

Hurricane City Special Council Minutes amended – February 28, 2022

Minutes of the Hurricane City Council Amended Special meeting held on February 28, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 6:00 p.m.

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

Staff Present: City Manager Kaden DeMille, Planning Director Stephen Nelson, Street Superintendent Weston Walker, Public Works Director Mike Vercimack, City Engineer Arthur LeBaron, Power Superintendent Scott Hughes, Water Superintendent Ken Richins, Parks Superintendent Daren Barney, Police Chief Lynn Excell, Fire Chief Tom Kuhlmann, and City Recorder Cindy Beteag.

6:00 p.m. -Call to Order

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer

Deward Stout

Memorial Thought to Honor Dell Stout

Nanette Billings

Song Written by Dell Stout

Pledge

Deward Stout

Consideration and possible approval of an easement agreement with Kenneth Heaton-Arthur LeBaron

Mayor Billings shared thoughts on the Balm of Gilead. She asked for everyone in attendance to be respectful of each other's thoughts on the subjects discussed tonight.

Arthur LeBaron reported that this easement grants access to Kenneth Heaton's property through Hurricane City property. It is on the corner of SR-9 and 700 West. The City does not want an access point off SR-9 or closer to the intersection on 700 west. Stephen Nelson noted that a preliminary site plan for a coffee shop on this parcel was received today.

Kevin Thomas motioned to approve an easement agreement with Kenneth Heaton. Seconded by Dave Sanders. Motion carried unanimously with Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye.

Discussion on the process of annexing property from the County to the city

Mayor Billings read State Law 10-2-401.5 Annexation Policy. The city can annex an unincorporated area without an annexation petition if it complies with the State Annexation Policy. Planning Director Stephen Nelson discussed the policy criteria that a city must meet to force annexation. Besides the annexation criteria, there are other things to consider, like the financial burden to the city residents and whether the residents in the area support the annexation. The council also needs to consider what it will take to get utilities to the area.

Mayor Billings discussed what she thinks the pros and cons are for the City and the citizens to annex. The citizens will have a vote in the municipal election and a voice at City Council meetings. The con for citizens is an additional municipality tax. The cons for the City are taking over old water tanks, roads, pipes, and infrastructure.

Water Superintendent Ken Richins stated that the water department is in agreement with Washington County Water Conservancy District and already provides some water to Sky Ranch. Hurricane City's water tanks are higher than the districts, so water pressure will increase if the area is annexed. The district would like Hurricane City to take over the water system, but the annexation must be approved for that to happen. The Conservancy District continually has water line breaks. If the City takes over the system, the Water Conservancy District will be responsible for bringing water lines up to the City's standards. The annexation will provide a network through the city's water system, making the system more dependable. Steve Nation asked who is responsible for running the copper line from the meters to the house. Mr. Richins stated that this would not be a required update, but it is at their cost if the citizens choose to do so.

Power Superintendent Scott Hughes reported that the cost of power should be cheaper for the residents. The City will have to buy the infrastructure from Rocky Mountain Power, but there is no upfront cost to the citizens. The outage response time will be faster.

City Engineer Arthur LeBaron reported that the City would be responsible for maintaining the roads and drainage. There is work that needs to be done in that area.

Street Superintendent Weston Walker has also noticed problems with the drainage. New developments will need to meet the City's standards. If the water lines are replaced, the roads will have to be dug up.

Public Works Director Mike Vercimack thinks there will need to be a runway protection zone.

Police Chief Lynn Excel stated that Hurricane City is closer to the area than Washington County, so our officers are already being dispatched to the scene. They will need to add another district, but he thinks they will be able to provide better service.

Parks Superintendent Darren Barney is not aware of any public parks in the area.

Fire Chief Tom Kuhlman stated that the annexation does not impact them. They are looking at putting a station in this area already.

Public Comment

Ross Johnson, Airport Manager at Sky Ranch, reported that many houses in this area do not have water pressure valves. There are problems with vacation rentals. Mayor Billings said that the City Council is looking at ordinances to address vacation rentals. He would like to have volunteer firefighters in the area.

Mike Benson lives in Cliff Dwellers. He would like to know if there would be retro actions for the existing homes for the curb and gutter. Mr. LeBaron reported that the City would not make citizens go back and

put in the curb and gutter. Mr. Benson wants to know about curb and gutter requirements for the vacant lots. Mr. Nelson reported that this would be addressed in an annexation agreement. Mr. Benson asked for clarification about what will happen with the sewer. Mayor Billings read a response from Mike Chandler with Ash Creek Special Service District. Their policies will not change, and they strongly recommend moving forward with the annexation.

Steve Nation reported that homes in Sky Ranch have septic systems that flow toward the runway. The City will need to dig forty feet deep to reverse the flow from the runway. When Moccasin Flat was annexed into the City, he brought concerns about the drainage ditch that were not addressed. The City now surrounds Sky Ranch due to annexations, and they did not get to have any input.

Jackie Soques lives in Cliff Dweller Ranch. She thanked everyone for their time and comments. She asked the City to consider studying the emergency services that go into the area. Bringing a property into the municipal boundaries is typically an economic benefit to the City, and the long-term consequences are always negative. There is nothing wrong with developing outside of town.

A resident of Adobe Hills asked about streetlights. Copper Rock could not get approval without streetlights. Mr. LeBaron reported that the City did not require streetlights in Moccasin Flats to protect the dark skies. He does not think the City will rush in and require streetlights. The resident's husband thinks the annexation benefits the City. We do not want this annexation. He is also concerned about the PID's and the water usage. There is a big problem with vacation rentals in the area. Sometimes there are parties with 150 people. He asked how the annexation would affect the vacation rentals. Mr. Nelson reported that this could be addressed in the agreement. Mayor Billings explained the financial aspects of the PID. She discussed the City's water supply. Mr. Hughes reported that the power department typically installs a streetlight every three hundred feet. But if the citizen does not want the light, we do not install it.

Patty Nation lives in Sky Ranch. She would like to know what the plans are for 1100 West. No one goes the speed limit, and it is not safe to walk on the roads anymore. We need more stop signs. Mr. LeBaron reported that the City Council recently adopted an active transportation plan that calls for a twelve-foot paved path for pedestrians. He does not anticipate additional stop signs in the area. Mr. Ross suggested adding roundabouts.

Gladys Nemacheck lives in Sky Ranch. She asked if the city would maintain the underground power lines. Mayor Billings confirmed that the City will.

Tadd lives in Cliff Dwellers. He asked if he would be charged for sewer even though he is on a septic system. He would like to know what guarantees the citizens have that the items discussed will be honored. Mayor Billings stated that he would not be charged for sewer. Mr. LeBaron does not think the annexation will change anything regarding the sewer line along 1100 W. Mayor Billings reported that these items would be in the annexation agreement.

Fred Pearson living in Cliff Dwellers reported that this is the third discussion about annexations in the area. He does not know anyone who wants the annexation, and he would like to know the costs to the residents. Mr. Hughes provided examples of potential electric costs.

Douglas Washburn reported that he is building in Copper Cliffs. He is installing a septic system because he cannot hook up to the sewer, and the septic system could be obsolete in a year because of the updated lines. He asked if there would be a policy that will allow him to remain on his system.

Councilman Sanders feels like the residents should make this decision. We will provide them with the data to make an informed decision. Councilman Prete stated that the statute gives the City the ability to annex even if the citizens do not initiate it. The annexation will allow the City to regulate vacation rentals and provide better emergency services. He does not think the annexation will bring dramatic changes. The taxes will increase slightly, but the utility cost will decrease. Councilman Hirschi asked for a raise of hands from those who are for the annexation. Only a small number of citizens in attendance want the annexation. There are still questions that need to be answered. He wants to honor the citizens. Councilman Thomas does not feel that the City will gain anything from this annexation. He does not want the annexation unless it is what the citizens want. Councilman Heideman has talked to citizens who have expressed concern about being forced to annex into the City. The airport has not been addressed yet. However, he does think the annexation will be better for the City and the citizens.

Mary Ann Perkins asked what percentage of the residents would have to agree if there was a vote. Mr. Nelson reported that if the City forces the annexation, the citizens do not get a vote. If the citizens petition for the annexation, there are petition requirements. Mr. Heideman discussed the different tax rates between the City and the County.

Mr. Washburn asked if there was enough water for the residents to put in grass to cut down on the dust. Mayor Billings reported that an ordinance is being discussed to address lawn and water conservation.

Jane Deeds asked where the County stood on this. Mayor Billings reported that the County approached the City requesting this annexation, but there is no petition from the citizens.

Mayor Billings reported that the Council would have every department prepare information regarding the costs. Mr. Nelson asked if the Council wanted the staff to organize information on forcing the annexation. The City Council stated they do not want to force the annexation. They want the residents to have more information so they can decide if they want to petition for the annexation.

Kevin Thomas motioned to go into a closed session at 8:15 p.m. to discuss the purchase, exchange, or lease of real property. Seconded by Doug Heideman. Motion carried with Joseph Prete, David Hirschi, Dave Sanders, Doug Heideman, and Kevin Thomas voting aye.

Adjourned at 9:17 p.m.