Minutes of the Hurricane City Council meeting held on October 20, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:30 p.m.

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

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, Public Works Director Mike Vercimack, City Recorder Cindy Beteag, and GIS Analysis Pam Blackmore

AGENDA

3:30 p.m. Closed Meeting: Strategy session to discuss the purchase of real property

David Hirschi motioned to go into a closed meeting to discuss purchase real property. Seconded by Doug Heideman. Motion carried unanimously.

Kevin Thomas motioned to go out of a closed meeting at 4:45 p.m. Seconded by Joseph Prete. Motion carried unanimously

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

Mayor Billings invited the City Council to participate in the Neon Run and Trunk or Treat on October 29, 2022. The ribbon cutting and rodeo for the Equestrian Park is on November 5th. The Veterans Golf tournament is on November 12th. The Emergency Preparedness Fair is on November 18th. The Christmas Tree lighting is on November 28th at the Community Center.

Stephen Nelson reported that the Public Hearing for Residential Hosting was held last week, and he anticipates that recommendations will be made next week. The department is moving forward with the building software. There are minor issues to work out, but the program should go live soon.

Arthur LeBaron reported receiving notice of funding for the 600 North Trail Project. Alpha Engineering is preparing a package to go out to bid. He is working with the Bureau of Land Management to extend the trail through the golf course. Andrus Trucking is putting in curb and gutter on the north end of Old Hwy 91.

Weston Walker reported that the chip seal project is complete, and the striping should be finished next week. The department is cleaning out culverts; three were full in the Marla and Sand Hollow area. He noted that Gould’s Wash will be cleaned out between November and December.

Councilman Heideman asked about the drainage above Three Falls. Arthur LeBaron reported that he and the National Resources Conservation Services, Washington County, and the Environmental Protection Agency have looked at the project. They visited four areas in town and the upper bench where they are proposing the detention basis. All agreed on a detention basin with channel modifications throughout town.

Chief Excell asked the City Council to help cook hamburgers and hot dogs at the Emergency Preparedness Fair on Friday the 18th. The fair is meant to help people prepare for a disaster. The Iron Man event is on the 28th and 29th. Justin Grey was promoted to Sargent, and the department is fully staffed. There are three officers in the Police academy. One is graduating Thursday, and three more start the Academy on November 7th. They are collaborating with architects on the expansion of the Animal Shelter. Utah Local Government Trust has approved rebuilding the flooded basement, starting on November 14th. The increased traffic patrol shifts have led to sixty-two traffic stops, fifty-five citations, twenty warnings, and two arrests. He is waiting for confirmation from the Utah Department of Transportation to verify that the yellow lights meet the requirements. Councilman Prete asked if the problem is vehicles running red lights or turning right on a red. Mr. Excell confirmed that most problems involve running red lights, but both are serious problems. Mr. Excell reported that the death on 400 South was caused by the bike running the stop sign. The driver of the vehicle was not impaired. Mayor Billings reported that the Youth City Council painted the curb to help the line of sight. Councilman Heideman noted that several areas in the City have limited sight.

Scott Hughes reported that the department is still short-staffed. Crews are building the power lines to Cordero and digging holes on 600 North in preparation for the transmission upgrade. The generators were heavily used this summer and required many repairs. Mr. Hughes reported that the UAMPS bill was 1.7 million dollars in August. Mark Magg, Wayne Whitaker, Angie Erickson, Amanda Condie, Clark Fawcett, and Todd Cole serve on the recently formed solar policy subcommittee.

Sel Lovell reported that open enrollment is in November. The City has open positions for a Building Official, Civil Hearing Officer, Journeyman Lineman, and a part-time maintenance position.

Stephen Nelson reported that he and Kaden DeMille are meeting with Shum Coda to review the Building Official position.

Pam Blackmore reported that the GIS Department is busy implementing new software. Ms. Blackmore is working on a five-year GIS strategy plan. Mayor Billings confirmed that the public can view the GIS system on the City website.

6:00 p.m. - **Call to Order** –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge given by Doug Heideman

Declaration of any conflicts of interest

Councilman Prete declared a conflict of interest with the Elim Valley agenda items.

Consent Agenda

Amended minutes for August 18, 2022

Amended minutes for special meetings February 2, 2022, April 5, 2022, April 13, 2022, and June 14, 2022, adding Doug Heideman as present.

Minutes of the regular City Council meeting for September 15, 2022

Doug Heideman motioned to approve all minutes. Seconded by Joseph Prete. Motion carried unanimously.

Mayor Billings recognized Dayton Hall for his commendable work in his first six months. He is an excellent asset to the City and Staff. She expressed her gratitude to Cindy Beteag and recognized her for her commitment to the community and the City.

Public Forum – Comments From Public

OLD BUSINESS

1. Discussion regarding a **Franchise Agreement between Hurricane City and Infowest**

Mayor Billings acknowledged receipt of Kelly's email. In the email, he asked if the ordinance included an option to renew after fifteen years. Dayton Hall explained this is a discussion item. Mr. Hall revised the proposed agreement to ensure it complies with the recently adopted franchise ordinance. The remaining issue is identifying a timeline for when services will be provided.

Kelly reviewed the map showing the trunk lines. The green lines show the proposed pole line, and the yellow lines represent the underground conduit. They hope to have the system fully built out within five years. Mr. Hall asked the City Council to determine how in-depth the franchise agreement should be and if five years is a reasonable time frame for the completion of services. He reported that fifteen years is the maximum term in the ordinance. He is reluctant to commit to an automatic renewal. Mayor Billings recommended adding that the renewal agreement may be reviewed with written notice and a meeting with the City Council. Mr. Hall will add the recommendation to the agreement. Mayor Billings explained that the agreement will be on the November 17th agenda for discussion and possible approval.

2. Consideration and possible approval of **allocating funds to the Tourism Board** - April Gates/Doug Heideman

April Gates provided handouts to the City Council. She is the newly elected President of the Hurricane Valley Tourism Alliance. They are a nonprofit organization created by a previous City Council to ensure compliance with the Transient Room Tax (TRT). A portion of this tax is meant to support tourism, and the Tourism Alliance has not requested support since 2017. In 2021, Hurricane City collected $382,852 TRT. The group is requesting $7,500. There is a Hurricane City Council representative on the Board and a City representative from LaVerkin and Toquerville.

Kaden DeMille explained the TRT tax goes into the general fund and is used to fund operations. Ms. Gates would like the Tourism Alliance to participate in this tax funding. She reported that by State Law, a portion of the tax needs to be spent on tourism. They are trying to give the community and tourists a better experience. Doug Heideman asked them if the Board could apply for RAP tax money. Mayor Billings reported the Board can apply for RAP tax in February. Councilman Prete asked how the previous funding was used. Ms. Gates reported that the money was used to set up the 501 C and pay for the domain name, website, and other operational items.

Councilman Prete is convinced the City needs a meaningful way to communicate with the citizens. Other Cities have made huge strides; however, they have spent a lot of money to have that communication. Hurricane City is far behind, and there is a glaring void that needs to be addressed. Mayor Billings noted that Kendra is in the process of getting everything on the website and social media. Councilman Heideman agreed with Councilman Prete. Mr. DeMille reported the City Council has a contingency fund for various items; however, he feels this warrants a more extensive conversation.

Councilman Thomas would like to see this designated in the budget. Councilman Prete explained that the Council's job is to promote a sense of community, and it is essential to find a way to communicate with the community.

David Hirschi motioned to continue consideration and possible approval of allocating funds to the Tourism Board to the November 17th meeting. Seconded by Joseph Prete. Doug Heideman, Joseph Prete, David Hirschi, and Kevin Thomas voting aye. Motion carried unanimously.

Mayor Billings noted that Ironman brings in twenty-one million dollars in revenue to the County. Councilman Heideman feels tourism is important to the community. Councilman

Hirschi suggested approaching business owners to seek donations since they are the ones that benefit from tourism.

3. Ordinance 2022-53 Consideration and possible approval of a **Land Use Code Amendment request to Title 10 Chapter 21: Agriculture Protection Overlay, Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture Zoning Standards.**

Dayton Hall stated that one five-acre parcel is required to get agricultural protection overlay. This amendment allows a parcel less than five acres to apply for agricultural protection overlay if combined with a five-acre parcel. Mayor Billings reported that she has no concerns regarding allowing reception centers as a secondary use. Stephen Nelson reported that the City Council raised many concerns during the last discussion, and he asked for recommendations and guidance from the City Council. Councilman Thomas feels the ordinance is good the way it is. Councilman Prete wants to see better language regarding the best practices of those under an agriculture protection overlay. Councilman Thomas asked what the best way to define best practices is. Councilman Prete wants to ensure that those under the protection provide courtesy to the neighbors. Councilman Prete noted that this ordinance prevents neighbors from filing a nuisance claim. Mr. Nelson read through the nuisance section. Councilman Prete's primary concern is the smells, and he does not favor the half-acre concept.

Kevin Thomas motioned to deny the Land Use Code Amendment request to Title 10 Chapter 21: Agriculture Protection Overlay, Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture Zoning Standards. Motion dies for lack of a second.

Mr. Hall explained that other changes were made to the code. Mr. Nelson reported that the amendments include the agriculture protection overlay, allowing smaller lots in RA.5 and RA-1 if a master roadway dedication is required, and allowing reception centers in agriculture zones.

Kevin Thomas amended his motion to approve the Land Use Code Amendment request to Title 10 Chapter 21: Agriculture Protection Overlay, Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture Zoning Standards. Except for Chapter 21. Kevin Thomas rescinds his motion for further discussion.

Mr. Nelson reviewed the changes, including the parking requirements. He discussed the parking calculations and feels the current standard is sufficient. Mayor Billings is comfortable with the current code. Councilman Prete is concerned because reception centers bring commercial use to a residential area. Councilman Heideman feels the item should be continued for further review. Councilman Prete asked for the ordinances to be split into separate parts. Councilman

Thomas wants to review the acreage and off-street parking. Councilman Heideman wants a clear definition of agriculture use.

Doug Heideman motioned to continue consideration and possible approval of a Land Use Code Amendment request to Title 10 Chapter 14: Residential Agriculture Zoning Standards, Title 10 Chapter 7 Section 9: Conditional Use Permit Standards, and Title 10 Chapter 12: Agriculture Zoning Standards. To the November 17th meeting. With the stipulation of breaking the ordinance into separate items. Seconded by Kevin Thomas. Joseph Prete, David Hirschi, Doug Heideman, and Kevin Thomas voting aye. Motion carried unanimously.

Mr. Hall asked if the motion to deny Title 10, Chapter 21, still stands.

Kevin Thomas motioned to deny chapter Title 10, Chapter 21. Seconded by David Hirschi. Joseph Prete, Doug Heideman, Kevin Thomas, and David Hirschi voting aye. Motion carried unanimously.

4. Reconsideration and possible approval of a **revised airport lease template** -Joseph Prete

Councilman Prete provided information to Mayor Billings and Dayton Hall. Councilman Prete asked for this to be brought before the City Council because he was concerned that the previous lease requires the City to pay for relocating hangars if the Airport is moved. His second concern is that the land lease concept is not in the agreement. Both of his concerns were addressed in the revised lease template. Mayor Billings agrees that the City should not be responsible for paying to move a hanger if the Airport is relocated. Dayton Hall reported that this template will be used going forward; however, potential lessees are required to come before the City Council.

Joseph Prete motioned to approve the revised airport lease template. Seconded by Kevin Thomas. Joseph Prete, David Hirschi, and Kevin Thomas voting aye. Doug Heideman voting nay. Motion carried.

NEW BUSINESS

1. Consideration and possible approval of a preliminary plat for **Southern Dunes Townhomes, a recreation resort 345 townhome development located at 2600 W and 4200 S.** Southern Dunes Townhomes Applicant. Bush & Gudgell, Inc Agent

Stephen Nelson reported that the agent cannot attend and has requested a continuation. He explained that the Planning Commission recommended denial based on a lack of infrastructure. According to the number of approved projects and the current power loads, there is inadequate capacity.

David Hirschi motioned to table consideration and possible approval of a preliminary plat for Southern Dunes Townhomes, a recreation resort 345 townhome development located at 2600 W and 4200 S. Until the applicant is ready. Seconded by Joseph Prete. Dayton Hall explained that if the application is tabled, the applicant could wait for the Power Department to develop the services. He suggests a time limit of up to three months if the item is tabled. Motion dies.

David Hirschi motioned to continue consideration and possible approval of a preliminary plat for Southern Dunes Townhomes, a recreation resort 345 townhome development located at 2600 W and 4200 S. With the stipulation that the application is brought to the City Council no later than the first meeting in December. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, Kevin Thomas, and David Hirschi voting aye. Motion carried unanimously.

2. Consideration and possible approval of a proposed **amended final plat for Dixie Springs Plat E located at 2799 S 3680 W.** Kevin and Ralene Scott Applicant. Ryan Scholes Agent.

The applicant is not present. Stephen Nelson explained that the applicant is requesting to combine two lots in Dixie Springs. He noted that Staff has no concerns.

Kevin Thomas motioned to approve the proposed amended final plat for Dixie Springs Plat E located at 2799 S 3680 W. Seconded by Joseph Prete. Doug Heideman, David Hirschi, Kevin Thomas, and Joseph Prete voting aye. Motion carried unanimously.

3. Ordinance 2022-59: Consideration and possible approval of a **Zone Change Amendment request located at approx. 1436 W State Street** from the split zoning of HC, highway commercial, and RA-1, residential agricultural one unit per acre, to expand the HC, highway commercial, to develop the whole property with commercial type uses. Parcel Number: H-3-1-33-3217. Buck Hurst Applicant.

Buck Hurst is requesting to combine both properties to commercial zoning. Mayor Billings confirmed that the Planning Commission made a positive recommendation.

Kevin Thomas motioned to approve consideration and possible approval of a Zone Change Amendment request located at approx.1436 W. Seconded by David Hirschi. Doug Heideman, Joseph Prete, Kevin Thomas, and David Hirschi voting aye. Motion carried unanimously.

Councilman Prete wants to ensure that traffic issues on 1515 West and pedestrian traffic from the RV Park are addressed. Stephen Nelson reported that the City Council can require buffering or walling of a commercial property. Councilman Heideman feels there should be a buffer between commercial and residential. Councilman Thomas feels this can be discussed in the site plan phase.

Buck Hurst reported that Ace Hardware is willing to donate to the Tourism Board as they benefit from tourism.

4. Consideration and possible approval of a proposed **preliminary plat for Peregrine Pointe West Phase 1A**, a three-lot residential subdivision located at 3000 W Cliffhanger Dr. Peregrine Pointe West Phase 1A Applicant. Greg Sant Agent.

Greg Sant explained that these lots were developed fifteen years ago but were never recorded. The lots have sewer, water, and power, and they plan to divide the property into three lots if this preliminary plat is approved. Stephen Nelson reported that the Planning Commission gave a positive recommendation conditional upon will-serve letters from the Ash Creek Sewer District and the Water Department, which have been received.

Kevin Thomas motioned to approve the proposed preliminary plat for Peregrine Pointe West Phase 1A, a three-lot residential subdivision located at 3000 W Cliffhanger Dr. Peregrine Pointe West Phase 1A. Subject to Staff and JUC comments. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Motion carried unanimously.

5. Public Hearing to take comments on the following:

Kevin Thomas motioned to go into a Public Hearing. Seconded by Joseph Prete. Motion carried unanimously.

a. (A) The issuance and sale of not more than **$1,000,000 aggregate principal amount of water revenue bonds,** series 2022, and (B) any **potential economic impact** that the project to be financed with the proceeds of the bonds issued under the act may have on the private sector; and related matters

No comments

b. A request for a **road abandonment on a 7-foot section of Turf Sod Rd.** Between 5140 West and Antenna Avenue

No comments

c. A request for a **road abandonment of the north section of 2800 West** to allow for the realignment of the master planned road

No comments

Kevin Thomas motioned to go out of a Public Hearing. Seconded by Doug Heideman. Motion carried unanimously.

Kaden DeMille explained that this is the bonding for the secondary water system. The Parameters Resolution passed in September allows the City Manager and the Mayor to finalize the transaction. Councilman Prete referenced the minutes from September stating that the City will bond the remaining $140,000. Mr. DeMille explained that the overall cost is 2.8 million. Seventy percent is granted, twenty five percent is paid by a bond, and five percent is paid by City. Councilman Prete noted that the minutes need to be corrected.

6. Resolution 2022-48: Consideration and possible approval of a **road abandonment on a 7-foot section of Turf Sod Rd.** Between 5140 West and Antenna Avenue

Arthur LeBaron reported that the School District deeded the property to the City for Turf Sod road. Last year, the property developer received approval on a preliminary plat that includes the seven-foot section of Turf Sod Road. Staff recommends that the City dispose of the road. Councilman Thomas asked if the developer should pay for the land. Mr. LeBaron noted that the City did not pay for the property; however, the City Council has the authority to request compensation for the property. Chris Wyler mentioned the developer contributed property to the City for two master planned roads in this area.

Ryan Hatch pointed out they have cooperated with the dedications required by the City. If the City takes the seven feet, ten lots will not meet size requirements because of the width of the roads and bike paths in the area. Councilman Thomas is sympathetic to developers who are required to dedicate property and noted that his concerns were alleviated. Stephen Nelson reviewed the resolution presented to the City Council. The abandonment is not releasing the developer of their obligated improvements on the third property. Councilman Thomas asked if the developer's cooperation with the City should be included in the motion. Councilman Prete feels the best practice is to sell the property. Mr. LeBaron explained that the property is not buildable and encouraged the City Council to consider all the information presented. Mayor Billings asked the developer to consider developing a lot for Habitat for Humanity or Self-Help Homes.

Kevin Thomas motioned to approve Resolution 2022-48 with the clause that the City recognizes the developer's dedication of significant property and that the strip of property is not usable. Seconded by David Hirschi. Doug Heideman, David Hirschi, and Kevin Thomas, voting aye. Joseph Prete voting nay. Motion carried.

7. Resolution 2022-49: Consideration and possible approval of a **road abandonment of the north section of 2800 West** to allow for the realignment of the master-planned road

Arthur LeBaron reported that there is a legacy right of way of eight feet on the west side of Sky Ridge. During the design of 2800 West, it was determined that the legacy plat was unsuitable from a safety perspective; therefore, they realigned the intersection two hundred feet to the west. The realignment impacted private property, and the property owners were granted the right of occupancy to build the road. As part of that negotiation, Staff recommends trading the portion of 2800 West. Dayton Hall explained that as the dedication is written, this is an abandonment of the existing right away based upon conditions. Councilman Prete confirmed that the abandonment is void if the City does not receive its portion of the trade.

Joseph Prete motioned to approve Resolution 2022-49. Seconded by Doug Heideman. Kevin Thomas, David Hirschi, Doug Heideman, and Joseph Prete voting aye. Motion carried unanimously**.**

8. Consideration and possible approval of **purchasing a tractor for the Airport using CARES money** - Mike Vercimack

Mike Vercimack reported that the Federal Aviation Administration (FAA) received $30,000 during the pandemic. Restrictions were placed on the funding, which limited its use to items that pertain to protection from the virus. Those restrictions have changed; therefore, the Airport Board recommends purchasing a tractor with those funds.

Doug Heideman motioned to approve purchasing a tractor for the Airport using CARES money up to $30,000. Seconded by Kevin Thomas. Joseph Prete, David Hirschi, Doug Heideman, and Kevin Thomas voting aye. Motion carried unanimously.

9. Consideration and possible approval of the **amended Capital Improvement Plan (CIP) for the Hurricane City Airport** - Mike Vercimack

Mayor Billings reported one dissenting vote from an airport board member. She explained that the board member disagreed with adding airport lighting to the CIP. Mike Vercimack explained that this is part of the passed infrastructure bill. Hurricane City Airport received an additional $159,000 each year for five years. To spend that money, the CIP had to be updated. He provided the existing plan and the proposed plan. The Board decided that the weather reporting equipment and rebuilding of the taxi lanes in phase one and phase two should be moved to the top of the CIP list. He noted that the plan is broken into a five-year and a ten-year horizon. The Airport Board chose to move the lighting project to 2029. Mr. Vercimack reviewed the projects included in the Capital Improvement Plan.

Steve Nation noted that Sky Ranch Airport has an AWA station, and he thinks it is a waste of money to have an AWA station at both airports. Dave Houston explained that the system at Sky Ranch is not an official FAA AWA system.

Councilman Prete is concerned because adding the lighting to the plan contradicts the City Council's previous vote. Mr. Houston reported that the Airport Board feels that it should be added as the last item on the list. This way, the lights can be reviewed again in the future. Councilman Thomas was not opposed to the lighting and thinks it is fair to have the lighting on the list so the future City Council can determine if they are necessary. Councilman Prete explained that the lighting was voted down, and to him, adding the lighting is contrary to the Council Council's decision. Councilman Hirschi agrees with Councilman Prete; however, the lights might be a good idea if the Airport is relocated.

Joseph Prete motioned to approve the Capital Improvement Plan (CIP) for the Hurricane City Airport with the stipulation of removing the airport lights. Seconded by David Hirschi. Joseph Prete and David Hirschi voting aye. Kevin Thomas and Doug Heideman voting nay. Mayor Billings voting aye. Motion carried.

10. Consideration and possible approval of **revoking the business license for DB HVAC** - Cindy Beteag

Cindy Beteag reported that the applicant expressed his intent to stay in retirement, so he let his DOPL license expire. Dayton Hall confirmed that there is no representative for DB HVAC present.

Kevin Thomas motioned to approve revoking the business license for DB HVAC. Seconded by Joseph Prete. David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete voting aye. Motion carried **unanimously**.

11. Consideration and possible approval of **revoking the business license for Lower Falls** - Cindy Beteag

Cindy Beteag reported that the applicant did not obtain the required fire inspection within forty-five days, and the fire inspection scheduled after the allotted time failed. Dayton Hall noted that there is no representative for Lower Falls present. Councilman Prete asked if the due process rights of the business license holder were satisfied. Mrs. Beteag explained the communications that took place. She confirmed that notice of tonight's agenda was emailed to the property owner. Mr. Hall explained that notice was provided, and the ordinance was followed.

Kevin Thomas motioned to approve revoking the business license for Lower Falls. Seconded by David Hirschi. Kevin Thomas, David Hirschi, and Doug Heideman voting aye. Joseph Prete voted nay. Motion carried.

12. Consideration and possible approval of Resolution 2022-47 **appointing temporary Justice Court Judges** for the Justice Court - Kaden DeMille

Kaden DeMille explained that State code allows the City to appoint a temporary Judge in cases where the Judge is absent or if there is a conflict of interest. He explained that the City has been in contact with Judge Matthew Carling, and he agrees to serve in this capacity.

Joseph Prete motioned to approve Resolution 2022-47. Seconded by Doug Heideman. Kevin Thomas, David Hirschi, Doug Heideman, and Joseph Prete voting aye. Motion carried unanimously.

13. Consideration and possible approval of **Ordinance 2022-56 amending Title 1, Chapters 5, 6, and 8 regarding administrative policies** - Cindy Beteag

Cindy Beteag explained that this amendment brings the ordinance into compliance with State Code.

Joseph Prete motioned to approve Ordinance 2022-56, amending Title 1, Chapters 5, 6, and 8 regarding administrative policies. Seconded by Doug Heideman. Kevin Thomas, David Hirschi, Doug Heideman, and Joseph Prete voting aye. Motion carried unanimously.

14. Consideration and possible approval of **Ordinance 2022-57 amending Title 3, Chapter 1 regarding business licensing** - Cindy Beteag

Cindy Beteag reported that this change allows the City administration to deny applications and renewals that have not met the requirements.

Joseph Prete motioned to approve Ordinance 2022-57, amending Title 3, Chapter 1 regarding business licensing. Seconded by David Hirschi. Kevin Thomas, Doug Heideman, David Hirschi, and Joseph Prete voting aye. Motion carried unanimously.

15. Consideration and possible approval of a proposed **preliminary plat for Lone Pine subdivision**, a nine-lot residential subdivision located at 400 W 820 S. Brant Tuttle, Northern Engineering Applicant

Brant Tuttle and Ron Campbell were present. Stephen Nelson reported that this zone change was approved subject to a development agreement limiting the development to nine lots. The agreement has been signed, and this plan is compliant with that agreement. Staff and the Planning Commission favor the preliminary plat conditional upon the applicant working with the Power Department to develop service to the location.

Ron Campbell reported that the power plan has been approved. He explained that Ash Creek will tear up the irrigation ditch when they install the new sewer line so he would like to wait until they are done before he does the improvements to the canal. Mr. Nelson reported that

Ash Creek Sewer District plans to install a sewer line on 300 West. The City will work with the applicant regarding the timing of the sewer line. Councilman Prete asked if the opposition and concerns raised by the public have been addressed. Stephen Nelson reported that the tailwater concern was addressed. Other concerns will be worked out through the construction process.

Joseph Prete motioned to approve the proposed preliminary plat for Lone Pine subdivision, a nine-lot residential subdivision located at 400 W 820 S. Subject to Staff and JUC comments. Seconded by Kevin Thomas. Doug Heideman, David Hirschi, Kevin Thomas, and Joseph Prete voting aye. Motion carried unanimously.

Dayton Hall asked the City Council to make a motion to amend the minutes of 9/15/22 minutes to reflect the changes discussed tonight regarding the bond. The word bond should be replaced with pay for.

Joseph Prete motioned to amend the minutes on 9/15/22 to reflect the changes in which the word bond needs to be replaced with pay. Seconded by Kevin Thomas. David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete voting aye. Motion carried unanimously.

16. Ordinance 2022-58: Consideration and possible approval of a **Zone Change Amendment request located at approx.. 29 N 1690 W** from R1-10, residential one unit per 10,000 square feet, to R1-8 with a PDO, residential one unit per 8,000 square feet with a planned development overlay. Parcel numbers H-3-1-33-3141 and H-3-1-33-4221. Richard & Kathleen Hinton Applicant.

Brent Peterson owns the property next to the proposed development, and the south portion adversely affects him. He has no issues or concerns regarding the northern portion. He feels the engineer is misrepresenting the proposal, which does not reflect his legal easement.

Dayton Hall explained that Mr. Peterson's easement is a private easement. The City cannot enforce a private easement. Mr. Hall requested to have the private easement shown on the map when the zone change was requested. No developments are proposed on southern portion of the property, and no zone changes affect that portion of the property. He clarified that he, Stephen Nelson, nor the Mayor have offered advice on a private easement.

Stephen Nelson explained this zone change includes a PDO over the northern section to build multifamily complexes. Mr. Nelson walked the property and confirmed there are two registered wetlands. The applicant's proposal plans to incorporate the wetlands into their features with a trail system and the current vegetation. Mr. Nelson reported that the applicant is asking for a maximum density bonus of twenty percent. The Planning Commission recommended the zone change and density bonus positively. Mr. Hall noted that there was one dissenting vote from the Planning Commission.

Councilman Prete thinks a density bonus makes sense for amenities but not for more open space. Councilman Hirschi likes the project but not the density. Mr. Nelson explained that he prefers clustering density to allow more open spaces. He noted that the site plan will change if approved with a limited density bonus. Councilman Thomas asked if the units were rentals. Mr. Hinton reported that a large portion of the units will be sold. Councilman Heideman does not like the high density, the PDO, or the shared open space. Mr. Nelson reported that the property is currently split-zoned highway commercial and R1-10. The applicant is proposing to rezone to R1-8 with a PDO overlay. The highway commercial will remain the same. Karl Rasmussen suggested reducing the units to forty-eight.

Kevin Thomas motioned to approve a Zone Change Amendment request located at approx. 29 N 1690 W. Subject to Staff and JUC comments and a five percent density bonus. Motion dies for lack of a second.

Dayton Hall clarified that the site plan needs to be revised to reflect the changes.

Kevin Thomas motioned to continue the Zone Change Amendment request located at approx. 29 N 1690 W. to the next meeting subject to a new site plan with a five percent density bonus. Motion dies for lack of a second.

Councilman Prete asked what concerns were expressed by the neighbors. Mayor Billings reported that the neighbors prefer single-family homes with garages.

David Hirschi motioned to deny the Zone Change Amendment request located at approx. 29 N 1690 W. based on it will negatively affect the adjacent property and it is not harmonious with the overall character of the existing development in the surrounding area. Seconded by Doug Heideman. David Hirschi and Doug Heideman voting aye. Joseph Prete and Kevin Thomas voting nay. Mayor Billings voting aye. Motion carried.

Joseph Prete motioned to waive the application fee if the applicant returns with another zone change request within four months. Seconded by Doug Heideman. David Hirschi, Kevin Thomas, Doug Heideman, and Joseph Prete voting aye. Motion carried unanimously.

Mr. Hall clarified that the discussion regarding density and the number of units is not part of the approval. It will be contingent upon noticing, public comment, and further discussion by the City Council.

17. Consideration and possible approval of a **proposed final site plan for Glampers Inn,** an RV park and commercial development located south of Sand Hollow Road. Blow Sand LLC Applicant. Scott Nielson Agent.

Katie Leavitt and Karl Rasmussen were present. Mayor Billings confirmed that the applicant met with Staff this morning. Councilman Heideman has attended three meetings regarding this final site plan. The water needs a loop to BASH Parkway and Sand Hollow Road. The applicant must pay the down payment for power to Dixie Power, and transformers are one year out. The PID needs to pay for gas to be installed. The fire hydrants need to be operational before the building permits are issued. He noted that any other problems shall be addressed with Public Works Director.

Dayton Hall asked if the construction drawings for Sand Hollow Road have been signed. Karl Rasmussen reported that after several reviews, Staff, Engineering, and Traffic Engineers are still making changes. He reviewed the proposed traffic routes. The roundabout was reduced to four exits. Mike Vercimack reported that all of the PID roads are bonded. Councilman Prete asked about the projected timeline of the roads and utilities to the site. Katie Leavitt noted that the power is dependent upon the receipt of the transformers. Brent Moser reported that the materials have been purchased for the roads. Councilman Prete is concerned that changes to the market and economy may cause delays to the project. Ms. Leavitt reported that everything has been purchased and is on site.

Mr. Hall pointed out it has been the City's practice to have signed construction drawings and bonding in place before approving site plans. The Cordero project was held up until the construction drawings were signed. Mr. Hall noted that from a liability perspective, he is concerned about approving the project prematurely. Mr. Vercimack thinks having the bonding in place is sufficient to move forward; however, a problem could arise if more than the bonded amount is needed. Mr. Hall reiterated that to be consistent, the site plan should only be approved once the construction drawings are signed.

Doug Heideman motioned to approve the proposed final site plan for Glampers Inn, an RV park and commercial development located south of Sand Hollow Road subject to the approval of the bonded amount by the City Attorney and the Public Works Director. The following conditions must be completed before a building permit is issued; The water must loop from the project back to Bash Parkway and Sand Hollow Road before the water system is accepted for use. The down payment must be made to Dixie Power. The PID must pay for gas installed in the roadways before service to the property. Fire needs an improved second access from the property. Fire hydrants must be operational. The public facilities must be determined adequate, as explained in Section 9-6-3. Seconded by David Hirschi. Kevin Thomas, David Hirschi, and Doug Heideman voting aye. Joseph Prete voted nay. He is concerned that an economic crash will leave the City in a challenging situation. Motion carried.

18. Consideration and possible approval of a **preliminary plat for Bash Resorts**, a 375-unit recreation resort development located north of Iron Bridge Blvd. Western Mortgage and Realty Co-Applicant. Brent Moser Agent.

Stephen Nelson explained that when the Elim Valley agreement was dissolved, the resort area expanded as part of the initial agreement approved by the City. The Planning Commission approved the off-site parking standards and the alternative amenities package. The Planning Commission's recommendation of approval was unanimous. Councilman Prete noted that there are 375 units in ten condo buildings, a hotel, and a clubhouse on 27.83 acres.

Kevin Thomas motioned to approve the preliminary plat for Bash Resorts, a 375-unit recreation resort development located north of Iron Bridge Blvd subject to Staff and JUC comments. Seconded by Doug Heideman. Kevin Thomas and Doug Heideman voting aye. David Hirschi voted nay. Joseph Prete abstained. Mayor Billings voting aye. Motion carried.

19. Consideration and possible approval of a **preliminary plat for Marla Phase 2,** a nine-unit recreation resort development located at approximately 1600 S Sand Hollow Road. Western Mortgage and Realty Company Applicant. Brent Moser Agent.

Mayor Billings asked how the current drainage issues would be solved. Brent Moster reported that a storm drain line on Wilson Drive would go into their detention basin, moving through another storm drain and continuing to the detention basin on the north side. Stephen Nelson explained the Marla development had remaining resort zoning around it, so the applicant is proposing to extend the subdivision with nine additional lots. One of the concerns is that the public roadways are shown to end in the common area. The applicant explained the public roadways end in the common area due to the detention pond. The Planning Commission felt this is justified.

Kevin Thomas motioned to approve the preliminary plat for Marla Phase 2, a nine-unit recreation resort development located at approximately 1600 S Sand Hollow Road subject to Staff and JUC comments. Seconded by Doug Heideman. Kevin Thomas, David Hirschi, and Doug Heideman voting aye. Joseph Prete abstained. Motion carried.

20. Ordinance 2022-60: Consideration and possible approval of a proposed **Zone Change Amendment request located at approx.. 5200 West and 2500 South** from A-5, agriculture one unit per 5 acres, to RM-1/PDO, multifamily 6 units per acre with a Planned Development Overlay, and RR, recreation resort. Parcel numbers: H-4138-B, H-4138-L, H-4138-E. Chris Wyler Applicant. Brandee Walker-Civil Science Agent.

Stephen Nelson reported that the Planning Commission recommended denial due to inadequate facilities. The sewer will likely need a bigger lift station, and Dixie Power needs to build a substation in the area to provide adequate power. He noted that the Planning Commission has reviewed many variations of the plan.

Chris Wyler reported that the Planning Commission has raised concerns each time the application is reviewed. As far as he is aware, this proposal meets Staff conditions. Mr. Nelson reported that the applicant needs additional parking. Staff also recommends amenities in the southern section. Mr. Wyler reported that this proposal is well below his zoning. He presented renderings of the units and amenities. He feels that parking around the park made more sense. Mr. Wyler explained that the power is paid for. He turned in his preliminary plat for the estate lots, so the road has to be built out. They will have a secondary water system and four wells on the property, and the water loop is complete. This development consists of 420 townhomes and twenty-three single-family units. Mr. Nelson reported that this proposal is decreasing the overall zoning area; however, the number of units is increasing.

Councilman Thomas noted that this proposal is not requesting more than what is already approved. It is just reworking how it is laid out. Dayton Hall noted that this is adding twenty-five units. Mr. Nelson does not recommend changing the zone where the current clubhouse is located. Councilman Thomas asked if the applicant could be held to a reduction in the number of units. Mr. Nelson reported that a development agreement could accomplish this.

Mr. Nelson reiterated concerns regarding sewer and power. The applicant has signed construction drawings, bonded for the secondary access, and has started working on the project. Mr. Nelson explained that a development agreement can cap the total number of units. Mr. Hall advised that the development agreement includes standard language about adequate facilities and ensures that the density cap applies to the entire townhome section of the development. Mr. Wyler suggested a development agreement limiting the development to no more than two hundred units in this phase. Mr. Nelson recommends continuing the item so Staff and the applicant can collaborate on the development agreement.

Kevin Thomas motioned to continue consideration and possible approval of a proposed Zone Change Amendment request located at approx. 5200 West and 2500 South from A-5, agriculture one unit per 5 acres, to RM-1/PDO, multifamily 6 units per acre with a Planned Development Overlay, and RR, recreation resort to the next meeting to allow Staff and the applicant an opportunity to create a development agreement limiting the number of townhomes in this area to two hundred. Seconded by Joseph Prete. Doug Heideman, David Hirschi, Kevin Thomas, and Joseph Prete voting aye. Motion carried unanimously.

Adjournment

Doug Heideman motioned to adjourn at 11:30 p.m. Seconded by David Hirschi. Motion carried unanimously.