

Minutes of the Hurricane City Council meeting held on January 20, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:00 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 Fay Reber, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, Assistant Planning Director Fred Resch III, Street Superintendent Weston Walker, Water Superintendent Ken Richins, Recreation Director Kole Staheli, City Engineer Arthur LeBaron, and City Recorder Cindy Beteag,

AGENDA

3:00 p.m. Special Meeting

Opening Prayer: Cassie Daughtery Youth City Council Advisor

Historical Thought about Flint Wright: Sheila Dutton

National Anthem: Regan Heaps

Pledge of Allegiance: Youth City Council will sign while we say the Pledge

Mayor Nanette Billings welcomed everyone to the meeting and read the rules.

Dave Sanders motioned to approve the rules. Seconded by Joseph Prete. David Hirschi, Joseph Prete, Kevin Thomas, and Dave Sanders, voting aye. Motion carried unanimously.

1. City Council Vacant Seat Interviews

1. Clint Lawton introduced himself for two minutes.
2. Danny Campbell introduced himself for two minutes.
3. Christine Anderson introduced herself for two minutes.
4. Drew Ellerman introduced himself for two minutes.
5. Lea Thompson introduced herself for two minutes.
6. Mark Sampson introduced himself for two minutes.
7. Penny James Garcia introduced herself for two minutes.
8. Clark Fawcet introduced himself for two minutes.
9. April Pinkston introduced herself for two minutes.
10. Amanda Condie introduced herself for two minutes.
11. Doug Heideman introduced himself for two minutes.

12. Chad Daughtery introduced himself for two minutes.

Mayor Billings invited the candidates to exit the room while the City Council conducted interviews with each applicant. She explained that this is a public meeting, and they could choose to stay. Each candidate was allowed to introduce themselves and respond to follow-up questions from the City Council. The candidates were invited to return to the room while the vote was conducted.

Stephen Nelson sent a survey to each Council member, excluding Mayor Billings. Each Council member can vote for two candidates.

Survey one - Lea Thompson and Danny Campbell received one vote. Clark Fawcett, Drew Ellerman, and Doug Heideman received two votes. The remaining candidates received no votes. David Hirschi voted for Lea Thompson and Drew Ellerman. Kevin Thomas voted for Doug Heideman and Clark Fawcett. Joseph Prete voted for Clark Fawcett and Drew Ellerman. Dave Sanders voted for Doug Heideman and Danny Campbell.

Survey two – A second survey was sent to each Council member for the three candidates that received two votes. Clark Fawcett received two votes. Drew Ellerman and Doug Heideman received three votes.

Kevin Thomas voted for Clark Fawcett and Doug Heideman. Joseph Prete voted for Clark Fawcett and Drew Ellerman. David Hirschi voted for Drew Ellerman and Doug Heideman. Dave Sanders voted for Drew Ellerman and Doug Heideman.

Survey three – A third survey was sent to each Council member for Doug Heideman and Drew Ellerman.

Joseph Prete and David Hirschi voted for Drew Ellerman. Dave Sanders and Kevin Thomas voted for Doug Heideman. Tied vote.

Mayor Billings flipped a coin, Doug Heideman heads, and Drew Ellerman tails.

Coin toss result – heads. Doug Heideman.

2. Consideration to appoint a member to the City Council through the vacated term ending on the first Monday of January 2024

Joseph Prete motioned to approve appointing Doug Heideman to the City Council through the vacated term ending on the first Monday of January 2024. Seconded by Dave Sanders. David Hirschi, Joseph Prete, Kevin Thomas, and Dave Sanders, voting aye. Motion carried unanimously.

Doug Heideman was sworn in as the new City Council member.

5:00 p.m. Pre-meeting

6:00 p.m. - Call to Order

Minutes of the Regular City Council Meeting for August 19, 2021

Dave Sanders motioned to approve the minutes for August 19, 2021. Seconded by Doug Heideman. Dave Sanders, David Hirschi, Joseph Prete, Dave Sanders, and Doug Heideman voting aye. Kevin Thomas abstained. Motion carried.

Public Forum – Comments from Public

Report from Planning regarding the Walkable Downtown Survey

Stephen Nelson reported that a Downtown Walking Survey was conducted in October. The purpose of the survey was to obtain public feedback regarding the downtown area and walkability. Fred Resch III reported that thirty-five surveys were received. He reviewed the seven questions and responses. Mr. Nelson reported that the crossing on Main Street and SR-9 were the primary concerns. The main issues are the traffic control freeze features and crossing the state highways. The City Council approved creating a downtown master plan with a recommendation to apply for grants. The Utah Department of Transportation (UDOT) is considering a partnership because there are two state highways through the City. He is confident that the City will be awarded a grant from UDOT. Arthur LeBaron stated that UDOT has shifted from focusing primarily on traffic to emphasizing a focus on active transportation.

OLD BUSINESS

- 1. Consideration and possible approval of a Franchise Agreement between Hurricane City and Infowest**

Mayor Billings recommended continuing the item because the agreement needs to be an ordinance.

Joseph Prete motion to continue approval of a Franchise Agreement between Hurricane City and Infowest. Seconded by Doug Heideman. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

- 2. Consideration and possible approval of a Development Agreement with Southern Shores - Stephen Nelson**

Southern Shores' attorney advised the applicant that Hurricane City is requiring too much from the applicant, and the project has already received approval. Secondly, State statute states that the applicant is not required to engage in the requirements if the City does not have the

requirements in the ordinance. The proposed development agreement is the final draft and indemnifies the City of any flooding. The agreement includes a clause to form a Home Owners Association (HOA). The HOA will obtain liability insurance, holding the HOA and the thirty-four lot owners responsible for any damages. Councilman Prete is concerned because the agreement states that the owner is responsible for obtaining insurance. There is no mention of maintaining the insurance. He asked if the project would create a flood plain. Mike Vermiack explained that anything below a dam could potentially create a floodplain. The applicant explained that the water would run through the historic drainage path, which is required to be maintained by the developers. He noted that the engineer report states that intentional water drainage will not go a fifth of the way to 3000 south. There is no official minimum insurance amount required, and they are collaborating with their insurance company to identify the necessary coverage. Fay Reber feels these concerns should have been discussed before the project was approved. Additional requirements could violate the state code. Councilman Thomas is not worried about the dam breaking but feels that the northern properties should consider the possibility of drainage. The applicant reported that the dam is classified as moderate. The state annually assesses the drainage protocol to determine where the water would flow and any damages it may cause.

Dave Sanders motioned to approve the Development Agreement with Southern Shores. Based on the criteria stated in the letter, obtaining and maintaining insurance and the dam meets state requirements. Seconded by Doug Heideman. David Hirschi, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Joseph Prete voting nay. Motion carried.

3. Discussion and possible recommendation to the Washington County Water Conservancy District regarding extending limited water supplies

Mayor Billings suggested continuing this item, so Councilman Hirschi can meet with the Water Board and bring a recommendation to the City Council. Stephen Nelson has received Councilman Prete's comments. Councilman Prete is concerned that reducing the amount of grass and forcing citizens to obtain specified appliances will make the City less friendly. Mayor Billings agrees with Councilman Prete. She reported that the Southern Utah Home Builders Association is already using the recommendations except for the pool cover mandate. The Mayors are meeting with Washington County Water Conservancy District next Wednesday, and Mayor Billings will meet with Ken Richins to discuss the details of the meeting.

Dave Sanders motioned to continue the recommendation to the Washington County Water Conservancy District regarding extending limited water supplies for one month. Seconded by Kevin Thomas. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval to appoint Susan Lytle to the Beautification Committee

Mayor Billings reported that Suzanne Lytle expressed her interest in serving on the committee to fill the open seat.

Joseph Prete motioned to approve appointing Susan Lytle to the Beautification Committee. Seconded by Doug Heideman. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

2. Discussion and possible decision regarding the City Attorney and Prosecutor's positions

Mayor Billing reported that hiring a City Attorney was approved in the budget. However, the position has not been filled. The prosecution duties are also included in the budget. The City needs to decide whether to hire a full-time attorney or a firm. Fay Reber explained that he is a part-time City Attorney and is willing to continue in his Prosecutor position. The benefit of hiring an in-house attorney is their availability to staff and meeting attendance. The benefit of hiring a firm is that a firm has multiple attorneys with different areas of expertise. Kaden DeMille reported that a full-time attorney is preferable.

Kevin Thomas motioned to approve hiring a full-time in-house attorney with Fay Reber remaining in the Prosecutor position. Seconded by Doug Heideman. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

3. Consideration and possible award of bid for Dixie Springs well materials, including low carbon steel well casing - Ken Richins

Ken Richins reported that the City put out a bid to drill the Dixie Springs Well. Initially, bidders were concerned about the continuing increase in materials costs, and the bid was updated to include only the materials. Two bids were received. The Scholzen bid was \$46,491.15, and the Rosco Moss bid was \$44,977. A clause within the code allows a local bidder to match the lowest bid.

Joseph Prete motioned to allow Scholzen's Products to match the lowest bid and be awarded the contract for the Dixie Springs well materials, including low carbon steel well casing. Subject to the City Attorney confirming that the matching ordinance is effective, if the ordinance is not in effect, the award will go to the lowest bidder Rosco Mose for \$44,977. Seconded by Doug Heideman. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

4. Consideration and possible award of bid for the Dixie Springs well materials including stainless steel screen - Ken Richins

Ken Richins reported that two bids were received. The bid from Rosco Moss is \$97,565, and the bid from Western Hyrdo Johnson Screen is \$140,382.78. Mr. Richins does not know why there is such a vast difference in the bid amounts.

Dave Sanders motioned to award the bid for the Dixie Springs well materials, including stainless steel screen, to Roscoe Moss for \$97,565. Seconded by David Hirschi. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

5. Consideration and possible award of bid for Dixie Springs well materials including well filter gravel pack - Ken Richins

Ken Richins reported that two bids were received. The bid from Red Flint is \$28,042.40, and the bid from PW Guillibrand is \$49,824. Mr. Richins reported that the freight cost in the bid from PW Guillibrand was nearly as much as the gravel pack.

Doug Heideman motioned to award the bid for Dixie Springs well materials, including well filter gravel pack, to Red Flint for \$28,042.40. Seconded by Joseph Prete. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

6. Consideration and possible approval of a Resolution appointing Nanette Billings as a representative on the Steering Committee on The 5 County Board

Mayor Billings reported that John Bramall served on the committee while he was Mayor. Councilman Prete noted that it is customary for the Mayor to serve on the committee. The 5 County Association of Government assists low-income households, and they help coordinate transportation planning, housing assistance, heat assistance, and manage grant applications.

Doug Heideman motioned to approve appointing Nanette Billings as a representative on the Steering Committee. Seconded by Kevin Thomas. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

7. Discussion regarding headstone height at the Hurricane Cemetery - Nanette Billings

Mayor Billings reported that Hurricane City's headstone height ordinance limits the marker to thirty-six inches from the ground to the top. She provided pictures of the height of headstones from the National Government Headstones and Markers. The headstones are made for veterans and provided at no cost. The headstones are taller than the allowed height, and she would like to find a solution to ensure that the headstones from National Governments Headstones and Markers comply with the ordinance. Kaden DeMille noted that he has no concerns about the height of the markers for veterans. There are two headstones in the

cemetery taller than thirty-six inches, which are not for veterans. Darren Barney reported that the headstone measurements were listed on the form. He feels that the size was mistakenly overlooked. Councilman Prete asked if it is possible to require that military markers are set lower in the ground to meet the ordinance specifications. Mr. Barney reported that the military markers could be set lower. The main concern is the two headstone markers that were knowingly set in non-compliance. Councilman Prete understands that this is a delicate situation. Mr. Barney reported that the height ordinance is necessary for cemetery maintenance purposes. He noted that headstones are paid for before completing the form required by the City, and some leniency should be given in these circumstances. The measurements have been provided to the monument companies, but more education could help. The City Council does not think changing the ordinance is necessary. Most families are willing to comply. Effectively educating the monument companies will hopefully eliminate this issue in the future.

8. Discussion and possible decision regarding **renewing the contract with Granicus - Cindy Beteag**

Fred Resch III explained that Granicus is used to enforce the city ordinances on short-term rentals. Granicus identifies which houses are short-term rentals by searching vacation rental sites and cross-referencing with google street view and other real estate websites. Short-term rental complaints are entered into Granicus, and Granicus automatically sends out warning letters when a complaint is entered. Stephen Nelson reported that the staff has been using Granicus for nine months. However, it took time to set up the program. Councilman Prete reported that the City Council was assured that the revenue from the fines would cover the cost of the service. Mr. Resch III reported that fines are complicated due to how the code is written. Mr. Nelson explained that if the enforcement is handled in an administrative or civil approach, infractions and fines would be easier to enforce. However, the ordinance has to be updated to allow that. The City Council would like to see a draft ordinance as soon as possible. Councilman Prete suggested continuing the service for another year, allowing Granicus time to work with an updated ordinance. Mayor Billings also recommended continuing the item to allow time for the ordinance to be updated.

Joseph Prete motioned to continue the decision regarding renewing the contract with Granicus until the 11th month of the contract. Seconded by Doug Heideman. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

9. Consideration and possible approval of an **updated preliminary plat for Peregrine Point West Phase 1-4 Amended, located at 600 N and 3100 W. Perry Development Applicant, Greg Sant Agent.**

The applicant requested a continuation to the next meeting.

David Hirschi motioned to continue consideration and possible approval of an updated preliminary plat for Peregrine Point West Phase 1-4 Amended, located at 600 N and 3100 W. Seconded by Doug Heideman. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

Mayor Billings reported that there is an open position for a Human Resource, Building Inspector, Building Official, Building and Planning Clerk, Utility Locator, Police Officer, and City Attorney.

Mike Vercimak reported that the preconstruction for the Intermountain Healthcare campus is on January 25th at 8:30 a.m.

Stephen Nelson reported that the thank you party for the outgoing Council and Mayor is on Monday 24th, at 5:00 p.m.

Councilman Prete read a statement about Mayor Bramall's Lifetime Achievement Award.

Joseph Prete motioned to adjourn. Seconded by Kevin Thomas. Motion carried unanimously.