

Minutes of the Hurricane City Council meeting held on August 4, 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:** Dave Sanders, Kevin Thomas, and Doug Heideman. Members excused: Joseph Prete and David Hirschi.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, Street Superintendent Weston Walker, Ash Creek Superintendent Mike Chandler, Recreation Director Tiffani Wright, Human Resources Director Sel Lovell, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, and Fire Deputy Merlin Spendlove.

AGENDA

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

Scott Hughes reported that a disclaimer was added regarding the power for the Cordero area. He reported many concerned and unhappy citizens attended the Open House for 1100 West. The engineering team will compile the comments so they can be addressed. The department is working to obtain easements on 1300 South. He reported that there is a lot of support in the City to get utilities to the south end of town.

Sel Lovell reported the grant writer position was filled, but there are still a lot of open positions.

Chief Excell expressed appreciation to Sel's for his help. Two new employees will be introduced to the Council tonight, and twelve applicants will be tested on the 16th. He has a great group of officers that he appreciates. Mr. Excell thanked Weston Walker and the Street Department for helping with the flooding last week.

Mike Chandler reported that the final blasting for the Reach 11 project was yesterday. The stretch along Sand Hollow Road should be finished within two weeks. He anticipates the Reach 11 project will be complete by mid-October. They have taken on a significant amount of water during the last couple of storms, and he feels lucky to have only had a few power outages. The bonding for the Confluence Park Project was finalized during the previous board meeting, and the closing of the bond is on August 18th. The new rates are in effect, and the citizens have relatively understood the increase. He reported eleven thousand connections between the three cities and thirty thousand outstanding will-serve letters.

Merlin Spendlove reported that blasting regulations are set and heavily regulated by the State. The Fire District must be present during every blast. Blast notifications are sent to homes within six hundred feet of the closest point of the blast. Because of the lava rocks in the area, the blasts can be felt for a long distance. Independent contractors use machines to monitor the

shockwaves. The machines are required if homes are within eleven hundred feet of the blasting area. The Fire District is notified if the blast exceeds the allowed parameters. The Fire Department cannot stop blasting if the contractor complies with State regulations.

Weston Walker reported that the Street Department is working hard to clean up from the storms. They have had to close 1150 West several times because of the water levels. They have spent much of the week repairing a storm drain box in Dixie Springs. The radio transmitter stopped working on one side of the crosswalk on 870 West. The company is replacing the transmitter, but he does not have a timeline of when it will arrive. He is still working with Straight Stripe for the completion of 900 South. Councilman Thomas voiced appreciation to the Staff for their work during the storms.

Arthur LeBaron looked at the steel building being donated by Bob Lichfield. The structural members and sheeting look good, but he is concerned because there aren't plans or specifications for the building. However, his recommendation is to accept the building. He reported that the Open House for the 1100 West project was controversial. He understands the project's sensitive nature and appreciates the citizens' feedback. The earthwork has started for the 2800 West project, and he has received several complaints about the dust and noise. Utah Department of Transportation (UDOT) has reported that there will not be any blasting on the Hwy 59 expansion. The department is busy working on development plans and preparing for the Peach Days Parade. Mr. LeBaron reported that Pam Blackmore filled the GIS position, and she is excellent to work with. He also thanked Jeremy Pickering for doing a fantastic job. The Beautification Committee is creating a site plan to present to UDOT for additional improvements to the entrance sign on the west side of the town.

Stephen Nelson reported that the Planning Commission meeting was canceled last week due to lacking a quorum. The Public Hearing for the Moderate-Income Housing Plan is next week. He is ready to submit the RFP for the Master Downtown Plan and will submit the plan no later than Monday. They have interviewed candidates for the building inspector positions, but few applicants are fully qualified. He is preparing a program to help train and license the hired candidates. The interview process for the Hearing Officer starts next week. Mr. Nelson reported that Old Business item one is pending legal review and is not ready for approval, but he would still like feedback from the City Council. Old Business item three is not ready and should be continued.

Dayton Hall reported that the five unpaid citations issued for short-term rental violations will be turned over to small claims court. He noted that only three Council members are present; therefore, every action item must be continued if the vote is not unanimous.

Mike Vercimack reported that every department has been busy responding to storm calls.

Tiffani Wright reported that the department is busy preparing for Peach Days. Little Mermaid is now open, and the ticket sales have exceeded her expectations. The Back to School and Business Expo is on August 20th at the Community Center.

6:00 p.m. - Call to Order –

Prayer, Pledge, and Thought: Susan Dransfield with Daughters of the American Revolution

Declaration of any conflicts of interest

None

Minutes of the Regular City Council Meeting for January 20, 2022, and July 7, 2022

Kevin Thomas motioned to approve the Minutes of the Regular City Council Meeting for January 20, 2022, and July 7, 2022. Seconded by Dave Sanders. Doug Heideman, Kevin Thomas, and Dave Sanders, voting aye. Motion carried unanimously.

Mayor Billings asked community members to reach out to the Council or staff to report good deeds they see in the community.

Mayor Billings thanked Scott Hughes for taking down the flags and washing them at home. She thanked Kaden Demille for his hard work and countless hours preparing the budget and being conservative with taxpayer dollars. She also thanked Officer Roundy for helping a disabled citizen bring in his trash can.

Chief Excell introduced new officers, Christopher Goree and Ryan Gazlay.

- 1. Consideration and possible approval of a proclamation designating September 17 through 23 as Constitution Week** - Karen Shuman, Daughters of American Revolution

Kevin Thomas motioned to approve the proclamation designating September 17 through 23 as Constitution Week. Seconded by Dave Sanders. Doug Heideman, Dave Sanders, and Kevin Thomas, voting aye. Motion carried unanimously.

Public Forum – Comments From Public

Rich Hentosh reported that the blasting by Scenic Pointe vibrates through the homes in the area. Some of the homes are starting to have hairline cracks in the foundation. He doesn't think the residents were informed of the first blast. He would like the City to research and verify that the sensors are correctly placed. Mayor Billings asked Mr. Hentosh to speak with Chief Merlin Spendlove regarding the best way to address the situation.

OLD BUSINESS

1. Consideration and possible approval of **Ordinance 2022-36 amending Title 10, Chapter 3, Chapter 13, Chapter 33, and Chapter 34 and Title 4 Chapter 2- with regards to site plan design, open space and amenities, outdoor lighting, and parking in new developments.** Hurricane City Planning Applicant.

Mayor Billings reported that there have been no changes since the previous meeting. Councilman Thomas suggested raising the kelvin rating to 4K, and he would like to review the street parking.

Kevin Thomas motioned to continue Ordinance 2022-36 amending Title 10, Chapter 3, Chapter 13, Chapter 33, and Chapter 34 and Title 4 Chapter 2- with regards to site plan design, open space and amenities, outdoor lighting, and parking in new developments. Seconded by Doug Heideman. Dave Sanders, Doug Heideman, and Kevin Thomas, voting aye. Motion carried unanimously.

2. Consideration and possible approval on a **preliminary plat for Cordero Phase 3, a 214 lot residential subdivision, located at 2100 W 3900 S.** Brant Tuttle Applicant.

Mayor Billings reported that there are still double frontage lots on 2100 West, but the number of double frontage lots has not increased. Stephen Nelson reported that southern blocks are eight hundred feet from center line to center line, and the applicant put in a connection through the north side. The applicant lost three lots by making these changes. The plat for the recreational resort within the development agreement has been submitted. Brant Tuttle explained that he worked with staff to address the City Council's concerns regarding the layout, and this was the best scenario. Mr. Nelson reported that Mr. Tuttle has acknowledged and read through the comments from the Power Department.

Kevin Thomas motioned to approve a preliminary plat for Cordero Phase 3, a 214 lot residential subdivision, located at 2100 W 3900 S subject to staff and JUC comments. Seconded by Doug Heideman. Dave Sanders, Doug Heideman, and Kevin Thomas, voting aye. Motion carried unanimously.

3. Consideration and possible approval on a **preliminary plat for Lakeview Townhomes, a multifamily development consisting of 88 townhomes and 62 duplexes,** located at the northwest corner of Sand Hollow Road and Dixie Springs Dr. Brett Burgess Applicant.

Dave Sanders motioned to table the preliminary plat for Lakeview Townhomes, a multifamily development consisting of 88 townhomes and 62 duplexes, located at the northwest corner of Sand Hollow Road and Dixie Springs Dr. At the developer's request. Seconded by Kevin Thomas. Dave Sanders, Doug Heideman, and Kevin Thomas, voting aye. Motion carried unanimously.

4. Discussion and possible approval of theater productions for 2023 - Tiffani Wright

Mayor Billings sent Tiffani Wright's email to the City Council. Mayor Billings wants to wait until all the Council members are present to vote. Tiffani Wright asked if she needs to wait for approval of the Spring 2023 play Spit Fire Grill. Kaden DeMille reported that Spit Fire Grill was approved in the budget, and it would be difficult to change at this point.

Kevin Thomas motioned to approve Spit Fire. Seconded by Doug Heideman. Dave Sanders, Doug Heideman, and Kevin Thomas, voting aye. Motion carried unanimously.

NEW BUSINESS

2. Consideration and possible approval of Resolution 2022-37 appointing members to the Airport Board

Mayor Billings explained that this resolution confirms the airport board authority and defines the terms of current members. Upon recommendation from the City Attorney, the terms will expire at different times to avoid multiple vacant seats. Jim Lemmon is the proposed board member with an aviation background. Kathy Clark and Kate Wadsworth are the proposed board members without an aviation background. The Public Works Director is designated to assist in coordinating airport matters. The Airport Manager Dave Houston reported that he and the Airport Board feel it is important for Mike Vercimack to be a voting member because of his knowledge regarding FAA guidelines. They are concerned that Mr. Vercimack is being singled out. Mr. Houston feels that if Mr. Vercimack cannot be a voting member, then no staff should be a voting member on other boards. Dayton Hall reported that the Water Board is the only board with voting staff members. Mayor Billings explained that as a staff member, Mr. Vercimack will continue to make recommendations to the board and City Council. She explained that her intentions were not to single out the Airport Board or Mr. Vercimack as a staff member. Her intent was to ensure that the Airport Board is in compliance with the ordinance. Mr. Houston stated that he will support and welcome the new members appointed by the City Council.

Cathy Clark explained that she lives next to the airport. She feels she can give a different perspective to the board because she does not have an aviation background. She is looking forward to learning about the Sand Hollow Aviation Association and the airport operations.

Kate Wadsworth is a long-term resident. Her husband's family owns property around the airport, and her house is in the direct flight path. She supports and sees the value in the airport. She would love to be a voice for the community.

Mayor Billings is working on an airport protection zone.

Dave Sanders motioned to approve Resolution 2022-37. Seconded by Kevin Thomas. Dave Sanders and Kevin Thomas, voting aye. Doug Heideman voting nay. Motion failed.

Councilman Heideman feels there is a lot of discrepancy regarding who can vote on each board. There are two voting staff members on the Water Board. He would like to see the boards treated equally. All boards should be standardized if the Airport Board is being standardized. He reported that the Water Board was allowed to determine the terms of services. However, the Airport Board was not allowed to decide on their terms. This has caused a lot of resentment; two members have resigned because they feel they are being singled out.

Mr. Hall explained that the boards were created at different times for different reasons. Previous City Council's made the decisions regarding the number of members and who are voting members. He is reluctant to make changes without analyzing the reason for the structure of the Boards. Mayor Billings again explained that she brought this to the City Council because she realized that the Airport Board was not in compliance with the ordinance. She reported that Cindy Beteag is researching the appointments and terms of board members on all the boards. Councilman Heideman feels it is his responsibility to create a list of potential members for the Mayor to appoint, and he does not appreciate Mayor Billings giving him a list of prospective members. Mr. Houston reported that the current board members have expressed interest in remaining on the board. He asked Councilman Heideman to reconsider voting aye so the board can move forward.

Dave Sanders motioned to approve Resolution 2022-37. Seconded by Kevin Thomas. Dave Sanders, Doug Heideman, and Kevin Thomas, voting aye. Motion carried unanimously.

Dayton Hall asked to revisit Old Business 2 to reflect 211 lots, not 214.

Kevin Thomas motioned to approve a preliminary plat for Cordero Phase 3, a 211 lot residential subdivision, located at 2100 W 3900 S subject to staff and JUC comments. Seconded by Dave Sanders. Doug Heideman, Kevin Thomas, and Dave Sanders, voting aye. Motion carried unanimously.

3. Public Hearing to take comments on the following:

Dave Sanders motioned to go into public hearing. Seconded by Kevin Thomas. Doug Heideman, Kevin Thomas, and Dave Sanders, voting aye. Motion carried unanimously.

- a. An Agriculture Protection Overlay** located at 1235 S 700 West parcel number H-3-1-3-13192

No comments.

- b. An **Agriculture Protection Overlay** located at 1239 S 700 West parcel numbers H-3-2-3-23193, H-3-2-3-23180 and H-3-2-3-2317

No comments.

Dave Sanders motioned to go out of the public hearing. Seconded by Kevin Thomas. Doug Heideman, Kevin Thomas, and Dave Sanders, voting aye. Motion carried unanimously.

- 4. Ordinance 2022-42: Discussion and Consideration of an **Agriculture Protection Overlay for Bevin Johnson located at 1235 S 700 W**. Parcel number H-3-1-3-13192. Bevin Johnson Applicant

Mayor Billings reported that the Dixie Conservation Committee, Planning Commission, and staff have given a positive recommendation. Bevin Johnson explained that they are seeking agriculture protection to continue operating in the same way. Mr. Nelson explained the purposes of an agriculture protection overlay. Dayton Hall noted that the protection requires subdivisions in the area to have a note in the plat declaring that the area is within an agriculture protection zone.

Kevin Thomas motioned to approve an Agriculture Protection Overlay for Bevin Johnson located at 1235 S 700 W. Parcel number H-3-1-3-13192. Seconded by Doug Heideman. Dave Sanders, Doug Heideman, and Kevin Thomas, voting aye. Motion carried unanimously.

- 5. Ordinances 2022-43: Discussion and Consideration of an **Agriculture Protection Overlay for Dale Johnson located at 1239 S 700 W**. Parcel numbers H-3-2-3-23193 H-3-2-3-23180 and H-3-2-3-2317. Dale W. Johnson Applicant.

Mayor Billings reported that the Dixie Conservation Committee, Planning Commission, and staff have given a positive recommendation. Mr. Johnson's son reported that they also want to continue operating as usual.

Kevin Thomas motioned to approve an Agriculture Protection Overlay for Dale Johnson located at 1239 S 700 W. Parcel numbers H-3-2-3-23193 H-3-2-3-23180 and H-3-2-3-2317. Seconded by Dave Sanders. Doug Heideman, Dave Sanders, and Kevin Thomas, voting aye. Motion carried unanimously.

- 6. Consideration and possible approval of **Resolution 2022-38 adopting the 2022 Natural Hazard Mitigation Plan** - Lynn Excell

Mayor Billing reported that the County has approved this plan. Chief Excell explained that the plan identifies timelines and potential hazards that can occur in Hurricane City. He knows this plan is not perfect, but it gives the Cities in the area an opportunity to work together.

Doug Heideman motioned to approve Resolution 2022-38. Seconded by Kevin Thomas. Dave Sanders, Doug Heideman, and Kevin Thomas, voting aye. Motion carried unanimously.

7. Consideration and possible approval of acceptance of a dedication plat for Three Falls Trail -Arthur LeBaron

Arthur LeBaron reported that the City purchased the well sight, and the remaining land was granted from SITLA. He noted that an Eagle Scout was able to arrange for all of the abandoned cars to be removed from the cliff. Councilman Thomas asked why SITLA donated the land. Mr. LeBaron explained that City asked SITLA for the property, and SITLA agreed to grant the land after the City explained that the land would not serve any purpose to SITLA.

Dave Sanders motioned to approve acceptance of a dedication plat for Three Falls Trail. Seconded by Kevin Thomas. Doug Heideman, Dave Sanders, and Kevin Thomas, voting aye. Motion carried unanimously.

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

Doug Heideman exited the meeting.

No closed meeting was held.

Adjournment: 7:24 p.m.