

Minutes of the Hurricane City Council meeting held on June 16, 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, Doug Heideman, and Kevin Thomas.

Staff Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director Stephen Nelson, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Fire Deputy Chief Joe Decker, Golf Professional Kent Abegglen, Accountant Paige Chapman, Human Resource Director Selwin Lovell, and Planning Assistant Fred Resch III

AGENDA

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

Stephen Nelson reported that the Public Open House for Affordable Housing was a success. One hundred and fifty surveys were received, and the survey period is officially closed. Primarily the survey showed concern about the lack of affordable housing in the community. However, there was not a clear solution. The Steering Committee is preparing policy recommendations to present to Planning Commission in July. The Planning Commission has requested staff to consider an ordinance to allow smaller lot sizes if property is required for road dedications. They have also asked for a review of the agriculture protection zone overlay.

Arthur LeBaron reported that pre-construction meetings were held for Andrus Trucking and Mountain View Estates. He is busy working on the 4th of July parade and fireworks. The fireworks are at Sand Hollow, and there are one hundred VIP parking passes available. There is no fee to attend the fireworks. The boat ramp closes at 6:00 p.m. He is working on the alignment study for 1100 West to obtain the right of way and utility easements to accommodate power lines. He reported that they have hired Harmony Public Involvement to help with public outreach during the alignment study.

Chief Excell received a request from the Division of Wildlife Resources to help eradicate nuisance pheasants. The Police Department is moving forward with recruits, two recruits are moving into field training, and Cole Henson is graduating from the academy next week.

Assistant Chief Joe Decker introduced himself as the new Deputy Fire Chief. Mr. Decker reported a significant gas line hit today on State Street. Blue Stakes located the line, but it was hit by a construction company trying to clear a plug in the sewer line. The

gas was leaking for a little over two hours, and the Hurricane Rehab Center had to be evacuated.

Ken Richins reported that the volume of water coming from Toquerville Springs has reduced due to drought, and there was a failure in the line from Leeds. Today is the first time the Water Department has introduced Quail Lake Treatment Water into the system. He reported that construction is consuming large amounts of culinary water. Mr. Richins reported that they hired a new employee and have made an offer to fill the remaining open position.

Paige Chapman reported that the budget is complete, and the City passed the single audit regarding CARES money.

Scott Hughes reported that today is Korde Chynoweth's last day of employment. The Power Department has hired a new employee who recently graduated line school, and he is expected to start on Monday. Mr. Hughes and Dayton Hall are working together to update the Solar Policy.

Selwin Lovell has reviewed the new policy manual. After Kaden DeMille reviews the policy, the manual will be ready for the City Council to review. A new employment tab was created on the website to simplify the application process. There are currently four open positions.

Tiffani Wright reported that the Community Center is prepping for the 4th of July, and she discussed the events scheduled. The free lunch program is being served in the Fine Arts parking lot, and the pool is open and remarkably busy.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer: Fred Hernandez

Thought: Fred Hernandez

Pledge: Fred Hernandez

Declaration of any conflicts of interest

Councilman Prete declared a potential conflict of interest on New Business item # 19.

Minutes of the Regular City Council Meeting for 10/21/2021 and 5/5/2022

Dave Sanders motioned to approve the minutes of the regular City Council meeting for 10/21/2021 and 5/5/2022. Seconded by Kevin Thomas. David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete voting, aye. Motion carried unanimously

Update from Intermountain Health

Mitch Cloward presented a video explaining how Intermountain Health Care began. The LDS church owned and operated fifteen hospitals in 1975. The church formed Intermountain Healthcare as a non-profit and donated the hospitals to Intermountain Healthcare. Mr. Cloward explained that the anticipated completion date has been delayed to June.

Public Forum – Comments From Public

Abbie Dick is here to discuss the Conditional Use Permit for the home being built behind her. She reported that the builder owns the home. The home proposed to the neighbors is not what is being built. The builder has brought in five feet of dirt to raise the lot, the fence will be an additional six feet, and they plan to have a thirty-nine-foot-high garage. She asked the City Council to review the ordinance again to find a balance between current homeowners and new construction.

Mayor Billings asked Mike Vercimack to visit the site to ensure that the developer follows the proper code.

OLD BUSINESS

1. 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.

Stephen Nelson reported that the Agriculture Protection Overlay application was continued pending a response from the County. The forty-five-day notification period has expired with no response from the County. Per State Code, if no recommendation is received, it should be considered a positive recommendation. Annie Reeve reported that one section of the property is for her cattle. She gets complaints because the calves cry when they are being weaned. She is concerned that the complaints will cause her to lose her right to have cows on that property. She does not plan to develop the other piece of property. Mayor Billings explained that the applicant is concerned that the City could exercise eminent domain if the agricultural protection overlay is denied. Mr. Nelson reported that the Planning Commission's recommendation was to grant the protection overlay to the parcel that exceeds the five acre minimum. They also recommended that the future right of way and the public utility easement be excluded from the overlay on 900 South and 700 West.

Mrs. Reeve asked if she could increase the acreage by amending the application to include surrounding property owners. Mr. Nelson stated that as long as there are five continuous acres, it does not matter how many property owners are involved. Councilman Hirschi discussed the water drainage concerns on the property near 900 South. Mrs. Reeve reported that her wastewater drains into a ditch. Councilman Prete is concerned that this grants additional rights to owners with established agriculture. This makes it difficult for future neighbors to file nuisance complaints and for the City to expand its roadways. He thinks there needs to be a reasonableness element in the ordinance. Councilman Heideman asked if the applicant would consider giving the City the right to widen the road and develop future water or power lines through the property. Mr. Nelson explained the general policy regarding master planned roadways. Councilman Prete reported that he is comfortable with the Planning Commission's recommendation.

Joseph Prete motioned to approve the agricultural protection overlay for Annie Reeve, an 10.03 acre property located at 902 S 700 excluding the future right of way and public utility easement. Seconded by Dave Sanders. David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete voting, aye. Motion carried unanimously

NEW BUSINESS

1. Consideration and possible approval of Ordinance 2022-38 adding Section 7-1-9 regulating Golf Carts on City roads

Mayor Billings explained that she asked the City Attorney to prepare two different ordinances. Option A was prepared to include the direction given by the City Council, and option B was prepared to include the direction given by Mayor Billings.

Dayton Hall explained that Option A prohibits golf carts on city roads except if they are street legal, permitted for use at a large event, or operated on a designated golf course cart path. Option B permits golf carts on City roads subject to restrictions.

Mr. Hall explained that State Code prohibits golf carts on City roads but does allow Cities to permit golf carts on City roads as long as the City regulates the use. Mayor Billings explained why the State Code was changed in 2020.

Kent Abegglen does not think golf carts are a concern, nor should there be a separate ordinance about golf carts. He recommended including golf carts in the OHV Ordinance.

Penny James Garcia is aware of State Law, and she fully supports Police Department. Mrs. Garcia feels that the topic of golf carts on city streets has taken up an excessive amount of City Council and staff time. She stated that golf carts are part of the social network in the golf communities, and the Sky Mountain Community has scheduled a

golf cart parade on July 4th. She suggested requiring a driver's license because they are motorized vehicles.

Carolyn Mills lives on Sky Mountain Boulevard. Sky Mountain is a golf course community and family. She noted that if this ordinance is passed, golfers will be breaking the law on holes ten through thirteen when they cross the city road.

Craig Kendell stated that no one knew they were breaking the law when driving their golf carts. He feels that the City Council now has an opportunity to legalize the use of golf carts. He supports Option B because it is basic common sense and opposes Option A because it eliminates golf carts.

Steve Garcia thanked Mayor Billings for her comments. Mr. Garcia is a retired law enforcement officer, and he stated that Option A is unenforceable without a colossal waste of Police resources.

Jack Stickley's wife is disabled, and their golf cart allows him to take her around the neighborhood. He reported that no one driving a golf cart wants to drive SR-9 or 600 North. He reported a blind spot on 2500 West where hole ten crosses to hole eleven.

Brett Dennett feels that the age limit of eighteen years is too high. He explained that bikes are less safe than golf carts, and the City doesn't need more laws.

Juliann Miller's biggest concern is for kids and elderly citizens who don't have driver's licenses. Golf carts give them the freedom to get out of the house and visit friends and family.

Richard Foote supports Option B.

Debbie Richardson moved to Sky Mountain because it was a golf community. They invested a lot of money into purchasing their golf cart. They love taking their dog out on the cart, and they don't want to lose that freedom.

Mayor Billings noted that there are no age limitations on farm equipment or ATVs.

Kevin Thomas motioned to approve Option B without amendments. Motion dies for lack of a second.

Fred Hernandez explained that there is a safety course and helmet requirement for underage drivers to operate an ATV. Mayor Billings reported that there is not a safety course for golf carts.

Councilman Hirschi asked what needs to take place to add golf carts into the OHV ordinance. Mr. Hall explained that golf carts were removed from the OHV ordinance.

Golf carts are defined differently in the State Code, and he suggested keeping them separate because each vehicle is used differently.

David Hirschi motioned to approve Option B, striking C.1. Motion dies for lack of a second.

Councilman Prete prefers Option A. He is not opposed to expanding option A to allow more access to use within golf cart communities. He stated that the Council represents the City, not only golf communities. Councilman Sanders reported that Nephi City allows golf carts on city streets. He shared that an officer stopped a child on a golf cart and directed the child to go home. The child was hit by a vehicle and critically injured while driving home. The parents filed a suit against the Police Department because the Officer did not follow the child home. He is concerned about the safety of the citizens and wants to protect City from liability. Mayor Billings reported that in 2020 Nephi passed a law with an age requirement of sixteen years old to operate a golf cart on city streets.

Vicky Nichols lives in Sky Mountain. She asked if the City Council plans to prevent the use of mobility devices on city roads? She stated that many people use their golf carts to drive around the neighborhood and visit. She feels there shouldn't be this much discussion about a problem that isn't there.

Steve Garcia asked why the City Council is creating a policy for one isolated event and not listening to their constituents.

John Rifle lives in Sky Mountain. He agrees that safety is a concern, and he listed the electric modes of transportation allowed on City streets. He feels that golf carts are safer.

Kevin Thomas motion to approve Option B without amendments. Seconded by David Hirschi. Kevin Thomas, Doug Heideman, and David Hirschi voting aye. Joseph Prete and Dave Sanders are voting, nay. Motion carried.

- 2. Ordinance 2022-21: Consideration and possible approval of a proposed Land Code Use Amendment to Title 10, a section of Chapter 7 – regarding conditional use permits and Chapter 15 regarding Highway Commercial building standards.** Ishraj Singh Applicant. Steve Beesley Agent.

Stephen Nelson reported that the City Council voted down the initial draft. The City Council voted to reconsider the ordinance with additional conditions. Mr. Nelson explained that the initial ordinance required enhanced setbacks. He reviewed the changes and recommendations and discussed the recommendations from the Fire Department regarding proximity to Fire Stations. Item number five, six, and seven addressed the average property elevation regarding the location of a building. This

proposal allows different parameters for City Council to review for Greater Height Condition Use Permits. Councilman Prete asked if it is possible to grant credit for a property that is below grade. Mr. Nelson stated that it is possible to base the building height off the curb in front, but there are also complications to this. Councilman Thomas noted that the City Council is spending too much time reviewing this ordinance for one applicant. Councilman Heideman doesn't want buildings higher thirty-five 35 in rural Hurricane. He feels the City Council needs to take a step back and evaluate what they want in the City. Councilman Sanders is comfortable with the building height. He thinks it is important to plan out the City center properly.

Doug Heideman motioned to continue the proposed Land Code Use Amendment to Title 10, a section of Chapter 7 – regarding conditional use permits and Chapter 15 regarding Highway Commercial building standards. Seconded by Dave Sanders. David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete voting, aye. Motion carried unanimously

3. Discussion of changing the code to allow for trucks to park on public streets 6-4-3 (E)

Mayor Billings reported that this discussion is about changing the code to allow semi-trucks to park on public streets. Chief Excell explained that trucks transporting hazardous materials should not be parked in residential areas. Initially, it was illegal in the Hurricane City Ordinance, and at some point, it was removed from the ordinance, making it legal to park in residential areas. In the past, trucks were permitted to park in industrial areas. However, there were problems with theft, trucks running all night, and drivers leaving human waste on the side of the road. He understands the problem that residents who drive semi-trucks have, and he agrees that it is important for them to have a place to park their vehicles. He suggested searching for a location that can serve as a parking area with a permit process. He recommended that the City Attorney and Council members meet to discuss possible changes to the ordinance.

Paula Hughes reported that her son is moving to Hurricane City and will live with her until he can purchase a home. He drives a car hauler and is having difficulty finding somewhere to park. Many residents here need a place to park their trucks, and there is nowhere to park right now. She thinks there should be somewhere for them to park.

Stephen Nelson cited the current ordinance. Mr. Nelson recommended designating certain streets with time restrictions and permitting fees. Councilman Sanders reported that a business on 3700 West has a car hauler parked on their property. Mrs. Hughes stated that her son approached that business and was informed that the parking fee is \$250 per month.

Mayor Billings, Dayton Hall, Chief Excell, Stephen Nelson, Kevin Thomas, and Dave Sanders will meet to discuss ideas.

4. Consideration and possible approval of Resolution 2022-34 approving an increase in billing rates for water usage-Ken Richins

Mayor Billings reported that this is a request to increase the water usage rate by two-cent per one thousand gallons each year for up to five years. Ken Richins explained that this is passing on the cost of water from the Water District. The Water Board voted unanimously to increase the billing rates for water usage.

Dave Sanders motioned to approve Resolution 2022-34. Seconded by Kevin Thomas. Doug Heideman, Joseph Prete, Dave Sanders, Kevin Thomas, and David Hirschi voting aye. Motion carried unanimously.

5. Consideration and possible approval of Resolution 2022-35 increasing the rate for water usage for fire hydrant water used during construction-Ken Richins

Ken Richins reported that developers are using an extreme amount of culinary water to reduce dust in construction areas, and this rate increase will pass that cost onto the developer. The average charge in the County is \$2.97 per thousand gallons, and the Water Board recommended \$3 per thousand gallons.

Kevin Thomas motioned to approve Resolution 2022-35. Seconded by Dave Sanders. Doug Heideman, Joseph Prete, Dave Sanders, Kevin Thomas, and David Hirschi voting aye. Motion carried unanimously.

6. Consideration and possible approval of local consent for a full-service restaurant liquor license located at 1141 W. State #9-Mazatlan applicant

Onice Rodriguez explained that this is a Mexican and Seafood Restaurant located in Grand Circle Plaza. They do not intend to have an extensive drink menu. The applicant owns a restaurant in Cedar City with a liquor license that has been in business for three years, and they have had no violations since they opened their business. Chief Excell has no objections and recommends approval.

Kevin Thomas motioned to approve local consent for a full-service restaurant liquor license located at 1141 W. Seconded by Dave Sanders. Doug Heideman, Joseph Prete, Dave Sanders, Kevin Thomas, and David Hirschi voting aye. Motion carried unanimously.

7. Discussion and possible approval of revoking a residential hosting license - Cindy Beteag

Cindy Beteag reported that a timeline was included in the packet. Mrs. Beteag cited Title 10, Chapter 41, requiring the owner to live in the dwelling. If the City Council

revokes the license, the owner will be removed from the waitlist. Dayton Hall stated that the owner has a license for residential hosting. However, the owner is not in compliance with the necessary conditions to hold the license.

Christian Edwards stated that he received a letter stating they were next on the waiting list. They were then notified that they did not qualify because the home is within three hundred feet of another rental home, and they were unaware of this rule. Mr. Edwards agreed that they are not currently living in the home but explained that they do not rent the entire home. The property is booked up to November, and he is willing to pay the fee for noncompliance. He asked the City Council for six months to get their affairs in order and move their family back into the home. Mrs. Beteag noted that other people that have been in violation are usually given a thirty-day grace period to honor the immediate reservations and rebook the remaining reservations.

Mr. Hall stated for the record that Mr. Edward was not held to the two-minute time restriction and was given a fair and full opportunity to speak to the City Council on his behalf.

Dave Sanders motioned to approve revoking a residential hosting license and allow a thirty-day grace period to come into compliance. The thirty-day grace period starts on July 16th. Seconded by Doug Heideman. Joseph Prete, Kevin Thomas, David Hirschi, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

8. Public Hearing to take comments on the following.

Dave Sanders motioned to go into Public Hearing. Seconded by Kevin Thomas seconded. Motion carried unanimously.

- a. A Sensitive Land application for Peregrine Pointe East/Sky Mountain West located at approximately 600 North and 2800 West
- b. Proposed amendments to the 2021-2022 Fiscal Year Budget
- c. 2022-2023 Fiscal Year Budget

No comments.

Kevin Thomas motioned to go out of Public Hearing. Seconded by Dave Sanders. Motion carried unanimously.

- 9. Consideration and possible approval of a preliminary plat and sensitive lands application for Peregrine Pointe East/Sky Mountain West, a 274 lot residential subdivision located at 600 N and 2800 W. Perry Development LLC Applicant. Greg Sant Agent.**

Stephen Nelson reported that there were design issues on the project due to topography and the road requirements for 2800 West. Mr. Nelson explained that the primary issues with the first design were the cul-de-sac length and double-sided lots. The updated layout addresses those concerns. However, lot forty-four is still a double-sided lot, and lot forty-six is isolated. Mr. Nelson does not have any further issues with the application. Mayor Billings asked if it was possible to exclude lot forty-six. Councilman Prete asked if it was possible to split lots forty-four and forty-six. Greg Sant explained that the lots are evaluated during the construction design process, and they work with their sales team to determine whether the lots appeal to potential buyers. Dayton Hall pointed out that preliminary plat gives entitlement to the applicant, and approval needs to be subject to JUC or staff comments.

Kevin Thomas motioned to approve the preliminary plat and sensitive lands application for Peregrine Pointe East/Sky Mountain West, a 274 lot residential subdivision located at 600 N and 2800 W. Subject to Staff and JUC comments. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders, voting aye. Motion carried unanimously.

Mayor Billings met with a developer who feels the process could be streamlined if the applicant could address Staff and JUC comments before the preliminary plat was presented to the City Council for approval. Dayton Hall stated that the Council can enact that process if they feel it is appropriate. Mr. Sant explained that usually, the property is under contract contingent upon preliminary plat approval. Developers do not want to financially commit to addressing Staff and JUC requirements until they own the land. Mike Vercimack explained that the period between the preliminary and final plat is spent preparing the construction drawings. Working out roadways and utility dedications on the preliminary plat is important. Mr. Nelson reported that steps have been taken to allow JUC and Staff adequate time to review the preliminary plat. Brent Moser agrees with Mr. Vercimack. He noted that other cities have conceptional phases, which developers prefer because it allows them to research whether the project is feasible.

10. Consideration and possible approval of purchasing flags to honor fallen veterans on Memorial Day, Veterans Day, and Wreath's Across America-Fred Hernandez

Fred Hernandez shared that he is honored to oversee the cemetery. He thinks there is a discrepancy in the number of veterans buried at the cemetery. The count at this time is five hundred and fifty. However, there are likely up to six hundred veterans in the cemetery. Mr. Hernandez is asking the City Council to help purchase wreaths to honor their veterans during Wreaths Across America. He reported that the cost is estimated at \$9,000. Mayor Billings stated that she and Councilman Hirschi met with Kent Abegglen to discuss a Veterans Day Tournament to raise the money. Mr. Hernandez stated that if the tournament raised more money than the cost of the wreaths, the money would go

back to the City. Mayor Billings suggested purchasing flags that can be reused for all the holidays. Mr. Hernandez explained that Wreaths Across America only use wreaths. Councilman Hirschi asked about artificial wreaths. Mr. Hernandez agrees that artificial wreaths are ideal, but the cost is nearly three times higher. The wreaths can be stored in a Conex box, which is an additional cost.

Mayor Billings feels confident that the golf tournament can raise \$8,000. Mr. Hernandez asked the Council to commit to funding the remaining cost if the tournament does not raise the necessary amount.

Dave Sanders motioned to continue approval of purchasing flags to honor fallen veterans on Memorial Day, Veterans Day, and Wreaths Across America for two months. During that time, Dave Sanders will meet with Fred Hernandez and Doug Heideman to discuss ideas and solutions. Seconded by Joseph Prete. Doug Heideman, Kevin Thomas, David Hirschi, Dave Sanders, and Joseph Pete voting aye. Motion carried unanimously.

11. Consideration and possible approval of an Inmate Work Crew Agreement with Washington County Sheriff's Office/Purgatory Correctional Facility

Mayor Billings explained that the Purgatory Correction Facility has increased the cost to cover the administrative expenses to oversee the program. Darren Barney and Dayton Hall have reviewed and approve the agreement.

Kevin Thomas motion to approve an Inmate Work Crew Agreement with Washington County Sheriff's Office/Purgatory Correctional Facility. Seconded by Joseph Prete. David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete are voting, aye. Doug Heideman abstained. Motion carried.

12. Consideration and possible approval of Resolution 2022-29 adopting a schedule of fees for services provided and charged at the Hurricane City Animal Shelter-Chief Excell

Chief Excell expressed gratitude to the City Attorney and staff who assisted in the process of creating the fee schedule. Mr. Excell explained that these fees cover the cost of shelter operations and services. The fees are consistent with the surrounding cities. The impound fee is on a graduating scale to discourage continuous incidents. He reported that the kennel license was eliminated, and therefore owners are allowed a maximum of four dogs.

Dave Sanders motioned to approve Resolution 2022-29. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, David Hirschi, Dave Sanders, and Kevin Thomas voting aye. Motion carried unanimously.

13. Consideration and possible approval of Resolution 2022-30 adopting a schedule of fees for GRAMA documents associated with the Hurricane City Police Department-Chief Excell

Chief Excell explained that this request is an update to the fees for GRAMA requests. The fees reflect the administration cost and are consistent with the requirements of the Government Records Management Act and the Archives Board.

Kevin Thomas motioned to approve Resolution 2022-30. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, David Hirschi, Dave Sanders, and Kevin Thomas voting aye. Motion carried unanimously.

14. Consideration and possible approval of Resolution 2022-31 adopting a schedule of fees for services provided and charged for law enforcement services-Chief Excell

Chief Excell reported that this fee schedule covers the cost of law enforcement escorts. In the past, the fee was charged at an overtime rate plus administrative fees, which was an unfair burden on taxpayers. Mr. Excell proposed one hundred dollars per hour which is consistent with surrounding entities.

Dave Sanders motioned to approve Resolution 2022-31. Seconded by Joseph Prete. Doug Heideman, Joseph Prete, David Hirschi, Dave Sanders, and Kevin Thomas voting aye. Motion carried unanimously.

15. Ordinance 2022-35: Consideration and possible approval on a zone change request located at approximately 2470 S 3870 W, from R1-10, residential one unit per 10,000 sq ft to R1-10 PDO, planned development overlay, to reduce the setbacks for the already approved Dixie Heights subdivision. Enhanced Home Builders Applicant. Brent Moser Agent.

Councilman Prete declared a conflict of interest and will not be voting. Brent Moser explained that the property owners are requesting a variance for lots 1-9. They are requesting a five-foot setback on one side with a fifteen-foot setback on the other to accommodate RV pads. Mr. Moser explained that firewalls are only required if the setback is less than five feet. Stephen Nelson reported that there is no variance to allow this, but it can be accomplished with a PDO. If the PDO is approved, it will pertain to the entire subdivision. The Planning Commission's recommendation for approval was for only the nine lots in phase one with the requirement that it follows the Fire Code. Mr. Nelson noted that similar requests were granted in the past. The applicant is not requesting a zone change or increasing density. The preliminary plat is already approved, so this discussion is about how the homes will sit on the property. Councilman Thomas reported that the applicant is willing to mirror every other lot.

Mike Pales is concerned that approving PDO could change the layout in the future. He does not oppose the plan, but it could change in the future. He pointed out that it is necessary to rezone the entire development because lots 1-9 don't meet the minimum acreage requirement.

Brent Clark asked if this is approved and if the developer wants to change the plan, will that change be brought back to the City Council for discussion and approval. Mr. Nelson confirmed that any significant change to the site plan has to be reapproved through the zoning process.

Steve Murphy was concerned because of rumors that these were rental homes. He spoke with Mr. Moser, who ensured that these are not rentals. Mr. Murphy also spoke to Mr. Moser about the sand and tumbleweeds. He asked for a solution to address the dust from Nielson's Development on Sand Hollow Road.

Diana Pales asked whether this will apply to the entire subdivision or exclusively to the nine lots. Mr. Nelson reported that the applicant as written would apply to the entire project but that the City Council can restrict the setback to only apply to the nine lots. Mr. Nelson reviewed the setback requirements in R1-10 zoning.

Dayton Hall noted a correction to his previous comment. Mr. Hall explained that it is possible to change one phase to a different zone. However, a PDO requires a minimum of five acres, and he reported that lots 1-9 do not meet the minimum acreage. He suggested converting the entire subdivision to a PDO listing specific setbacks on specific lots.

Kevin Thomas motioned to approve zone change with the setbacks to remain the standard of R1-10 with the exception that lots 1-9 will have a 25' front setback, a 20' rear setback, and side setbacks of 5' and 15'. Seconded by Dave Sanders. Kevin Thomas, Dave Sanders, and Doug Heideman voting, aye. David Hirschi voting nay. Joseph Prete abstained. Motion carried.

- 16. Ordinance 2022-37: Consideration and possible approval on a Land Use Code Amendment request to Title 10, Chapter 7 and Chapter 39** to consider adding water acknowledgment waiver requirements to land use applications. Hurricane City Applicant

Mayor Billings noted that the Planning Commission gave a positive recommendation. Dayton Hall explained that City Code requires an applicant to sign a Water Acknowledgment Waiver. Mr. Hall explained when the acknowledgment must be signed and what the applicant acknowledges. This amendment was proposed as a resolution, but Mr. Hall feels an ordinance is more appropriate. Another addition in the final plat ordinance is the requirement to include the same note. This information will show up in a title report. Mr. Hall removed other outdated information. Stephen Nelson stated that

this is not required with building permits. Councilman Prete thinks this makes sense and protects the City.

Dave Sanders motioned to approve the Land Use Code Amendment request to Title 10, Chapter 7 and Chapter 39 to consider adding water acknowledgment waiver requirements to land use applications. Seconded by David Hirschi. Doug Heideman, Joseph Prete, David Hirschi, Dave Sanders, and Kevin Thomas voting aye. Motion carried unanimously.

- 17. 2022-PP-09** Consideration and possible approval of a **preliminary plat for Legacy Business Park, a 6 lot industrial subdivision located at 563 S Commerce St.** Liv Dalebout Applicant. Evans & Associates-Chad Spencer Agent.

Joseph Prete motioned to continue the preliminary plat for Legacy Business Park, a 6 lot industrial subdivision located at 563 S Commerce St. Due to the absence of the applicant. Seconded by David Hirschi. Doug Heideman, Joseph Prete, David Hirschi, Dave Sanders, and Kevin Thomas voting aye. Motion carried unanimously.

- 18. Ordinance 2022-39:** Consideration and possible approval on a **Zone Change amendment request located at 650 S and 1100 W from RA-1, residential agriculture one unit per acre, to R1-15**, residential one unit per 15,000 sq ft to facilitate a lot split. Jaymie Wetzel Applicant. Jeffrey Hatcher Agent.

Stephen Nelson reported that the applicant requested a continuation.

Joseph Prete motioned to continue the Zone Change amendment request located at 650 S and 1100 W from RA-1, residential agriculture one unit per acre, to R1-15, residential one unit per 15,000 sq ft to facilitate a lot split. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Dave Sanders, Doug Heideman, and Kevin Thomas voting aye. Motion carried unanimously.

- 19. Ordinance 2022-40:** Consideration and possible approval on a **Zone Change Amendment request and Development Agreement Modification located at 2346 S 1500 W from RA-1, residential agriculture one unit per acre, and M-1, light industrial, to RA-1, residential agriculture one unit per acre, with a PDO, planned development overlay.** Parcel numbers H-3350-A, H-3350-B-1, H-3501-A, H-3357-A-1. Ron Lee and Monterey Jones, LaRae Ellsworth Stout Trust Applicant. Adam Stout Agent

Stephen Nelson reported that Planning Commission gave a positive recommendation on the preliminary plat. The applicant initially requested an exception to the permitted use of the property to allow them to build an additional home on the property and still operate their roofing business. The Planning Commission determined that it was

necessary to have a Public Hearing before they could make a recommendation. The applicant wants to move forward with the process, and a PDO would allow the different types of uses on the property. Mr. Nelson presented the proposed site plan, which divides the property into several different sites and uses. Currently, there is a roofing business, two residential homes, and a basketball gym. The basketball gym was approved with a Conditional Use Permit restricting it to personal use. There are ten and a quarter acres reserved for agriculture space. There are also twelve-quarter-acre lots along 2700 South. This concept clusters agriculture and the Planning Commission favors this plan because it is the best way to conserve agricultural property. The updated development agreement incorporates the use restrictions in the previous development agreement.

Mr. Nelson reported that Engineering had a concern regarding the alignment of the roadway location, but he thinks it can be changed slightly to make it work. He noted that staff would like to add an exception to the future roadway dedication. The dedicated property for the future roadway is within the agricultural space and, by definition, renders the land nonagricultural. Councilman Prete confirmed that this proposal changes the M-1 back to RA-1 but allows the roofing company to continue. Dayton Hall reported that Stuart Stout is his brother-in-law. He pointed out that the development agreement requires the minimum amount of agriculture acreage to remain the same. Councilman Prete stated that Adam Stout provides a great service to the community by allowing community members to use the gym at his expense. He asked if the Council would give the applicant more flexibility in the use of the gym without requiring improvements. Mr. Nelson reported concerns from the City's perspective because it was not built to commercial standards.

Kevin Thomas motioned to approve the Zone Change Amendment request and Development Agreement Modification located at 2346 S 1500 W from RA-1, residential agriculture one unit per acre, and M-1, light industrial, to RA-1, residential agriculture one unit per acre, with a PDO, planned development overlay. Parcel numbers H-3350-A, H-3350-B-1, H-3501-A, H-3357-A-1. with the following change in the Development Agreement Paragraph G Subsection I to add the verbiage "except for any required road dedication." With the rest of the sentence, "each agriculture area shown in exhibit C." Seconded by Dave Sanders. David Hirschi, Kevin Thomas, and Dave Sanders, voting aye. Joseph Prete and Doug Heideman abstained. Motion carried.

20. Consideration and possible approval of Resolution 2022-32 approving the amendments to the 2021-2022 Fiscal Year Budget - Kaden DeMille

Kaden DeMille reported that city staff reviews the budget codes before the end of the budget year to adjust overages and shortages. The change in revenue is \$2,726,922.04. Mr. DeMille reported that the City has grown exceptionally in the past two years. Longevity is listed according to the City Council's approval. A five percent increase will be implemented on July 1st, with a two percent increase in December.

Employee can take the two percent increase as a lump sum with a tax deduction or contribute it toward retirement.

Joseph Prete motioned to approve Resolution 2022-32. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, David Hirschi, Joseph Prete, and Dave Sanders voting aye. Motion carried unanimously.

21. Consideration and possible approval of Resolution 2022-33 approving the 2022-2023 Fiscal Year Budget - Kaden DeMille

The proposed budget is \$65,541,702. Last year's was \$52,488,392 so this is an increase of \$13,053,310 from the 2021-2022 budget. Kaden DeMille reviewed proposed budgets from each department. The primary projects in the budget are the Three Falls parking lot, All Abilities Park, road improvements, expanding Animal Control, the 180 West Bridge for pedestrian crossing, and completion of the rodeo grounds. There is money in the budget for preliminary engineering for the ball fields, a city campus, the Dixie Springs Well and Rlington Parkway Waterline, a building remodel on the Golf Course, and possible gym space at the Community Center. The Power Department's budget includes the 600 North line improvements, Three Falls and Sky Mountain Substation, and AMI metering. There is nine additional personnel in the budget. Mr. DeMille stated that the City is trying to be conservative with the budget while ensuring that the budget includes the funds for the upcoming projects. The administration will continue to monitor the budget heavily.

Dave Sanders motioned to approve Resolution 2022-33. Seconded by Kevin Thomas. Joseph Prete, David Hirschi, Kevin Thomas, Dave Sanders, and Doug Heidemen voting aye. Motion carried unanimously.

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 -

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

None

Adjournment: 11:26 p.m.