Minutes of the Hurricane City Council meeting held on November 17, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:30 p.m.

3:40 – 4:00 p.m. Closed Meeting regarding potential purchase of real property and the character, professional competence, or physical or mental health of an individual

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

Also Present: City Manager Kaden DeMille, Attorney Dayton Hall, Planning Director Stephen Nelson, Assistant Planner Fred Resch III, City Engineer Arthur LeBaron, Street Superintendent Weston Walker, Public Works Director Mike Vercimack, Power Superintendent Scott Hughes, City Accountant Paige Chapman, and City Recorder Cindy Beteag

Joseph Prete motioned to go into a closed session to discuss the potential purchase of real property. Seconded by Dave Sanders. Motion carried unanimously.

Dave Sanders motioned to go out of a closed session at 4:30 p.m. Seconded by Kevin Thomas. Motion carried unanimously.

David Hirschi motioned to move the tourism discussion to December and change the presentation to 4:30 p.m. Seconded by Kevin Thomas. Doug Heideman, Kevin Thomas, and David Hirschi, voting aye. Dave Sanders and Joseph Prete were not present. Motion carried.

4:30 -5:00 p.m. Presentation from United We Pledge and discussion of Liberty Village

Richard Widgit and Dennis Leavitt present. Mr. Leavitt explained that their mission statement is about freedom, family, and faith. Education, celebration, and destination are their three initiatives. They are private, nonprofit, nondenominational, and nonpartisan. Their primary focus is educating the youth of America about the Constitution, the Declaration of Independence, and the Bill of Rights. They offer a free online curriculum for anyone interested. Mayor Billings noted that United We Pledge paid $4000 for the Wreaths across America.

Mr. Leavitt explained that Liberty Village is a four-phase project, and phase one is fully funded. The master site plan is complete and approved by the board. They are building historically accurate replicas of notable events. Four buildings are funded, and there is an advisory board to ensure the information they provide is accurate. Mr. Leavitt presented slides showing the buildings. He anticipates that phase two will be funded by spring.

Mayor Billings reported that the City Council agrees with faith, family, and freedom. She noted that she did ask the City Attorney to research waiving impact fees.

Dayton Hall reported that impact fees could not be waived in this scenario. He explained the impact fee ordinance and state code. Mr. Leavitt stated they are only asking for assistance in paying for the infrastructure and the park.

AGENDA

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director Stephen Nelson, Assistant Planner Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Fire District Representative Joe Decker, Human Resource Director Sel Lovell, Parks Superintendent Darren Barney, and Water Superintendent Ken Richins

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

Stephen Nelson provided QR codes for the Downtown Master Plan to the City Council and reported that the codes are posted in the City offices. A consultant was hired to assist in updating the master plan, and the survey can be accessed on the website. The goal is to have the new plan adopted by May. Mayor Billings asked how the Downtown Master Plan will benefit the City. Mr. Nelson reported that the General Plan recommended a downtown master plan. This plan will provide an economic analysis of what is needed in the area. The plan will also help enhance transportation options and parking plans. He mentioned the code enforcement program has been very successful. The building permit system is close to going live. There has been an issue with the fee structure, which is holding back the system. The planning applications are expected to be online in January.

Arthur LeBaron reported that his department is very busy with development inquiries. He is working with schools on safety. He has sent progress videos on the 2800 West project, which is still under construction. He is working with Washington County and Washington City on the design for the Purgatory Road. They are planning another Love Where You Live campaign for cleanup along SR-9. Councilman Sanders asked if there are plans for the SR-7 interchange. Mr. LeBaron reported that the interchange is in the Utah Department of Transportation's (UDOT) right of way.

Weston Walker reported that the installation of the pipe on 1100 West is complete, and the stripping is complete on the roads that were chip sealed. They received the first load of crack seal.

Mike Vercimack agreed that the City is still remarkably busy with development projects. The tractor for the airport has been purchased.

Chief Excell reported that contractors are repairing the flooded basement this week. The Preparedness Fair is at the Community Center tomorrow. He asked the City Council to help if they are available and thanked everyone for their help in preparing for the fair. He stated that there is currently an active kidnapping case in Hurricane City. The case involves non-custodial parents. One hundred and forty-four citations were issued during the stop light enforcement project. He noted that traffic accidents decreased during this project. A citizen donated money to purchase a speed trailer. This citizen has donated a large amount of money to the Police Department in the past three years. Five officers are in the Police Academy, and two graduate on December 8th. Mayor Billings thanked the department for the belt buckles donated to the Equestrian Park.

Dayton Hall reported that an Administration Officer has been hired and there is one case scheduled. One case has gone to court, and it was won. There are two pending trials. Councilman Sanders reported an overwhelming amount of advertising signs in the community that are starting to clutter the intersections. Fred Resch III explained the general policy is to remove signs in the City's right of way but if the Council wants the staff to be more aggressive, they can.

Tiffani Wright reported that the Tree Lighting is on Monday, November 28th. There will be horse sleigh rides, polar express train rides, a live nativity scene, and Santa. The Tree Festival is the first weekend of December.

Joe Decker reported that the Fire District averages between eighteen to twenty daily calls. The district will be at the Preparedness Fair.

Selwin Lovell reported a Journeyman Lineman position and a Building Official position open.

Ken Richins reported that the irrigation meter project will be advertised for bid starting tomorrow. The well drilling in Dixie Springs is at 640 feet.

Darren Barney reported settling in the equestrian park restroom due to a water leak. It has been repaired, and the work is under warranty. He completed the Tree USA program recertification. They have filled the full-time positions and extended an offer for the remaining part-time position.

Scott Hughes reported that the Power Department is still understaffed, and an applicant has verbally accepted the journeyman/lineman position. They are setting up the Christmas tree next week and hanging Christmas lights on the 27th. He asked everyone to be careful while driving on State Street.

Paige Chapman is going to a recreation grant meeting tomorrow.

6:00 p.m. - Call to Order -

Prayer: John Bramall

Thought and Pledge: Summer Barlow and Evalena Barlow Valley Academy Student Council.

Declaration of any conflicts of interest

Joseph Prete declared a conflict of interest on any Elim Valley item. New Business agenda item 10.

Approval of Minutes: November 4, 2021, December 2, 2021, and October 3, 2022

Kevin Thomas abstained because he was not on the City Council in 2021.

Joseph Prete motioned to approve the minutes of the November 4, 2021, December 2, 2021, and October 3, 2022, City Council meetings. Seconded by Dave Sanders. Motion carried unanimously.

OLD BUSINESS

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

Kelly Nyberg reported that Infowest has no objections to the agreement and thanked the City Council, Mayor, and Staff for their time and effort in collaborating with them. Dayton Hall added a five-year term clause and a statement that the agreement can be continued before the fifteen-year term.

Kevin Thomas motioned to approve a Franchise Agreement between Hurricane City and Infowest. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Joseph Prete, aye. Motion carried unanimously**.**

2. Consideration and possible approval of a **donation to the Hurricane High School's robotics team Black Ops**

Councilman Prete reported that Mr. Vick was unaware that this was on the agenda until late yesterday. Mayor Billings reported that the team picked up the money previously approved.

David Hirschi motioned to continue the donation to the Hurricane High School's robotics team Black Ops. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Joseph Prete, aye. Motion carried unanimously.

Councilman Prete suggested a work session. He explained that Mr. Vick's goal is for Southern Utah to become an engineering tech hub. Mr. Vick hopes to have creative thought as a City to determine how to bring this type of business to the area.

3. Consideration and possible approval **to fund $3,000 for Wreaths Across America in memory of 528 Veterans Graves**

Fred Hernandez reported that there are 543 veteran graves in the cemetery. Mr. Hernandez asked the City Council to increase the funding to $5,000. He reported that Balance of Nature has committed to match of up to $10,000. He explained that unused funds will go into their excessive fund account for other projects.

Mayor Billings mentioned Washington City placed a wreath emblem on each headstone and she questioned if something like that could be done that is permanent. Councilman Hirschi reported that the Just Serve project placed a wreath on every grave. The wreaths were recovered and will be used again. He feels it is important to be conscious of the funds and find something to honor the veterans that can be reused. Mayor Billings reported enough money in the contingency fund to approve the $3000. She explained how the funding amount was determined.

Councilman Thomas stated that this should be included in the annual budget if the Council intends to continue funding this. Councilman Hirschi explained that the City Council is working on a Veterans Park at the Cemetery. He questioned whether this money should go toward the Veterans Park. John Bramall reported that if the City donates a large amount, he will ask Balance of Nature to match funds for the Veterans Park.

Dave Sanders motioned to approve $5,000 for Wreaths Across America in memory of 528 Veterans Graves. Dayton Hall explained that the agenda item is for a donation of $3,000.

Dave Sanders amended his motion to approve $3,000 for Wreaths Across America in memory of 528 Veterans Graves with the intent that the item will be on the next agenda for approval of the remaining $2,000. Seconded by Joseph Prete. David Hirschi, Kevin Thomas, Doug Heideman, Dave Sanders, and Joseph Prete, aye. Motion carried unanimously.

Public Forum – Comments From Public

Susan Seder is speaking on behalf of the HOA boards of Sky Mountain Golf Community and its residents. Their goal is to have a safe, stronger community. She provided a map showing the twenty-six curbs and hydrants that were painted. Many of the hydrants are located on private property and were painted to match the house and covered by landscaping. She provided pictures of their accomplishments and thanked the City for its help with the project.

Judey Hartzell asked the City Council to enforce the city noise ordinance in Dixie Springs. There are residents altering motorcycle mufflers, and they have free reign of the streets. Events in Sand Hollow escalate the problems because of the vacation rentals. She explained that the noise is mainly on weekends and at night. They like to support respected events, but previous events have kept them up all night. There needs to be a balance between tourism and life.

John Bramall thanked Arthur LeBaron and the developers that met this week to work on drainage on 1100 West.

Kelly McAdams lives in Dixie Springs. He reported that there is an ongoing problem with tumbleweeds. The vacant lots are not being maintained, and the sidewalks are obstructed. He asked the City to require lot owners to maintain their property.

4. Ordinance 2022-54 Consideration and possible approval of a A **Zone Change Amendment request for Steward Land Holdings located at approx.. 3112 West State Street from HC, highway commercial, to PC, planned commercial.** Parcel number H-3-1-31-3009. Steward Land Holdings Applicant. Brad Brown Agent.

Councilman Prete asked for a summary from the previous meeting. Stephen Nelson explained that this is a zone change to planned commercial. The Planning Commission made a positive recommendation; however, the City Council raised concerns regarding the building height, the expansion of the commercial area, and whether there are adequate facilities. Brad Brown provided the City Council with packets that addressed those concerns. Mr. Nelson noted that the applicant has not requested a density bonus. Councilman Prete confirmed that there is no access off SR-9.

Mr. Brown explained that the applicant has studied affordable housing and found it to be a complicated issue that does not have a simple solution. One of the main issues is supply and demand; having various housing types can help with this. He reported that the applicant is willing to provide ten percent of the units as affordable housing as part of the development agreement. Mayor Billings noted that reducing commercial areas places a tax burden on citizens. Mr. Nelson explained that this plan meets the minimum commercial requirement of twenty percent.

Mr. Nelson reported that this area is designated as mixed-use because of the topography and limited access. The area of the proposed commercial is the flattest area of the property and is visible from SR-9. He agrees that commercial is the most significant tax revenue; however, rooftops are needed for commercial businesses to come in. Councilman Thomas agreed with

Mr. Nelson. Councilman Hirschi confirmed there are five hundred units and expressed concern with the density. Mr. Brown noted that he discussed this with Mr. Nelson and felt this area is a good location for this type of development. Councilman Thomas noted that there is infrastructure in the area, and this is near other commercial uses.

Mayor Billings asked how the applicant intends to make this an affordable housing product. Mr. Brown reiterated that the applicant is willing to provide ten percent as affordable housing with a development agreement. Councilman Prete likes the project. It is time to proceed forward with the moderate-income housing plan. He confirmed that the applicant agrees to not exceed three stories and designate ten percent as affordable housing. He explained that these details must be worked out in a development agreement. He suggested continuing the item until the development agreement has been reviewed. He noted that this is the first applicant that has committed to deed-restricted affordable housing.

Joseph Prete motioned to continue the Zone Change Amendment request for Steward Land Holdings located at approx. 3112 West State Street from HC to PC to the next meeting to consider the request with a development agreement. Seconded by Kevin Thomas. Dave Sanders, Kevin Thomas, and Joseph Prete voting, aye. David Hirschi and Doug Heideman nay. Motion carried**.**

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

April Gates stated that the Tri-State Jamboree donated money to help veterans. The Tourism Alliance is taking over the Tri-State Jamboree moving forward. Ms. Gates reported that the Tourism Board is requesting $3,000 to help boost their website.

Kevin Thomas motioned to approve allocating $3,000 to the Tourism Board. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders voting aye. Motion carried unanimously**.**

6. 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 explained that this is part of the Pecan Valley project. The applicant previously asked to expand the resort use and add a PDO. The Planning Commission recommended denial. After discussions with the applicant, the City Council felt a development agreement could be implemented to cap the density. He explained that the presented development agreement will require amenities in certain areas, an additional clubhouse in the southern area, and limits the number of units. Mayor Billings asked when the clubhouse will be built. Mr. Nelson reported that the clubhouse will be built in the first phase. Councilman Thomas feels this is a good change that benefits the community. Councilman Sanders asked how the excavation process will affect the neighbors. Chris Wyler feels it will help the neighbors with the flood water. They have a four-foot storm drain going to the river, which will help with future flooding. Mr. Nelson explained that the Planning Commission recommended denial due to concerns regarding infrastructure in the area, the main sewer line, and the expansion of the resort area. He noted that the development agreement contains adequate public facilities language.

Kevin Thomas motioned to approve the 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 subject to a development agreement and staff and JUC comments; 1. Power: Dixie Power area. Still waiting on off-site improvements. Probably will have enough capacity when they get to this part. 2. Water: Need an updated water model. Water is in the area but could be limited with this increase. 3. Streets: Second access needed to handle high density traffic flow. 4. Sewer: A lot of off-site sewer will be needed for this property. May need a regional lift station. 5. Engineering: 5200 W is 5350 W. The property should be acquired to connect 5350 W through. The Hunter and Lowell Frei parcels should be accessible from a public street. 6. Fire: Water supply and access. 7. Gas: No concerns. 8. Cable: No comments. 9. Density: The applicant is proposing 4.2 units per acre, RM-1 zoning allows up to six units per acre. The applicant is proposing 71 long-term townhome units and 228 resort townhome units. 10. The applicant is proposing that the already approved parking lot and clubhouse area on the north end of Pecan Valley Resort be zoned RM-1 PDO. The applicant has indicated to staff that this would be a recreation/community center open to the public. 11. Amenities: The total Pecan Valley Resort area has 473 units. Per HCC 10-26-4: Two clubhouses with 2,000 sq ft of nonoffice space and four pools of at least 2,000 sq ft are required. Two clubhouses are shown and the Planning Commission has approved a larger pool amenity with enhanced features in the phase 1 amenity area. a. The Planning Commission may approve an alternative amenity package. Staff would be broadly supportive of some level of alternative compliance on this overall plan due to the fact that the code requiring amenities was passed during the design and construction of the overall resort area. The relevant codes are: i. Alternative compliance, such as splash pads, sports courts, and open space amenities may be considered by the Planning Commission to offset other amenities requirements. ii. Pools: Pools may be combined for an enhanced amenity area with the approval of the Planning Commission. b. Staff has serious concerns with counting the proposed recreation/community center as an amenity for the resort when it is not zoned Recreation Resort and instead zoned RM-1 PDO. Other resorts in the city have been required to provide all of their amenities within the recreation resort zoning and have not been allowed to count amenities in other zones. c. Another consideration is that HCC 10-26-4 states that: “These amenities should be centrally located and have walking trails or sidewalks for access. Where applicable, multiple amenities should be placed throughout the property to ensure equitable access.” With this addition the amenities are clustered around the northern end of the roperty.

Some sort of amenity should be placed on the southern end of the property. 12. Parking: A full parking plan will be needed for the preliminary plat approval. Most units will have garages sized enough to meet the requirements of, "two parking spaces per unit or one space per bedroom, whichever is higher" (HCC 10-26-6 E) a. Previous submissions have indicated that 100 RV parking spaces are provided within the recreation resort zone. 94 spaces are required for the entire resort area. 13. While staff has no issues with long-term residential in this area staff has serious concerns with the plan as presented with regards to the integration of the two uses on the site plan. Staff has had problems in the already built portions of Pecan Valley where there is an approved resort on one street and long-term residential on another where people have bought in the long-term area thinking it was the short-term, which causes confusion for property owners and noise and parking issues for residents. This plan mitigates this from the previous plan by not having long-term and short-term units sharing a building but where they share a street and where the units will theoretically be identical looking the problems that exist in other phases of Pecan Valley will persist. 14. The applicant is proposing that 3.737 acres of resort zoning be removed from the northern property and 3.370 acres be added to the southern property. This change increases the number of approved resort units within Pecan Valley by 23 additional units. 15. Planned Development Overlays (PDO) are required to be a minimum of 5 acres. The proposed resort is a total of 3.737 acres. This zoning is attached to the resort and the other PDO. Generally speaking, the applicant is seeking to exchange property from Resort to PDO without changing the use and justifying an expansion of resort zoning. Because of this, staff would generally recommend that the clubhouse/fitness area remains in the same zone and that the Planning Commission consider the southern zone change independently. 16. Hurricane City Code 10-37-4 states: a. Land shall be developed only where existing infrastructure is in place or will be timely provided to service proposed development. The City may require an analysis to be completed to determine whether adequate public facilities are available to service a development and whether such development will change existing levels of service or will create a demand which exceeds acceptable levels of service for roadways, intersections, bridges, storm drainage facilities, water lines, water pressure, sewer lines, fire and emergency response times, and other similar public services. The City may disapprove a proposed development if demand for public services exceeds accepted levels of service. No subsequent approval of such development shall be given until either the developer or the City installs improvements calculated to raise service levels to the standard adopted by the City. b. The City has generally interpreted this code to mean that developments should not be approved without an adequate, approved, and bonded for plan to install facilities and infrastructure to the property. The Sewer District has expressed concerns about sewer capacity. Also, the Fire District has serious concerns about increasing units and density along Turf Sod Road, which does not have a second access, and there are plans for an improved second access to the property to Dixie Springs Drive once connected to 5140 West. These plans have been signed, but the improvements have not been installed. Seconded by David Hirschi. Doug Heideman, Dave Sanders, David Hirschi, and Kevin Thomas voitng aye. Joseph Prete, nay. Motion carried**.**

7. 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 this was tabled at the last meeting because the applicant was not present. He explained that the Planning Commission recommended denial due to inadequate facilities to serve the property. The applicant has provided a looping water plan and created additional roadways, amenities, and parking. They have addressed most of the staff concerns other than adequate utilities. He noted that another project on the agenda tonight is in the same situation. The City Council must consider the City's standards to ensure that these situations are handled the same way going forward. Bob Hermandson explained that the applicant is aware of the lack of utilities and has no intention of pulling building permits before the substation is complete.

The applicant proposed a development agreement to address the lack of adequate infrastructure. Dayton Hall reported that he is not comfortable with the proposed development agreement, and he is not comfortable with moving this further until the infrastructure is adequate as required by City Code. He recommended denying the application based on inadequate infrastructure. Councilman Prete explained that adequate facilities are more than power, water, and sewer. It is roads, emergency services, and other public facilities. He agrees that it is unwise to grant entitlements in these circumstances. Councilman Thomas feels every development does not need a development agreement, and it is important not to pass the problem down the road.

Kevin Thomas motioned to deny the preliminary plat for Southern Dunes Townhomes, a recreation resort 345 townhome development located at 2600 W and 4200 S based on the lack of power services, inadequate water pressure, and the recommendation of denial from the Planning Commission. Seconded by David Hirschi. Doug Heideman, Dave Sanders, Joseph Prete, David Hirschi, and Kevin Thomas voting aye. Motion carried unanimously.

Mr. Hall explained that there is insufficient water pressure to satisfy fire flow to this area of the City's water system; therefore, all development of property previously approved within the original Cordero development, which includes the proposed development, is being required to have fire suppression sprinklers in every unit.

Councilman Prete noted for the record that the City Attorney reviewed the development agreement and found it to be insufficient.

NEW BUSINESS

1. Consideration and possible approval of a **new use and new lease for Motive Aero LLC at City Airport unit 6S**

Dave Houston explained that the City Council approved this business license conditional upon approval of the lease. The airport board has approved the lease. Dayton Hall noted that this proposed lease is based on the template approved by the City Council.

Joseph Prete motioned to approve the new use and new lease for Motive Aero LLC at City Airport unit 6S. Seconded by Kevin Thomas. Doug Heideman, David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete, voting aye. Motion carried unanimously**.**

2. Consideration and possible approval of a **new use and a new hangar lease at Lot 13 S 5 E** - Steve Young

Steve Young submitted a description of his proposal. Dayton Hall reported that the lease is for private use, not commercial use. The applicant needs to move the water line to build the pad and hangar.

Joseph Prete motioned to approve the new use and a new hangar lease at Lot 13 S 5 E subject to relocating the water lines. Seconded by David Hirschi. Doug Heideman, Dave Sanders, Kevin Thomas, David Hirschi, and Joseph Prete, voting aye. Motion carried unanimously**.**

3. Consideration and possible approval of a **new hangar lease at lot 3 S** - Steve Lemmon

Dayton Hall explained that Mr. Lemmon purchased an existing hangar. The proposed lease is for private personal use.

David Hirschi motioned to approve a new hangar lease at lot 3 S. Seconded by Kevin Thomas. Doug Heideman, Dave Sanders, Kevin Thomas, David Hirschi, and Joseph Prete, voting aye. Motion carried unanimously**.**

4. Consideration and possible approval of a **new use and new hangar lease for eleven pad sites on plot 47 at the City Airport** - Steve Lemmon

Stephen Lemmon understands that he must develop the sites' services. He will also put in the taxiway. The building heights are sixteen feet, with a hydraulic door. He noted that this is a commercial project.

Dave Houston reported that there was one dissenting vote on the airport board due to the expansion of use. Councilman Prete reported that when the lights were considered, one of the concerns expressed was additional flight traffic. This is a very expansive use and deserves serious thought. He is concerned about the location of the airport and the tension between the airport, residents, and rodeo grounds. The City Council needs to consider everyone’s best interests. He might feel differently if the airport had a longer runway for larger planes.

Mr. Lemmon stated that the FAA, the master plan, and the City have approved the sites. He asked the City to review the FAA rules to verify the sponsor's responsibility. Councilman Prete feels that if this is approved, more development will follow and change the dynamics of the airport. Councilman Thomas recalls that the lighting concern was based on helicopters, not airplanes. He noted that most of the buildings will be used as simulators, aircraft repair, and storage.

Kevin Thomas motioned to approve a new use and new hangar lease for eleven pad sites on plot 47 at the City Airport. Seconded by David Hirschi. Doug Heideman, Dave Sanders, Kevin Thomas, and David Hirschi, aye. Joseph Prete, nay. Motion carried.

Mr. Lemmon stated he is willing to maintain the weeds between this lot and roadway but does not want to be obligated to do it.

Dayton Hall asked Mr. Lemmon to work with Mr. Houston to define the actual square footage of the property.

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

Kevin Thomas motioned to go into a Public Hearing for item A. Seconded by Joseph Prete. David Hirschi abstained. Motion carried.

A. Increasing the power impact fee recovery rate from 75% to 100%

No comments.

Kevin Thomas motioned to go out of Public Hearing for item A. Seconded by Dave Sanders. David Hirschi abstained. Motion carried.

Joseph Prete motioned to go into a Public Hearing for item B. Seconded by Dave Sanders. Motion carried unanimously.

B. A request for disposal of property located along the north side of 3270 South for parcel #H-3395-A-P-2

Stephen Nelson explained that Rock View Estates was built on an irregular piece of property owned by the City. The City approved the plat with the parcel to be deeded to the developer subject to specific improvements made by the developer. The developer has completed the required improvements.

Dave Sanders motioned to go out of the Public Hearing for item B. Seconded by Kevin Thomas seconded. Motion carried unanimously.

6. Consideration and possible approval to **increase power impact fees from the existing impact fee facilities plan from a 75% recovery rate to a 100% recovery rate** - Scott Hughes.

Councilman Prete explained that impact fee studies are conducted to estimate the cost of necessary infrastructure. The City has a history of charging seventy-five percent, and the policy reason behind that was to encourage development; however, there are not adequate funds to pay for the infrastructure that is now necessary. He reported that the Power Board recommended approval.

Joseph Prete motioned to approve increasing the power impact fees from the existing impact fee facilities plan from a 75% recovery rate to a 100% recovery rate. Seconded by Kevin Thomas. Dave Sanders, Kevin Thomas, Joseph Prete, and David Hirschi, aye. Doug Heideman absent. Motion carried**.**

7. Consideration and possible approval of **awarding the foundation and control bid for the Three Falls Substation** - Jared Ross

Scott Hughes stated they did the bid opening this morning. He provided a spreadsheet detailing the engineer's estimate and the bids received. Interstate Rock's bid was $1,253,059.61, and Van Con's bid was $1,279,000.00. The Power Department recommends approving the Interstate Rock bid. Kaden DeMille explained that most of the items related to the substation will cost more than the projected budget because prices have increased. He noted that the project will likely exceed the approved budget due to the rising cost.

Joseph Prete motioned to approve awarding the foundation and control bid for the Three Falls Substation to Interstate Rock in the amount of $1,253,059.61. Seconded by Kevin Thomas. Doug Heideman, Dave Sanders, Kevin Thomas, Joseph Prete, and David Hirschi, aye. Motion carried unanimously.

8. Consideration and possible approval of a **reimbursement agreement for Painted Sands Ph 4 for the additional widening of 600 N.** Ryan Wilde Applicant

Arthur LeBaron explained that this is reimbursement for system improvements. The applicant agreed to build the turning lane on 600 North in exchange for reimbursement.

Dave Sanders motioned to approve the reimbursement agreement for Painted Sands Ph 4 for the additional widening of 600 N in the amount of $48,174. Seconded by Joseph Prete. Doug

Heideman, Dave Sanders, Kevin Thomas, Joseph Prete, and David Hirschi, aye. Motion carried unanimously.

9. 2022-PP-26: Consideration and possible approval on a **preliminary plat for Desert Sky Estates, a 73 lot residential subdivision located at 2100 W and 3350 S**. Desert Sky Estates Applicant. Ben Wilits and Tony Carter Agents.

Tony Carter reported that he is aware of issues with the water and power. The applicant has completed a water study and met with the Power Department regarding capacity. They have an approved development agreement with the City, and they understand they can't move forward until the utilities are available. Mayor Billings noted that the Planning Commission recommended denial. Dayton Hall explained that the zone change was granted on this property subject to a development agreement stating that the applicant would not apply for further development approvals until adequate facilities are available.

David Hirschi motioned to deny the preliminary plat for Desert Sky Estates, a 73 lot residential subdivision located at 2100 W and 3350 S based on the reasons listed in the staff report, which include: 1. Lack of required second access. 2. Lack of adequate public facilities and infrastructure, including power capacity. 3. Failure to comply with the terms of the development agreement governing the development of this property. 4. Failure to provide connectivity to adjoining properties. 5. Failure to comply with 800' maximum block length requirement.

Mr. Carter asked what the process is to notify them when adequate capacity is available. Stephen Nelson explained construction drawings expire after two years if no development occurs, which could lead to additional capacity being available if additional capacity is not achieved by the City before then. Mr. Carter noted that, per his understanding, there is adequate power in the area. Mayor Billings explained that the available capacity is already committed to other projects on the same power line circuit because those projects had approved construction drawings.

Seconded by Kevin Thomas. Doug Heideman, Dave Sanders, Kevin Thomas, Joseph Prete, and David Hirschi, aye. Motion carried unanimously.

10. 2022-ZC-36: Consideration and possible approval on a **Zone Change Amendment request located at the first bend headed south on Sand Hollow Road** to alter the zoning boundaries between RR, recreation resort, and RM-3, multifamily 15 units per acre, to align with the new road, Resort Drive, as well as RR, recreation resort, and GC, general commercial, to allow for the realignment of Sand Hollow Road.

Stephen Nelson reported that the Planning Commission recommended denial with a recommendation that the applicant shifts the RM-3 to an area within the existing recreation resort. The applicant has submitted a new map that follows the Planning Commission's recommendation. He feels that the Planning Commission's suggestion is a good compromise to make the roadway realignments work and keep the uses that City Council intended. Dayton Hall questioned why the City would approve developments adjacent to roadways that continue to change. Arthur LeBaron explained that the current map abuts an existing dedicated right of way and needs to include a re-dedication and abandonment of some of the right of way. He explained that the other zone changes in the area were not due to Sand Hollow Road.

Kevin Thomas motioned to approve the Zone Change Amendment request located at the first bend headed south on Sand Hollow Road based on the map submitted this week. Seconded by Dave Sanders. Doug Heideman, Dave Sanders, Kevin Thomas, and David Hirschi, aye. Joseph Prete abstained. Motion carried**.**

11. 2022-ZC-37: Consideration and possible approval on a **Zone Change Amendment request located at 677 N State St from M-1, light industrial, to HC, highway commercial.** Myka Desormier Applicant. Dennis Parker Agent.

Dennis Parker explained that this property is next to Ballard's Nursery. Gypsy Emporium and the Antique Store cannot purchase the building they are in, so they purchased this land to build their new store. Stephan Nelson reported that the Planning Commission and staff made a positive recommendation.

David Hirschi motioned to approve the Zone Change Amendment request located at 677 N State St from M-1, light industrial, to HC, highway commercial. Seconded by Kevin Thomas. Doug Heideman, Dave Sanders, Kevin Thomas, David Hirschi, and Joseph Prete, aye. Motion carried unanimously.

12. Consideration and possible approval of **disposing of property located along the north side of 3270 South for parcel #H-3395-A-P-2**

Stephen Nelson explained the resolution authorizes the Mayor to sign a quit claim deed to the property owner, which will be recorded at a time determined by the City Attorney. Councilman Prete noted that this property was traded for a different property.

Joseph Prete motioned to approve disposing of property located along the north side of 3270 South for parcel #H-3395-A-P-2. Seconded by Dave Sanders. Doug Heideman, Dave Sanders, Kevin Thomas, David Hirschi, and Joseph Prete, aye. Motion carried unanimously.

13. Consideration and possible approval of **revoking the business license for Las Juntas Autos** - Cindy Beteag

Cindy Beteag reported that the applicant has submitted the proper documentation and is waiting for approval from the State.

Dave Sanders motioned to deny revoking the business license for Las Juntas Autos and granted an extension of sixty days to get their license from the State. No business is allowed until the State license is approved. Seconded by Kevin Thomas. Doug Heideman, Dave Sanders, Kevin Thomas, David Hirschi, and Joseph Prete, aye. Motion carried unanimously.

14. Consideration and possible approval of an **easement agreement modifying an existing easement on the north side of City-owned property located on 700 West Street near State Street, affecting parcel numbers H-3-1-34-3217 and H-HVHC-1 through 5** - Arthur LeBaron

Arthur LeBaron reported that this existing easement agreement allows access to the property on the corner of 700 West and SR-9. Scooter Coffee has proposed to move the easement to the west. Staff recommends modifying the easement agreement to match the approved plan. Stephen Nelson presented the approved plan. This will move the access to the northwest side instead of the east of the police building. Mr. LeBaron noted that there will also be access to the west. Councilman Prete asked how this will impact the current use of the space. Mr. LeBaron explained that it will increase the traffic. Councilman Prete feels that the parking lot will be useless if Scooter's Coffee is as busy as the other coffee shop. Mr. LeBaron explained that this is a landlocked parcel unless the City continues the access easement. He reported that the site plan is approved, and the use is permitted. Councilman Prete asked if a coffee shop could be denied due to traffic concerns. Dayton Hall reported that there are minimum stacking requirements for this type of business. The applicant was concerned about the possible backup on 700 West during rush hour, so they submitted a new plan to address the concern. He reported that the site plan was approved by Planning Commission subject to the City Council approving the modified agreement. Councilman Prete feels that the City is giving up all meaningful use of the parking lot.

Kevin Thomas motioned to approve the easement agreement modifying an existing easement on the north side of the City-owned property located on 700 West Street near State Street, affecting parcel numbers H-3-1-34-3217 and H-HVHC-1 through 5. Seconded by Dave Sanders. Doug Heideman, David Hirschi, Dave Sanders, Kevin Thomas, aye. Joseph Prete, nay. Motion carried.

15. Consideration and possible approval of a **Memorandum of Understanding (MOU) between Hurricane City and Ash Creek Sewer District**

Dayton Hall explained this has been an unwritten understanding that Hurricane City and Ash Creek Sewer District do not charge each other for sewer and water connections. Mr. Hall explained that this confirms the long-standing agreement.

David Hirschi motioned to approve the Memorandum of Understanding (MOU) between Hurricane City and Ash Creek Sewer District. Seconded by Kevin Thomas. Doug Heideman, Dave Sanders, David Hirschi, Joseph Prete, and Kevin Thomas, aye. Motion carried unanimously.

16. Consideration and possible approval of a **policy governing the Hurricane American Legion Equestrian Park** - Tiffani Wright/Darren Barney

Justin Reeve commented that the arena brings a lot of advantages to the community. In other areas, there is an arena committee that determines the uses. The historical arena can be used for riding, practices, small rodeos, and productions. The arena was donated to the City, and promises were made that the arena would be free and open for practice. He is concerned that if the City charges the public to access the new arena, it will price out small families.

Mayor Billings reported that she has received several comments expressing the same concerns. Darren Barney explained that the City did not do a lot of maintenance on the previous grounds. The new equestrian park requires more maintenance. He reported that it will be open for public use free of charge as long it is not reserved. The practice arena is always open without charge. There will be a fee to use the lights. In the past, he has had to shut lights down in the middle of the night; although, they have had more problems with the ball fields. The Parks Department installed a computerized lighting system at the new arena, which they can control with an app. The proposed hours of operation for the lights are between 6:00 a.m. to 11:00 p.m. There are three lighting areas available, each with a different rate. Mr. Barney reviewed the proposed fee schedule. They are proposing a fifty percent discount for locals, nonprofits, churches, schools, cities, and organizations.

Councilman Prete is in favor of promoting agriculture, but he feels that an equestrian park requires special considerations. He is unsure if this is the right balance but appreciates the work the staff has put in. Mayor Billings suggested continuing the item to allow the staff time to set up a work meeting with the agriculture community to prepare recommendations before the next meeting.

Joseph Prete motioned to continue the policy governing the Hurricane American Legion Equestrian Park to the December 15th meeting. Seconded by Dave Sanders. Doug Heideman, David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete, aye. Motion carried unanimously.

17. Consideration and possible approval of a **Pass Through Funds Agreement with Utah Department of Transportation (UDOT) for the 600 North multi-use trail** - Arthur LeBaron

Arthur LeBaron reported that the City is receiving 2.2 million in funding from UDOT, and the County is providing the required match. Hurricane City is required to pay invoices and send the receipt to UDOT for reimbursement. The work should be done by 2024; however, an extension can be applied for. Alpha Engineer is working on a bid packet. Dayton Hall reported that he does not have any concerns with the agreement.

Kevin Thomas motioned to approve the Pass Through Funds Agreement with Utah Department of Transportation (UDOT) for the 600 North multi-use trail. Seconded by David Hirschi. Doug Heideman, Dave Sanders, Joseph Prete, David Hirschi, and Kevin Thomas, aye. Motion carried unanimously.

18. Consideration and possible approval of the **renewal of the distributing license for Carlson Distributing** - Cindy Beteag

Dave Sanders motioned to approve the renewal of the distributing license for Carlson Distributing. Seconded by Joseph Prete. Doug Heideman, David Hirschi, Kevin Thomas, Dave Sanders, and Joseph Prete, aye. Motion carried unanimously.

Cindy Beteag noted that the state deadline for annual renewal on distributing licenses is November 30th. Mayor Billings suggested holding a City Council meeting on November 29th at 5:00 p.m. to approve other distributing licenses.

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

David Hirschi motioned to go into a closed session to discuss personnel. Seconded by Kevin Thomas. Motion carried unanimously.

Adjournment: 11:12 p.m.