

Minutes of the Hurricane City Council meeting held on January 06, 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

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director Stephen Nelson, Street Superintendent Weston Walker, Recreation Director Kole Staheli, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes, City Recorder Cindy Beteag, Fire Chief Tom Kuhlman, and Ash Creek Sewer District Superintendent Mike Chandler.

AGENDA

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

Ken Richins reported the department is in the final phases of drilling a new well by the Dixie Springs tank. The department sent out new bids, which include separate components because bidders had difficulty estimating costs due to the shortage of materials.

Mike Chandler reported that the Sewer District is in the process of acquiring pipe and manholes for the pipeline project along Sand Hollow Road. He anticipates the project to start in March. The project will cause disruption along Sand Hollow Road. A new chemical feed system has been implemented to address the odors caused by corrosion.

Police Chief Lynn Excell reported there are four open positions in the Police Department. Four new officers are in the Police Academy; three candidates have completed testing and are pending background checks. Animal control and the school crossing program are fully staffed. Mr. Excell reported that most officers work twelve-hour shifts to cover the lack of staffing.

Chief Kuhlman reported that the department was dispatched on 4,067 calls last year and 4,501 calls this year. Unfortunately, response times have dropped. One hundred fifty people responded to the help wanted sign, and seventy-two passed testing.

Kole Staheli reported that registration for the spring athletic programs are underway. Auditions for the spring musical and theatrical presentation of Sponge Bob Square Pants start in two weeks. The six-week fitness challenge started on Monday.

Weston Walker introduced himself as the new Street Department Superintendent. The department has started maintenance on the roads identified for chip and slurry seal, and there are issues with trenches settling on 3000 South.

Mike Vercimack reported that the Utility Locator is studying to become a Building Inspector. The advertisement for the airport runway lighting project is in process, the pre-bid meeting is on February 12th, and bids open on February 27th.

Arthur LeBaron reviewed the role of the Engineering Department.

Stephen Nelson reported there are two open positions for Building Inspectors and one open position for a clerk position. Staff is in the process of updating ordinances to go before the Planning Commission. A variance request was filed with the City, and the variance will be reviewed by the Appeals Board tomorrow at 10:30 a.m.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer: Rajan Zed

Thought and Pledge: Rebecca Evans

Public Forum – Comments From Public

OLD BUSINESS

1. Consideration and possible approval of a Development Agreement with Southern Shores – Stephen Nelson

Brittany Christensen stated that Southern Shores has secured liability insurance to cover damage caused by any breach in the dam. However, the liability insurance only covers damages in the event of a breach; it will not pay for replacing the dam. After development is complete, the Home Owners Association is required to hold the insurance as long as there is water in the lake. She noted that this stipulation is not included in the drafted Development Agreement. Councilman Thomas feels this needs to be included in the Development Agreement. Councilman Prete is concerned about the future burden and liability to the City when the developer or HOA is not available to pay for damages. He is uncomfortable with the Development Agreements as it is written. Fay Reber suggested adding a provision to require a specified amount of liability insurance. Stephen Nelson explained that the preliminary plat has been approved, and the construction drawings will be approved after the development agreement is in place. He noted that there are natural channels that the water will flow through. However, that will change as the property is developed.

Kevin Thomas motioned to continue Consideration and possible approval of a Development Agreement with Southern Shores. Seconded by David Hirschi. Joseph Prete, Dave Sanders, David Hirschi, and Kevin Thomas, voting aye. Motion carried unanimously.

NEW BUSINESS

1. Update and discussion on rates changes for Solid Waste District – Kevin Knuz

Kevin Knuz explained that the district has not increased rates in ten years. With the Countywide growth, multiple solid waste lines of business are operating at a loss. Under the current rates, in 2022, a seventeen million dollar revenue will only net the district thirteen thousand dollars. Mr. Knuz presented safety issues at the landfill, the cost of vehicle repair, and the projected plan for future infrastructure. The infrastructure project is estimated at fifteen million dollars. The district must generate revenue to fund repairs and projects.

2. Presentation of the 2020 – 2021 annual audit – Hinton Burdick

Chad Atkinson presented the fiscal year 2020-2021 annual audit.

3. Consideration and possible approval of a Franchise Agreement between Hurricane City and Infowest

Kelley Nyberg, CEO of Infowest, reported that this agreement will allow them to invest additional money into expanding services in Hurricane City. This agreement is modeled after agreements within surrounding cities. Mike Vercimack would like the warranty period increased from eighteen months to twenty-four months. Councilman Prete would like to confirm that the tax rate on this agreement is similar to other Franchise agreements.

David Hirschi motioned to accept the Franchise Agreement between Hurricane City and Infowest subject to increasing the warranty period to twenty-four months. Seconded by Dave Sanders. David Hirschi and Dave Sanders, voting aye. Joseph Prete and Kevin Thomas, voting nay. Tie vote. Mayor Billings voting nay. Motion failed.

Councilman Prete and Councilman Thomas would like to compare this agreement to other active franchise agreements within Hurricane City before approval.

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

4. Public Hearing to take comments on the following:

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

- A. A sensitive lands application for Paraiso subdivision, a 390 unit residential development, located at 2850 W 390 N

No comment.

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

- 5. Consideration and possible approval of a **preliminary plat and sensitive lands application for Paraiso subdivision**, a 390 unit residential development, located at 2850 W and 300 N. Middon LLC Applicant

Adam Allen represents the client. He explained that this subdivision was owned by the Plum Gardner group and is now owned by the Middon Group. The PDO and preliminary site plan were presented in August. They have submitted the preliminary grading and geotech plans and worked through the sensitive land with Stephen Nelson and Arthur LeBaron. Mr. Nelson reported that the preliminary site plan meets the density and criteria for the approved zone change. There are two pickleball courts in each park. The City Council asked for pavilions, restrooms, and playgrounds in the parks. He thinks the developer is open to amenity suggestion, but the criteria for the zone change has been met. Mr. Nelson noted that the block lengths are eight hundred and forty feet. However, he and Arthur LeBaron think it will meet the standard if a paved trail is provided. Mr. LeBaron explained that block lengths serve three purposes; utility looping, emergency service access, and quality of life. The utility looping and emergency access are not a concern, and he feels the trails will provide a neighborhood aspect.

Dave Sanders motioned to approve the preliminary plat and sensitive lands application for Paraiso subdivision, a 390 unit residential development, located at 2850 W and 300 N. subject to staff and JUC comments including the tonight's comments regarding continuing the path. Seconded by Joseph Prete. Dave Sanders, Kevin Thomas, David Hirschi, and Joseph Prete, voting aye. Motion carried unanimously.

- 6. Consideration and possible approval of a **MOU with UDOT** – Arthur LeBaron

Arthur LeBaron explained that the Romney Group has proposed to build an interchange on SR-7 at 3500 South. Utah Department of Transportation (UDOT) requires a memorandum of understanding (MOU) with the developer. UDOT has requested Hurricane City to participate in the MOU because the interchange is located within the City. The MOU covers the requirements placed on the developer and clarifies the City's duty to maintain the top surface of the overpass after the project is complete.

Dave Sanders motioned to approve the MOU with UDOT regarding the 3500 South interchange. Seconded by Joseph Prete. Kevin Thomas, Dave Sanders, David Hirschi, and Joseph Prete, voting aye. Motion carried unanimously.

7. Consideration and possible approval of an MOU between Washington County Water Conservancy District, Hurricane City, and River Valley Development regarding the Bench Lake Water Line Easement – Arthur LeBaron

Arthur LeBaron explained that River Valley Development needs an easement from the Conservancy District for a water loop to the Cordero project. The Conservancy District has requested an MOU between River Valley Development, Hurricane City, and the Water Conservancy District. The MOU requires the developer to purchase the easement and install the water line to Hurricane City standards. Mr. LeBaron explained the easement will be granted to Hurricane City.

Joseph Prete motioned to approve the MOU between Washington County Water Conservancy District, Hurricane City, and River Valley Development regarding the Bench Lake Water Line Easement. Seconded by David Hirschi. Dave Sanders, Kevin Thomas, David Hirschi, and Joseph Prete, voting aye. Motion carried unanimously.

8. Discussion and Consideration of Approval of Resolution 2022-01: Updating the Planning Commission Term Schedule and reappointment of Ralph Ballard and Penny James-Garcia to the 2022-2026 Terms.

Stephen Nelson reported that by State Law, the City is required to have a Planning Commission. Mr. Nelson cited the Hurricane City Code, which established and defined the terms of the Planning Commission. The terms of the Planning Commission are inconsistent and do not comply with the code. The goal of this resolution is correct the appointments and term dates. He reviewed the terms of the current commissioners. Ralph Ballard and Penny James-Garcia have expressed interest in continuing to serve on the Planning Commission.

Kevin Thomas motioned to approve Resolution 2022-01 updating the Planning Commission term schedule and reappointment of Ralph Ballard and Penny James-Garcia to the 2022-2026 Terms. Seconded by David Hirschi. Joseph Prete, Dave Sanders, David Hirschi, and Kevin Thomas, voting aye. Motion carried unanimously.

9. Discussion regarding golf carts on public roadways pertaining to House Bill 184 – Richard Foote

Richard Foote has lived in Hurricane City for eleven years. He works at a Comfort Inn and his only form of transportation is his bicycle and golf cart. He has been stopped several times by

police while driving his golf cart. They are usually very understanding of his situation. However, some officers have threatened to tow his golf cart. Mr. Foote explained that House Bill 184 allows a municipality to treat golf carts as bicycles. He requests that the City Council address the current law and permit him to operate his golf cart on the highway. Mayor Billings explained that the bill authorizes the municipality to allow the operation of golf carts on a highway under certain circumstances. However, it is challenging to allow operation on a highway for specific people. Stephen Nelson explained that the City can not authorize the use of a golf cart on a state highway. Chief Excell reported that Mr. Foote is a good member of the community, and he empathizes with his situation. He feels that the City needs to review the OHV and ATV ordinance to determine whether this can be allowed within that ordinance. He is concerned about allowing unrestricted use of golf carts on City roadways. Mayor Billings and the City Council will work on an ordinance to address this situation.

10. Appointment of Council Members to various boards - Nanette Billings

Mayor Billings provided prepared resolutions with designated appointments.

Dave Sanders motioned to approve the appointment of Council Members to various boards. Seconded by Joseph Prete. Dave Sanders, David Hirschi, Kevin Thomas, and Joseph Prete, voting aye. Motion carried unanimously.

11. Consideration and possible approval of the annual meeting schedule

Mayor Billings reviewed the annual meeting schedule for the City Council, Commissions, and Boards.

David Hirschi motioned to accept the annual meeting schedule as described. Seconded by Joseph Prete. Kevin Thomas, David Hirschi, Dave Sanders, and Joseph Prete, voting aye. Motion carried unanimously.

12. Consideration and possible approval of a resolution approving participation in the Utah opioid abatement fund and settlement allocation MOU - Kaden DeMille

Kaden DeMille explained that this is a nationwide settlement that has taken place to resolve a series of opioid litigations. The purpose of the resolution is to provide funds for the State and local entities to combat and abate opioid issues. Mr. DeMille reported that the Utah League of Cities and Towns has recommended participation.

Kevin Thomas moved to approve a resolution approving participation in the Utah opioid abatement fund and settlement allocation MOU. Seconded by Dave Sanders. Joseph Prete, Dave Sanders, David Hirschi, and Kevin Thomas, voting aye. Motion carried unanimously.

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

Mayor Billings stated Hurricane City has an ordinance that addresses water conservation. Ken Richins reported that the Water Department is in the process of installing a metering system that will significantly help conserve water. Stephen Nelson noted that water efficiency standards in new construction are not addressed in the current ordinance. The Conservancy District recommends WaterSense appliances, hot water recirculation systems, and limiting lawn area in new construction. The Planning Department is reviewing the landscape and new construction standards to find ways to address water conservation. He will bring the recommendations to the Planning Commission and City Council.

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	Historical 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 -

Adjournment: 9:35 p.m.