businesses and 2,900 jobs in this area. This benefits the cities by bringing in taxes and revenue. They are funded through their host and the Small Business Administration. They are asking the City to consider funding to help them continue to expand their program.

They have approached Washington County and cities within Washington County. They asked for \$35,000 from each City and \$ 50,000 from the County. The County has tentatively agreed to commit some funding, but no other cities have committed yet. Kaden DeMille reported that City Council will approve the budget at the next City Council meeting. He recommends that the City Council consider this as they look at the general fund. Councilman Sanders asked if they had approached Springdale, Hilldale, or Ivins City. Mr. Mather stated that they have only made a request to the larger cities in Washington County. Councilman Thomas thinks this is a worthy cause and a valuable service, but the City must make some large budget cuts that directly affect the City, and he doesn't think this should be considered.

Dave Sanders motioned to continue the discussion and possible approval of funding to the Utah Small Business District Center to the first meeting in July. Kaden DeMille suggested reviewing this request during the budget meeting on June 14th. If the Council finds that funding this is a priority, the application will be approved at that time. If the City Council does not fund this, the application is denied and does not come back to the City Council. Mr. Sanders updated his motion to reflect Mr. DeMille's comments. Seconded by David Hirschi. Motion carried with Joseph Prete, Dave Sanders, and David Hirschi voting aye. Kevin Thomas voted nay.

2. Consideration and possible approval of Ordinance 2022-23 updating Code Section 7-1-8 regulating Off-Highway Vehicles

Mayor Billings stated that the roads listed in the draft were removed. The ordinance allows travel to and from the trails to obtain supplies, fuel, or vehicle maintenance. Councilman Prete is in favor of a more restrictive ordinance. Dayton Hall revised Section I, clarifying the verbiage as "the most direct route to and from the area or as required for fueling and maintenance." Mayor Billings suggested adding travel to obtain supplies because it was in the original ordinance. Chief Excell stated that the intent has always been to allow people to obtain fuel and supplies en route to the trails. It was not intended for travel to and from their house to the stores.

Dave Sanders motioned to approve Ordinance 2022-23 With the addition of obtaining supplies. Seconded by Kevin Thomas. Motion carried with Dave Sanders, Kevin Thomas, and David Hirschi voting aye. Joseph Prete voted nay.

3. Consideration and possible approval of Ordinance 2022-34 adding Code Section 7-1-9 authorizing and regulating Golf Carts on City roads

Richard Foote appreciates the condensed proposal. He is concerned about requiring a driver's license for a vehicle that does not require a license to be driven. Section C defines that golf carts can only be driven within a certain proximity to golf courses and, as written, only allows residents who live around a golf course to drive them. He uses his golf cart to travel in town

because his driver's license is suspended. He asked the City Council to withdraw or table the item.

Mayor Billings stated that she feels like an age restriction would be more appropriate instead of a driver's license. She agreed that the proximity requirement eliminates the use of golf carts by many people in the City. Many residents in the City use their golf carts on city streets, and there have been no issues. Councilman Thomas doesn't think an ordinance is necessary. Dayton Hall explained that State codes allow municipalities to permit golf carts on City roads, but the City must regulate the use. Therefore, if the City chooses not to regulate the use, then golf carts are not allowed on city streets. Councilman Thomas suggested removing the location restrictions, the driver's license requirement, and adding an age requirement of eighteen. Councilman Prete does not feel that golf carts should be allowed on city streets. Authorizing the use invites more residents to use golf carts on the roads, which is dangerous and creates too many liabilities. He is not opposed to allowing the use of golf carts on a case-by-case basis for elderly and disabled citizens if they are insured and meet other standards. Mayor Billings stated that OHVs are allowed on the city streets and are not insured either. The City Council discussed allowing the use of golf carts in the downtown district for public events on a case-by-case basis. Mr. Hall stated that allowing the use for public events would be easy to accomplish. However, a larger task is administering a program to oversee a case-by-case basis for community members. Councilman Sanders agrees with Councilman Prete. Patty Nation is the President-Elect of the Rotary Club. She reported that they needed to find more parking as the car show grew and expanded. They were looking into having golf carts to provide an option for other modes of transportation. The Rotary Club decided not to go that route because of risk and liability exposure.

Joseph Prete motioned to deny Ordinance 2022-34. Seconded by Dave Sanders. Motion failed with Nanette Billings, David Hirschi, and Kevin Thomas voting nay. Joseph Prete and Dave Sanders voted aye.

Joseph Prete motioned to deny Ordinance 2022-34 but asked staff to return with an ordinance to allow golf cart use for events. Seconded by Dave Sanders. Motion carried with David Hirschi, Dave Sanders, and Joseph Prete voting aye. Kevin Thomas voted nay.

Councilman Hirschi is sympathetic to Mr. Foote's situation but does not want to open this up for liability issues. Mayor Billings stated that people will continue to use their golf carts even if the ordinance is denied. Cindy Beteag asked if the Special Event Permits could cover allowing golf carts for events. Mr. Hall stated that it could be covered in a Special Events Permit.

NEW BUSINESS

1. Consideration and possible approval of Resolution 2022-27 approving an **agreement with Natural Resources Conservation Service (NRCS)** regarding

Warner Draw Watershed Supplemental Watershed Work Plan Agreement-Arthur LeBaron

Mayor Billings stated that this agreement pertains to the pressurized irrigation system with the NRCS. The agreement started in 2016 and needs to be updated. Dayton Hall stated that the Canal Company has requested time to review the updated agreement before a decision is made. Arthur LeBaron reported that Lance Smith is asking for City approval so they can move forward with designing the project. This City wants to expand the irrigation system to 1500 South. This will help provide pressurized water to residential property owners who own Canal Company water shares, and it will also help with the tailwater problem. He reported that the City's estimated cost for the project is eight million. The City is responsible for acquiring property rights, water rights, and easements. He doesn't think the discussion with the Canal Company should stop the City from renewing the agreement. Ken Richins stated that NRCS wants a guaranteed flow right that goes back into the Virgin River. The Canal Company does not want to provide that flow right. The current agreement ends at the end of this year. He believes it is wise to wait for the Canal Company to review the agreement. Mr. LeBaron explained that this agreement doesn't speak to the Canal Company issue and doesn't give anything to the Nature Conservancy. He thinks it should be approved tonight. The City needs this project for water supply.

David Hirschi motioned to continue Resolution 2022-27 to the City Council meeting on July 7th. Seconded by Kevin Thomas. David Hirschi, Kevin Thomas, Dave Sanders, and Joseph Prete, aye. Motion carried unanimously.

2. Consideration and possible approval of Resolution 2022-28 approving an interlocal Agreement between multiple Washington County Law Enforcement Agencies regarding crime scene equipment-Lynn Excell

Chief Excell explained that this equipment is used to diagram accidents and crime scenes. Currently, Hurricane City has to use equipment from Northern Utah. Independently none of the agencies in Washington County can afford this equipment. But as a group, the cost of the equipment will be shared. The police department has the funding for their share of the cost in this year's budget.

Kevin Thomas motioned to approve Resolution 2022-28. Seconded by Dave Sanders. Motion carried with Kevin Thomas, Dave Sanders, David Hirschi, and Joseph Prete voting aye.

~~**3. Ordinance 2022-31: Consideration and possible approval on a Zone Change amendment request located at 4527 S and 4491 S 1100 West from RA-1, residential one unit per acre, to RR, recreational resort, proposing four buildings and a clubhouse. Parcel numbers H-MOF-18 and H-MOF-19. Hidden Rock**~~

~~Development Group Applicant. Brent Bateman Agent. This application has been withdrawn.~~

4. Ordinance 2022-32: Consideration and possible approval on a **Zone Change Amendment request located at approx. 1150 W 600 N** from R1-10, residential one unit per 10,000 square feet, to PF, public facility, to build a power substation. Hurricane City Power Applicant. Scott Hughes Agent.

Jared Ross explained that this property is located north of Fox Hollow. The property is thirteen acres. The Power Department will use the northeast corner for the substation. Stephen Nelson stated that a developer near this property is putting in a roadway, and it will be beneficial for the Power Department to work in conjunction with that development. Originally there was a discussion about applying to rezone only the northeast corner of the property, however, the Power Department Director expressed hesitancy about limiting the site, which is why they are applying to rezone the entire parcel as Public Facilities. Mr. Ross presented information explaining the Power Transmission Plan. He noted that Engineering, ICPE, and Hurricane City Power feel this is the best location for this substation. The timing for the construction of this substation is undetermined. Councilman Prete noted that the Planning Commission unanimously recommended approval. Kaden DeMille stated that the Sky Mountain Substation is further along, and this substation is third on the priority list. Mr. Ross stated that they are only grading the property and installing two power poles at this time. Mr. Nelson discussed the standards for substations.

Kevin Thomas motioned to approve the Ordinance 2022-32. Seconded by Joseph Prete. Motion carried with Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders voting aye.

5. Public Hearing to discuss the following.

- a. Agricultural Protection Overlay for an 11-acre property located at 902 S 700 W and 1075 S 700 W

Dave Sanders motioned to go into a public hearing. Seconded by Kevin Thomas Motion carried with Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders voting aye.

No comments

Dave Sanders motioned to go out of the public hearing. Seconded by Kevin Thomas. Motion carried with Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders voting aye. Motion carried unanimously.

6. Ordinance 2022-33: Consideration and possible approval on an **Agricultural**

Protection Overlay for Annie Reeve, an 11 acre property located at 902 S 700 W and 1075 S 700 W. Parcel number H-3-2-3-304 and H-3-2-3-2418. Annie Reeve Applicant.

David Sanders motioned to continue Ordinance 2022-33: to the next regular City Council meeting. Seconded by Kevin Thomas. Motion carried with Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders voting aye.

7. Consideration and possible approval on a preliminary plat for Strawberry Fields Estates, a 163 lot residential subdivision located at approximately 1400 S and 3700 W. Western Mortgage and Realty Co-Applicant. Karl Rasmussen Agent.

Karl Rasmussen explained that the Planning Commission approved the preliminary plat subject to adding an internal connecting road on the east side. He reported that they have started on infrastructure. Councilman Prete abstained because his law firm may be involved with this party.

Kevin Thomas motioned to approve the preliminary plat for Strawberry Fields Estates, a 163 lot residential subdivision located at approximately 1400 S and 3700. Subject to Staff and JUC comments. Seconded by Dave Sanders. Motion carried with Kevin Thomas, David Hirschi, and Dave Sanders voting aye. Joseph Prete abstained.

8. Discussion regarding dedicating City property in Falcon Ridge as a historical park-David Hirschi

Councilman Hirschi is representing the Historical Committee. He explained that the City owns three lots on 920 North, and the Historical Committee requests the property be deeded to the Historical Committee to build a Hurricane Canal Park. Councilman Hirschi explained that this property can not be seen from SR-9 and asked if it would be possible to trade it for the property along SR-9. Stephen Nelson feels that the property owned by Hurricane City could be used to create a unique park. Landscaping signage and fencing can tie in historical markers, benches, and walkways. Councilman Prete feels that the area has a great view and would be a good area for a park. Mayor Billings discussed the QR code used in Hilldale. The QR code is posted throughout the area, so people can scan them to find businesses, attractions, and other information regarding the area. The QR code company will be at the Tourism Board meeting next month. Mike Vercimack noted that the lots do have utility services.

9. Discussion and possible approval of trading City-owned farming equipment for help with other items regarding the Historical Committee-David Hirschi

Councilman Hirschi explained that the City purchased the land West of the City office from the DeMille family. The Historical Committee would like to give the corn binder and flatbed trailer that is on the property to Casey Lofthouse in exchange for his services. Rand Lemmon noted

that he worked with the City to acquire this property. The DeMille family wanted the City to have the equipment to use as a historical marker and honor their family heritage. The DeMille family had the opportunity to sell the equipment to Casey Lofthouse, but they opted to leave it on the property for the City. Kaden DeMille stated that the original intent was for the City to maintain the equipment. Park impact fees were used to purchase the land. His vision and goals are to maintain those items and create a park around the wood barn on the property. He would like to find funds from different areas in the budget to pay Mr. Lofthouse. Councilman Prete stated that the City does not have a legal obligation to keep the equipment, but there was a goodwill intent when purchasing the land.

David Hirschi motioned to continue possible approval of trading City-owned farming equipment for help with other items regarding the Historical Committee to the City Council meeting on July 7th. Seconded by Dave Sanders. Motion carried with Kevin Thomas, Joseph Prete, David Hirschi, and Dave Sanders voting aye.

Mayor and Council Reports:

Mayor Billings	Airport, Administration, Police, Washington County Solid Waste District, Washington County Water Conservancy District, Youth City Council, Ash Creek Special Sewer District
Joseph Prete	Court, Prosecutors Office, City Attorney, Fire District, Economic Development, Agriculture Preservation, Industrial Park, Power, Power Board
Dave Sanders	Animal Control, Police, Emergency Management, Mosquito Abatement, School Crossing Guards, Victim Services
David Hirschi	Historic Preservation, Parks/Cemetery, Recreation/Pool, Water Department, Water Board, Ash Creek Special Service District, Tourism Board, Golf Course
Kevin Thomas	Planning Commission, Streets and Drainage, Public Works, Engineering, Planning Dept
Vacant	Building Inspections, Code Enforcement, Tree Board, Airport Board, Appeals Board, Beautification Board
Kaden DeMille	City Administration – Mr. Demille reported that the Federal government approved Juneteenth as a federal holiday. This is not included in the current policy manual but is in the new one. The City Council agreed to add a holiday to our schedule.

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

David Hirschi motioned to go into a closed meeting for the potential purchase of real property. Seconded by Joseph Prete. Motion carried unanimously.

Adjournment: 8:41 p.m.