

Minutes of the Hurricane City Council meeting held on August 18, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** Joseph Prete, Dave Sanders, Doug Heideman, and David Hirschi. Kevin Thomas arrived at 6:30 p.m.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Planning Director Stephen Nelson, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Water Superintendent Ken Richins, Finance Manager Paige Chapman, Assistant Planner Fred Resch III, and GIS Analysis Pam Blackmore.

AGENDA

4:00 p.m. Work Meeting with Interstate Homes

Chase Stratton explained that Interstate Homes is exploring ways to provide affordable housing in Hurricane City. Interstate Rock is working with developers who have built low-income housing in Washington City. They plan to develop ten acres near Walmart. Jan with CMG explained that these developers can provide affordable housing using the Low-Income Housing Tax Credit. (LIHTC) The rent for this type of housing is based on sixty percent of the area's median income. These projects are heavily regulated and financed through Utah Housing. Mr. Stratton reported that this type of project works best if the density is twenty-five units per acre, which can only be achieved with buildings taller than thirty-five feet.

Stephen Nelson agrees that twenty-three to twenty-five units per acre is the only feasible way for a project like this. The planned commercial code allows twenty units per acre and buildings up to fifty-five feet tall in residential areas if specific criteria are met. There is an option for RM3 zoning with a density bonus. The City Council also has the right to approve a development that doesn't meet the code subject to a development agreement if they follow the correct process. Mr. Nelson feels this is a unique development. He recommends the development agreement approach if the City Council feels it is appropriate. The General Plan map shows this area as mixed-use and commercial. He thinks this is a good location for this project because high-density housing should be close to commercial facilities, commercial corridors, and public amenities.

Mayor Billings feels that many community members could benefit from the project. Most of the density bonuses given up to this point have not resulted in affordable housing. Jan reported that this type of project is funded through bonds and land use agreements. The land use restriction in Utah requires these projects to remain affordable for fifty-five years. Mayor Billings is concerned that residents will have difficulty with the stairs in a building of this height

and thinks elevators should be required. Mr. Stratton reported that this could be addressed in a development agreement.

Councilman Prete asked who would own the building and what guarantees that this development will not become dilapidated and run down. He is also concerned because high-density housing usually increases crime. Jan explained that Interstate Rock and CGM partners would own the building. Utah Housing Authority inspects these developments annually, and there are strict standards regarding the conditions of the housing development. The property management monitors the renters, and their other development have had low crime.

Mayor Billings asked what the rental turnover percentage is. Jan reported that tenants must re-certify every year to qualify. There is an annual turnover rate of forty percent. These are typically renters who have progressed financially. Councilman Hirschi is concerned about increased density. Councilman Sanders feels that the price of land is so exorbitant that the only way to provide affordable housing is to build up.

Mr. Nelson explained that there are two types of affordability needs in the City. Short-term affordability applies to immediate housing needs. However, newer projects are expensive, which prevents affordability. Older homes and older developments produce long-term affordability. Hurricane City does not have a large inventory of existing affordable housing. This project could meet the City's need for short-term and long-term housing affordability. Mr. Stratton noted that many developments have promised to dedicate ten percent of their project to affordable housing, but there is no proof that it was provided. This project is required to provide affordable housing.

Councilman Prete appreciates Interstate Rock's initiative to provide affordable housing. Councilman Heideman is concerned about the height of the building, the increased density, and how this will affect surrounding property owners. He feels there are better options. Councilman Hirschi appreciates Interstate Rock's desire to provide affordable housing. However, he is also concerned about the height of the building and crime. Mr. Nelson reported that there is little evidence to prove that this type of development increases crime. Studies show that good property management helps lower the crime rate.

Councilman Prete has personally witnessed how increased density causes increased crime. He does agree the City does not have enough affordable housing. Self-help homes, ADUs, and deed restrictions have not meaningfully addressed the problem. The City Council agreed that even though there are many concerns, this project could help address the lack of affordable housing and should be discussed further.

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

Weston Walker reported that the heavy rains have caused drainage issues. Culverts were repaired along 700 West, and the department is cleaning catch basins. The chip seal on 600 North was pushed back to September.

Scott Hughes reported that the Power Department has extended an offer to an employee. He noted that several citizens attended the public meeting regarding the power line along 1150 W. They are primarily concerned about losing property, decreasing property value, powerlines going through their yards and health issues related to power lines. Mayor Billings feels this alignment is optimal because no houses are in the way.

Paige Chapman explained that the grants on tonight's agenda must be submitted today.

Chief Excell reported that all applicants attended and passed officer training. Officer Torres graduated from the K9 program and is now certified in patrol and narcotic detection. Bicycle patrol apprehended a vehicle transporting narcotics. Chief Excell is applying to work with a program through Homeland Security. This is an excellent opportunity to reduce drug activity in Hurricane City. He has received many complaints about skunks. He explained that the Animal Control Department focuses on domesticated animals. Urban Wildlife handles wildlife issues. School is back in session, and the Crossing Guards are all trained. He will contact his staff to see if there are concerns about the crossing on 870 West.

Ken Richins reported that the Water Department is focused on repairing leaks.

Mayor Billings asked staff to address the tumbleweeds on 700 West.

Arthur LeBaron introduced the new GIS Analysis Pam Blackmore. She brings a great skill set and expertise. The Engineering Department is very busy with development reviews. Mr. LeBaron is preparing the parade lineup for Peach Days. He looked at the slope behind UTV Rentals. The business has made significant improvements to drainage. However, residents in Lava Bluff are still concerned about the drainage, and the runoff is now affecting residents who were not previously affected. He anticipates that the residents will expect the City to come up with a solution. Mayor Billings advised staff to discuss this with the business owner to find out if they are willing to help fix the problem.

Stephen Nelson reported that three short-term rental violations have been filed in small claims court. The Building Department is still in the process of hiring a Hearing Officer. The Planning Department hired two Building Inspectors. One Building Inspector is dual certified, and the second Building Inspector has one residential certification and is committed to obtaining the required certificates within four months. The request for a proposal for the downtown master plan is ready to be submitted. He has received calls from reputable contractors and anticipates good applicants. Councilman Thomas has agreed to be on the selection committee.

Dayton Hall reported that the annexation for the forty-acre area near Sky Ranch has been certified. The next step is a public hearing after the protest period. He explained the process for the citations and small claim lawsuits. Mr. Hall encouraged Council to stay focused on the business license revocation agenda item, not other short-term rental concerns.

Kaden DeMille reported that the Utah League of Cities and Towns conference is being held in Salt Lake City October 5th-7th.

Dave Houston reported that the noise abatement reporting process is now on the City website. Five complaints regarding helicopters and one complaint regarding an airplane have been addressed. The Airport Board voted to post the proposed airport lease template on the City website to get feedback before they vote.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge: Josh Wadsworth

Mayor Billings recognized Arthur LeBaron for his hard work and dedication.

Declaration of any conflicts of interest

Dave Sanders declared a business-related conflict of interest on New Business item 5.

Joseph Prete declared a conflict of interest on New Business item 11 because his law firm is involved in a pending litigation in this area.

Approval of Minutes: July 21, 2022

Doug Heideman motioned to approve the minutes of the Regular City Council meeting on July 21, 2022. David Hirschi seconded. Dave Sanders, Doug Heideman, and David Hirschi, voting aye. Joseph Prete abstained. Motion carried.

Public Forum – Comments From Public

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.

Stephen Nelson and Dayton Hall have made minor changes to the presented draft. Mr. Nelson reviewed the use table defining the percentage of allowed on-street parking. Councilman Thomas still wants to increase the kelvin level requirements.

Kevin Thomas motioned to approve 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 subject to increasing the maximum kelvins for outdoor lights from 3,000 to 4,000. Seconded by Dave Sanders. Kevin Thomas, Dave Sanders, Doug Heideman, voting aye. David Hirschi and Joseph Prete, nay. Motion carried

Councilman Hirschi does not prefer additional ordinances, and Councilman Prete has reservations regarding the language.

2. Consideration and possible approval of a road access control gate that complies with IFCD103.5

Mayor Billings reported that the City Council directed staff to research regulations regarding closing the road. Councilman Prete noted that temporary closure was the consensus of the City Council. Dayton Hall reported that temporary closure can take place by ordinance after a public hearing is held and the Utah Department of Transportation is notified. Per state code, the City Council must find that temporary closure is necessary to protect private or public land. This closure can be in place indefinitely if the City Council chooses. Councilman Prete would like to revisit the road closure when further development comes in. He wants the ordinance to state that this closure does not modify the street plan. Councilman Heideman and Councilman Hirschi asked if the City would split the cost of the gate. Kaden DeMille reported that this is not in the budget but can be accomplished.

Dale Grange appreciates the gate but is disappointed because it can't be permanent. He is continually asking people to leave his yard, which is uncomfortable, and he is experiencing harm to his property. Half of the people in attendance tonight support a more permanent solution.

Brady Tapp appreciates the City Council's dedication to this matter. He explained that the closure will help to alleviate vehicle and pedestrian traffic. This road is not wide enough for two cars to pass and was not built to City standards, this closure will also address that problem. The residents in this area prefer the gate to remain when more commercial business comes in.

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

Mayor Billings noted that the City Council has provided staff with a list of recommendations.

Kevin Thomas motioned to table approval of theater productions for 2023. Seconded by Joseph Prete. Dave Sanders, Doug Heideman, David Hirschi, and Joseph Prete voting aye. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of **local consent for a single event liquor license for UTV Takeover** - Dan Staheli

Dan Staheli reported that this is similar to the Trail Hero permit. This event is more of an off-road setting, but the setup is the same.

Joseph Prete motioned to approve local consent for a single event liquor license for UTV Takeover. Seconded by Doug Heideman. Dave Sanders, Doug Heideman, David Hirschi, and Joseph Prete voting aye. Motion carried unanimously.

2. Consideration and possible approval of **revoking a residential hosting license** - Cindy Beteag

Brian Hawkins would like the City Council to address Councilman Thomas's comments. He received a cease and desist letter, but he is not breaking any rules, and he wants this to be addressed with specific answers, not opinions.

Dean Cox does not have a stake in this. Mr. Cox cited the ADU ordinance and read the kitchen definition. In his opinion, these are not ADUs.

Dayton Hall explained the revocation and special hearing process. Mr. Hall read 10-41-4 Section D – Only one accessory dwelling unit or casita shall be established on one residential property. The property owner can request a second ADU if a lot is larger than .8 acres. He cited different chapters pertaining to residential hosting and accessory units. Stephen Nelson reported that an ADU is a separate unit with a kitchen, and a casita is a separate unit without kitchen facilities. Mayor Billings asked if the applicants are given this code when applying for their business license. Mr. Nelson explained that the Building Department is working to educate applicants properly. He noted that problems occur when a property owner rents a second bedroom suite after completing the home.

Cindy Beteag explained that in 2019, the previous owner obtained a license to rent one bedroom in the home. In 2020 the owner applied to change that license to allow him to rent two rooms in the home. The building department was unaware that the owner had built a structure on the property without a building permit, which he converted into two rooms. Mr. Staheli purchased the property and received a license for a two room residential hosting

license. When he applied to renew his license this year, he asked for three rooms instead of two. Staff still thought the rooms were inside the home. Because the issue of multiple ADU's being used for short term rentals has come up more frequently, staff has asked the Fire Department to list what type of unit is being inspected. This is how they learned about the additional structure on the property. Mr. Nelson provided pictures of the additional unit. The unit is attached to the primary home through a breezeway.

Mike Staheli was able to invest in this property because of the rental income. When he asked the City if he could get a license for a two room residential hosting license, he was told yes. This is his primary residence, and he cannot afford the mortgage without the rental income. Councilman Prete asked if any discussions took place regarding the additional structure or if it was listed in the seller's disclosure. The applicant admits that it was not specifically discussed, but he feels he did his due diligence. Councilman Prete thinks this is more of a dispute between the applicant and the previous owner.

Mayor Billings explained that staff's initial inspection confirmed that the room was within the home. Staff was unaware of the additional structure because no building permit was issued. Mr. Staheli understands how this situation came about. However, it seems like they are being punished for something they didn't do.

Councilman Prete's perspective is that the previous owner built an illegal unit without the proper permit, and the home was sold without proper disclosure. He sympathizes with the new buyer but is concerned that allowing this will encourage people to build additions without permits.

Councilman Hirschi sympathizes with the applicant's situation and does not want to penalize Mr. Staheli because of miscommunication. He feels that the definition is unclear and asked if there is a way to accommodate the applicant.

Mayor Billings also understands the applicant's position. However, this does not meet the ordinance. Either the City Council revokes the license or changes the ordinance. Councilman Thomas also sympathizes with the owner. But there are more issues like this in the City. If Council allows this, they must allow them all. Mr. Hawkins asked Mayor Billings to read the information he provided. Mayor Billings read title 10, chapter 51 of the residential hosting ordinance. Mr. Hall explained that there are two separate ordinances. One pertains to renting up to four bedrooms in one home, and the other ordinance refers to ADU.

Joseph Prete motioned to revoke the residential hosting license with a grace period of sixty days to allow the homeowner to honor his reservations. The homeowner can reapply for a new license and make accommodations to bring it into compliance. The owner must obtain legitimate building permits. Seconded by Doug Heideman. Dave Sanders, Doug Heideman, David Hirschi, and Joseph Prete voting aye. Motion carried unanimously.

Councilman Prete stated an amendment needs to be made immediately to our residential hosting ordinance to restrict renting to multiple groups. Council agreed and directed staff to get a draft to the Planning Commission as soon as possible.

6. Consideration and possible approval of **Resolution 2022-40 approving WaterSMART: Irrigation Metering Grant Funding** - Ken Richins

Ken Richins explained that the City was awarded a \$ 1,967,000 grant and a loan for \$703,000 from the Board of Water Resources on August 3rd. The department is applying for a \$500,000 grant from WaterSMART. If awarded, the grant money will go towards the loan balance.

Kevin Thomas motioned to approve Resolution 2022-40. Seconded by Dave Sanders. Doug Heideman, David Hirschi, Dave Sanders, and Joseph Prete voting aye. Motion carried unanimously

7. Consideration and possible approval of **Resolution 2022-41 approving a WaterSMART grant to finish installing the AMI Metering System** - Ken Richins

Ken Richins explained that the total amount of this project is \$1,064,905. The City has eight thousand automated meters but needs an additional thirty-five hundred meters. This grant application is for \$500,000 to assist in paying for the remaining meters.

Doug Heideman motioned to approve Resolution 2022-41. Seconded by David Hirschi. Dave Sanders, Doug Heideman, David Hirschi, and Joseph Prete voting aye. Motion carried unanimously.

3. **Public Hearing** to take comments on the following:

- a. An Agriculture Protection Overlay located approximately 1100 S 700 West parcels H-3-2-3-2416, H-3-2-3-2417, and H-3-2-3-2418

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

No comments.

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

4. Ordinance 2022-44: Consideration and possible approval of an **Agriculture Protection Area for Ruth and Annie Reeve**, located at approximately 1100 S 700 W. Ruth and Annie Reeve Applicant.

Stephen Nelson reported that the Planning Commission and the Dixie Conservation Committee unanimously recommended approval, with the condition that the future 700 west expansion and public utility be excluded from the protection zone.

Kevin Thomas motioned to approve Agriculture Protection Area for Ruth and Annie Reeve, located at approximately 1100 S 700 W. with the condition that the dedication of the road be excluded from the protection zone. Seconded by David Hirschi. Dave Sanders, Doug Heideman, David Hirschi, and Joseph Prete, voting aye. Motion carried unanimously.

5. Ordinance 2022-45: Consideration and possible approval of a **Zone Change Amendment request located at 650 S and 850 W from RA-0.5, residential agriculture one unit per half acre, to R1-15, residential one unit per 15,000 square feet**. Pete Dratter Applicant. Chase Stratton Agent

Josh Wadsworth lives in the Hardcastle Estate subdivision. They are all in opposition to this zone change. This was discussed a year ago, and everyone felt that half-acre lots were a good compromise. Mr. Wadsworth feels that if this is approved it will create a lack of consistency in the neighborhood.

Brandon Terry lives in Hardcastle Estates. He agrees with Josh's comments. He asked the City Council to deny this last year, and his opinion has not changed.

Garth Packard is surrounded by this property. Mr. Packard does not begrudge the applicant for wanting additional lots and additional money. However, this area cannot support more development.

Derek Capps lives north of the proposed development. This community is primarily half-acre lots. The Campbell family did get approval for smaller lots, but he hopes that doesn't happen here. The intersection on 700 West is dangerous, and the infrastructure on 650 South cannot support more development.

Chase Stratton explained that there was a lot of opposition toward this zone change application last year. However, other zone changes were approved in this area, which prompted the applicant to reapply for their original request. The applicant is asking for ten units on .45 acre lots.

Councilman Thomas commented he made the motion for the Campbells subdivision change. He feels that the Campbell's situation was different because they owned the property and wanted

to allow their kids to be able to build there. It was not his intent to set a precedent. These properties are entirely different and far enough apart that they should not be treated the same. He believes if this is granted, the applicant will request third acres lots for their other parcels. Mr. Stratton stated that the applicant is willing to enter into a development agreement limiting the lot size to .45 acres or greater. Mr. Stratton explained that these lots will have square footage similar to the Winders property after roadway dedications. Councilman Thomas is sympathetic to property owners who have to give property for the roadway. He tries to accommodate them. However, he does not feel that this is the same situation. Dayton Hall explained that the Planning Commission considered the four zone change criteria in making its recommendation to deny the requested zone change. The Planning Commission's findings were that the requested zone was not harmonious with the existing development and would negatively impact the surrounding property users. He advised the City Council to focus on the four criteria for a zone change.

Mr. Stratton reported that no subdivisions in this area were consistent with the surrounding fields when they were built. Mayor Billings noted that most of the homes in this area are on lots bigger than a half-acre. Mr. Stratton reported that the applicant would entertain a development agreement stating they will adhere to the agriculture aspect of RA .5. Mayor Billings explained that agriculture must be a half-acre. Councilman Prete thinks it's possible to blend the concepts with a development agreement, but he thinks they are used too much. Councilman Heideman noted that the citizens who spoke tonight advocated for their property rights. There are already too many townhomes approved in the City, and single-family housing is necessary to maintain balance.

Councilman Prete would like to focus on zone change criteria points. This is consistent with the General Plan map for single families, and the infrastructure is adequate. However, he doesn't think it is harmonious with the surrounding area because it is surrounded by one-acre and half-acre lots, and this will negatively affect the adjacent properties. Stephen Nelson explained that this was previously denied because it was not harmonious with the surrounding uses not because of the lot size. Councilman Prete asked to review the zoning map and confirmed that most of the area is half an acre. The Council reviewed the zoning map. Mr. Stratton asked for a development agreement allowing ten units with RA .5 zoning. Mr. Nelson reported that this is possible but requires a public hearing and recommendation from Planning Commission.

Kevin Thomas motioned to deny the Zone Change Amendment request located at 650 S and 850 W from RA-0.5, residential agriculture one unit per half acre, to R1-15, residential one unit per 15,000 square feet based on it is not harmonious with the surrounding properties, it will negatively affect surrounding property owners, and it will set a precedent to change other parcels to the third acre. Seconded by David Hirschi. Doug Heideman, David Hirschi, and Joseph Prete, voting aye. Dave Sanders abstained. Motion carried.

8. Discussion regarding updates to the Franchise ordinance - Dayton Hall

Dayton Hall recapped the previous discussions regarding the Franchise ordinance. The key issue was limiting the number of franchisees for certain utilities and the number of conduits on the road. Mr. Hall could not find any city that caps how many are allowed, and he has concerns about being the first City to cap the number. He does want to update the franchise agreement to allow the City Council discretion to deny future agreements if necessary. Kaden DeMille would like a way to evaluate the financial strength of potential service providers. Councilman Prete wants to ensure that fiber connectivity is brought into older neighborhoods.

Dayton Hall will come back with a draft ordinance for the second meeting in September.

9. Consideration and possible approval on a **preliminary plat for Black Ridge Phase 1A-1C, a residential subdivision consisting of 84 single-family units and 20 townhomes, located at 1760 W and Weeping Rock Road in the Black Ridge development.** Austin Overman Applicant. Rob Reid-Rosenberg Engineering Agent

Austin Overman explained that the allowable density for this project is two hundred and five units, and he is requesting half the allowable density. He reported that his engineer was able to redesign the northern retention basin to hold everything.

Stephen Nelson explained that the applicant is requesting a density transfer to move twenty townhomes to the park area. The development agreement states they can do density transfers. However, the development agreement does not allow moving density onto open space. The Planning Commission felt this was a reasonable interpretation of the development agreement if there is a park space within the first phase. The commission also required a final site plan that matches the amenities.

Joseph Prete motioned to approve the preliminary plat for Black Ridge Phase 1A-1C, a residential subdivision consisting of 84 single family units and 20 townhomes, located at 1760 W and Weeping Rock Road in the Black Ridge development subject to Staff and JUC comments. Seconded by Kevin Thomas. Dave Sanders, Doug Heideman, David Hirschi, and Joseph Prete voting aye. Motion carried unanimously.

10. Consideration and possible approval of a **General Plan Amendment to adopt a Moderate-Income Housing Plan**

Stephen Nelson reported that Utah State requires a moderate-income housing plan. The Vision is to provide housing options for everyone and minimize the housing gap. Mayor Billings reported that this has to be adopted and submitted by October 1st. Mr. Nelson explained that no comments were made during the public hearing, but some comments were received during the open house. Most of the people that responded to the survey live in single-family homes.

Mr. Nelson read the drafted plan. He asked the City Council to review the plan and make recommendations.

Joseph Prete motioned to continue consideration and possible approval of a General Plan Amendment to adopt a Moderate-Income Housing Plan. Seconded by Kevin Thomas. Dave Sanders, Doug Heideman, David Hirschi, and Joseph Prete voting aye. Motion carried unanimously.

- 11. Ordinance 2022-46: Consideration and possible approval of a Zone Change Amendment request located at 3700 West and Stargate Ave. from RM-3, multifamily 15 units per acre, R1-6, residential one unit per 6,000 square feet, and R1-15, residential one unit per 15,000 square feet, all to be RM-3, multifamily 15 units per acre.** Located on the north portion of parcel number H-4-2-1-1112-GS1. Western Mortgage and Realty Co-Applicant. Thomas Hunt Agent.

Stephen Nelson explained the City approved a new zoning map after the Elim Valley project development agreement was dissolved. When the PID was approved, the roadways were not in alignment. A zone change was approved to the south to align the boundaries. However, this zone change will be more significant because it will allow additional units on three acres. The Planning Commission gave a positive recommendation because they felt that the alignment of the roadway and the location for multifamily is compatible because of the commercial and resort development surrounding it. Thomas Hunt does not see this as a rezone but as a reconfiguration of the final roadway layout. Mayor Billings asked if rezoning to RM-2 would be a better option and why the detention basin is being rezoned. Mr. Nelson explained that if the detention basin isn't rezoned, it will reduce the number of units allowed, and usually, a subdivision doesn't have multiple zones. Councilman Thomas asked what changes if this is approved. Mr. Hunt explained that block lengths and the road connection to the south will change. Dayton Hall explained the Planning Commission gave a positive recommendation and advised that any decisions made should be rooted to the four-zone change criteria. Councilman Thomas does not want to see the increased density but agrees that the boundaries need to align.

Kevin Thomas motioned to approve the Zone Change Amendment request located at 3700 West and Stargate Ave. from RM-3, multifamily 15 units per acre, R1-6, residential one unit per 6,000 square feet, and R1-15, residential one unit per 15,000 square feet, all to be RM-3, multifamily 15 units per acre. Located on the north portion of parcel number H-4-2-1-1112-GS1. Seconded by Dave Sanders. Dave Sanders and Kevin Thomas voted aye. David Hirschi and Doug Heideman voted nay. Joseph Prete abstained. Mayor Billings broke the tie vote with a nay. Motion failed.

Mayor Billings suggested a development agreement limiting the units to three hundred and fifty. Stephen Nelson reported that this is possible, but the item would need to be continued

and staff would like direction from the Council on what they want in the agreement. Mr. Hall reported that a motion to deny needs to be accompanied by reasons for the denial.

Kevin Thomas motioned to continue consideration and possible approval of a Zone Change Amendment request located at 3700 West and Stargate Ave. from RM-3, multifamily 15 units per acre, R1-6, residential one unit per 6,000 square feet, and R1-15, residential one unit per 15,000 square feet, all to be RM-3, multifamily 15 units per acre. Located on the north portion of parcel number H-4-2-1-1112-GS1. with direction to staff to formulate a development agreement stating that density will not exceed approximately three hundred and fifty units. Seconded by Dave Sanders. Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders, voting aye. Joseph Prete abstained. Motion carried.

12. Ordinance 2022-47: Consideration and possible approval of a Land Use Code Amendment request to Title 9, Chapter 1, Section 3: Issuance of Building Permits to require a geotechnical report. Hurricane City Applicant

Dayton Hall reviewed the ordinance that was adopted in 2015. This change will require everyone applying for a building permit to sign the waiver and obtain a geotechnical report. The waiver is then recorded against the property. This protects the City from liability and protects the homeowners. Mr. Hall will add language to the draft limiting it to new construction for residential and commercial. Arthur LeBaron asked if this is required for block walls or outbuildings. Mr. Hall feels that is a good point, and he is not opposed to adding that to the ordinance. The City Council members would like to review this amendment further.

Kevin Thomas motioned to continue consideration and possible approval of a Land Use Code Amendment request to Title 9, Chapter 1, Section 3: Issuance of Building Permits to require a geotechnical report for the next meeting. Seconded by Dave Sanders. Doug Heideman, David Hirschi, Dave Sanders, and Joseph Prete voting aye. Motion carried unanimously

13. Consideration and possible approval of a preliminary plat for Sand Hollow Townhomes, a townhome development consisting of approximately 60 townhome units, located at approximately 1200 S Sand Hollow Road. Bob Hermanson Applicant. Bush & Gudgeon Agent.

Stephen Nelson reported that construction drawings are signed, and the plat was already approved. However, the preliminary plat expired before the final plat was approved.

Dave Sanders motioned to approve the preliminary plat for Sand Hollow Townhomes, a townhome development consisting of approximately 60 townhome units, located at approximately 1200 S Sand Hollow Road. Seconded by Kevin Thomas. Doug Heideman, David Hirschi, Dave Sanders, and Joseph Prete voting aye. Motion carried unanimously

14. Consideration and possible approval of a preliminary plat for Quail Creek Industrial Park Phase 5-8, a 76 lot industrial subdivision located at Regional Park Road and 1000 S. Dennett Construction Applicant. Civil Science-Brandee Walker Agent.

Stephen Nelson explained that the primary reason the roadway has changed on the preliminary plat is that the neighboring property owner adamantly opposes to the roadway. The applicant redesigned the project to move the road and added thirteen additional lots. Staff and the majority of the Planning Commission have recommended that a right of way be provided through lots 603 and 604, but the street improvements will not be required. The applicant will have to work with the Power Department to ensure the transmission line can continue to go through the property and work with City Staff for the alignment of Purgatory Road. Doug Dennett explained that the neighboring property owners sold land to PacifiCorp. PacifiCorp does not intend to develop the property. They do not want a road along the property, and they do not want to annex the property. Mr. Dennett does not feel he should have to provide connections to a property that will not be developed. Mr. Nelson explained that the City requires connectivity regardless of who owns the neighboring property. Staff is requiring less than what is required within the ordinance. Dayton Hall cited the relevant ordinance and stated that this decision needs to be based on the ordinance. The Planning Commission recommended connectivity, and this is a good compromise. Councilman Thomas thinks the ordinance is very clear and believes this is a good compromise.

Kevin Thomas motioned to approve the preliminary plat for Quail Creek Industrial Park Phase 5-8, a 76 lot industrial subdivision located at Regional Park Road and 1000 S subject to staff and JUC comments and the roadway dedication between lots 604 and 603. Councilman Thomas noted that roadway improvements will not be required. Seconded by Joseph Prete. Dave Sanders, Doug Heideman, Kevin Thomas, and Joseph Prete, voting aye. David Hirschi voting nay. Motion carried.

15. Consideration and possible approval of multiple contracts with PacifiCorp to sell and purchase power - Scott Hughes

Scott Hughes explained that Hurricane City Power and Rocky Mountain Power sell power to each other in several locations within Hurricane City. One of these locations is a metering point near the Anticline Substation, and there is another location on the north side of Cliff Dwellers. One contract pertains to billing Rocky Mountain Power for energy delivered from Hurricane City Power. The second contract pertains to Rocky Mountain Power billing Hurricane City Power for energy delivered from Rocky Mountain Power. The rate per kilowatt hour is the same for each party. Dayton Hall has reviewed and approved the contracts.

Kevin Thomas motioned to approve multiple contracts with PacifiCorp to sell and purchase power. Seconded by Dave Sanders. Doug Heideman, David Hirschi, Joseph Prete, Dave Sanders, and Kevin Thomas, 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	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 -

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

Kevin Thomas motioned to go into a closed session to discuss pending litigation. Seconded by Joseph Prete. Doug Heideman, David Hirschi, Joseph Prete, Dave Sanders, and Kevin Thomas, voting aye. Motion carried unanimously.

Adjournment: 11:48 p.m.