Minutes of the Hurricane City Council meeting held on January 05, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 5:00 p.m.

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

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, Fire Chief Tom Kuhlman, Water Superintendent Ken Richins, Parks Superintendent Darren Barney, Planning Assistant Fred Resch III, Recreation Director Tiffani Wright, Ash Creek Superintendent Mike Chandler, HR Director Sel Lovell, and Finance Manager Paige Chapman

AGENDA

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

Stephen Nelson reported that Ron Hill, an Attorney in Southern Utah, presided over the first short-term rental violation appeal hearing. The officer upheld the citation and gave the property owner three weeks to pay the fine. The open house regarding the temporary closure of 1515 West is scheduled for January 17th at 5:00 p.m. The grant funds were received for the Downtown Master Plan. The plan is focused on the historic downtown area; however, the standards could be applied throughout the City. The online building permit program is in operation, and the online planning and zoning system should go live in the next few months.

Arthur LeBaron stated the prebid meeting was held for the 700 West project, and the bid opening date is January 17th. He met with the property owners and developers in the Bench Lake area on 1100 West. A large drainage facility is necessary to convey drainage water along 3000 South. The City has to generate revenue to fund the development of the facility. The storm drain master plan needs to be updated for the entire City, and he recommends assessing an impact fee to that drainage basin. Ken Richins reported that a storm drain needs to be installed on 920 West, and the NRCA will not pay for it. Mr. LeBaron would like the impact fee to be tied to the specific basin areas. He explained that the utility department does charge a four-dollar drainage maintenance fee each month. The drainage fund is for the maintenance of the system, and the fee has never been increased. The impact fee will go toward large-scale improvements.

Weston Walker reported that the weather has stalled the chip seal plan. The department is working on the potholes and drainage issues. The department pumped the water out of the basin on 900 South.

Chief Excell thanked the Fire District for their help in the officer-involved shooting. The Fire District transported the K9 to the veterinary clinic in St. George, and the K9 was then transported to Las Vegas after he was stabilized. The Critical Incident Task Force is still reviewing the incident. Mr. Excell thanked Weston Walker and Cindy Beteag for their help in getting the message boards back up and functioning. One message board was hit by a car, and another was vandalized. This year the department is installing a camera in its vehicles. This system requires a lot of data. Verizon is unlimited but slows down when the data exceeds a certain amount. Mr. Excell is considering switching to AT&T, which is truly unlimited.

Tiffani Wright reported the spring programs are starting next week. Stout Roofing will reseal the roof as soon as the weather permits. The auditions for Spit Fire Grill start on Monday. Mrs. Wright explained that the facility rental fee is the same for nonprofit and for-profit businesses. She asked if the City Council feels the rental fee should differ based on the group renting the facility. Mayor Billings stated that there should be a tiered fee system, and locals should have the lowest fee. Councilman Prete is also open to different rates. Mayor Billings asked Mrs. Wright to work with the City Manager to develop a fee structure to present to the City Council.

Ken Richins reported that the Water Department has been experiencing significant water breaks lately. The Dixie Springs Well was drilled to the correct depth today. The data logger is coming tomorrow, and if the well is plumb, they will start installing the screens and gravel pack. The main line from the Sand Hollow tank broke on the north side of SR-7. Interstate Rock is assisting the Water Department in repairing the line.

Mike Chandler reported that the winter season projects are being wrapped up.

Selwin Lovell mentioned there are job openings for a Building Official, Journey Line Main, and Golf Maintenance position.

Scott Hughes stated the Power Department is finished taking down Christmas lights. The department is working hard on the Three Falls substation and the projects on 600 North.

Paige Chapman stated the audit presentation will be tonight. There were no findings in the general and single audit.

Darren Barney reported that some of the parks are getting darker as the lights are burning out. The department is having difficulty getting ballast and bulbs, which is why they converting to LED lights. They have contacted the Division of Wildlife Resources (DWR) regarding the beavers at Grandpa Pond. DWR is unwilling to assist in removing the beavers due to their concerns about potentially trapping a family pet. Councilman Prete asked if there is a limited length of stay when boarding animals at the rodeo grounds. Mr. Barney stated there is no limit on boarding animals unless the pens are needed for an event. Councilman Prete is concerned because the rodeo grounds are not intended to house animals. Dayton Hall explained riding horses could not be boarded at the rodeo grounds. Only livestock that is regularly used at the facility can board at the equestrian park.

Mayor Billings reported that What's Up Down South is on February 1st at the Dixie Convention Center. She will get tickets for any Council members planning to attend.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge: Tiffani Wright

Declaration of any conflicts of interest

No conflicts were declared.

Minutes of the Regular City Council Meeting for November 17, 2022, special meeting, November 29, 2022, and December 1, 2022

Doug Heideman motioned to approve the Minutes of the Regular City Council Meeting for November 17, 2022, special meeting, November 29, 2022, and December 1, 2022. Seconded by Dave Sanders. Motion carried unanimously.

Presentation of the 2021-2022 annual audit - Hinton Burdick

Victoria Yahorava with Hinton Burdick presented the audit. She reported that Hinton Burdick issued an unmodified clean opinion on page 9. There were no significant deficiencies or material weaknesses in 2022. The General Fund balance increased by $785,000, and the restricted fund balance is consistent with the prior year. Ms. Yahorava reviewed the increase or decrease of each fund.

Kaden DeMille thanked Hinton Burdick for their excellent work. He reported that the City strives to operate conservatively; however, a lot of infrastructure needs to be completed in the next few years, so the general fund balance will be reduced significantly.

Recognition of Timothy Lawton on obtaining his Eagle Scouts Award

Charlie Twist has worked with scouting for many years. He reported that Timothy Lawton is a high school senior. Mr. Lawton contacted Matt's Off-Road Recovery to find someone who could help remove the cars from the Three Falls Trail. The first vehicle removed was one thousand feet down the embankment. After the cars were removed, Timothy took the remaining debris to the landfill. Mr. Twist reported that Eagle Scout projects typically consist of 40 to 80 hours of service. Mr. Lawton's project was 2,100 hours. Mr. Twist publicly thanked Timothy Lawton for his extraordinary effort. Mayor Billings thanked Mr. Lawton for his example to the community.

Update on Wreaths Across America

Fred Hernandez presented pictures of Arlington Cemetery. Over four thousand sites participate in Wreaths Across America. He thanked the City Council for their support and asked the City Council to include $6,000 to support Wreaths Across America in the upcoming budget proposal.

Public Forum – Comments From Public

OLD BUSINESS

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

Justin Reeve thanked the City Council and staff for supporting the agriculture community. He reported the group also expressed gratitude for their work.

Darren Barney reported that the charge for lighting was removed. A half-day rental option was added to the policy. The terms and verbiage for nonprofit groups were also updated. Local nonprofits can reserve the park without an admission fee if the group does not need assistance from City staff; however, if the group needs staff assistance, the fee will be discounted by fifty percent. A weather refund policy was also added. The City Council advised adding a prorated refund for events rained out in the middle of the event. A section was added recognizing the American Legions gift with the previous rodeo grounds and the City's intent to preserve the facility for local citizens. Councilman Prete feels that the fee for livestock pens incentivizes long-term stays. Mr. Barney explained only animals actively being used can be housed at the equestrian park.

David Hirschi motioned to approve the policy governing the Hurricane American Legion Equestrian Park as written with the addition, if an event is canceled after it has started due to the weather, they will receive a prorated refund. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, Doug Heideman, David Hirschi, and Kevin Thomas – aye. Motion carried unanimously.

2. Ordinance 2022-61 Consideration and possible approval of an amendment to Hurricane City Code **Title 10 Chapter 7 Section 9 Conditional Use Permit Standards, Title 10 Chapter 12 Agriculture Zoning Standards and Title 10 Chapter 14 Residential Agriculture Standards** to amend the code to allow Reception Centers as a conditional use within Agriculture and Residential Agriculture Zones.

Stephen Nelson reported that during the last meeting, there were concerns regarding the frequency of the use of reception centers and the definition of secondary use to the main property. Mr. Nelson reported that two conditions were added; a minimum requirement of five acres, and the property can only be used as a reception center five days a month. He has not received any feedback from the Fire District, so he is unsure whether the Fire District has any additional requirements to meet the fire code. Councilman Heideman would like the definition of the reception center updated. Dayton Hall agrees that the definition of social gathering is vague and could be further defined. Councilman Sanders is still concerned with parking requirements.

Doug Heideman motioned to continue Ordinance 2022-61 to the February 2nd meeting to allow time for the Fire District to respond and for staff to expand on the definition of a reception center. Seconded by Joseph Prete. Kevin Thomas, David Hirschi, Dave Sanders, Doug Heideman, and Joseph Prete – aye. Motion carried unanimously.

3. Ordinance 2022-62 Consideration and possible approval on a **Land Use Code Amendment Request to Title 10-Chapter 3-Subsection 4 and 10, Title 10-Chapter 15-Subsection 3, Title 10-Chapter 41, and Title 10-Chapter 51; and Title 3 Chapter 10** to make changes regarding short-term rental standards within residential areas, residential hosting standards, and short-term rental standards in commercial zones. Hurricane City Applicant.

Nathan Cole is speaking on behalf of his family, neighbors, and anyone who has lived near a vacation rental. He has had three incidents of renters trespassing on his property, and he is concerned about the safety of his family. His dog is very protective of his family, which also places his dog in danger. This use is out of character for a typical neighborhood. Short-term rentals are not needed or wanted in residential neighborhoods. The residents should not have to endure constant problems. He reviewed the City Council materials that were posted online. This material clearly shows that the City Council knows this is a problem. He noted that good work was done on the proposed amendments; however, more needs to be done. It will be demanding and challenging but it is the right thing to do. He asked the City Council to permanently end short-term rentals in all residential zones.

Stephen Nelson reported that the City Council directed staff to combine all the short-term rental ordinances and regulations. It was all combined into the Title 10 Land Use Code with the business license section condensed to clearly state that a business license is required and directions to review Title 10 to see the requirements. Mr. Nelson recommends continuing the item pending a review from the City Attorney.

Mayor Billings asked how discontinuing short-term rentals would affect the approved licenses. Dayton Hall reported a business licenses grant rights to those who hold the licenses, and people have invested in their property based on a valid business license. Mayor Billings explained that the City had taken steps to penalize and halt unlicensed rentals. Mr. Nelson stated the City can stop the expansion of additional licenses at any time. He explained that previously ADUs were governed by amenities and features, and this update governs ADUs by their use. He read the ADU definition. Councilman Heideman feels the definition is still vague and needs more clarity. Mr. Hall agrees it is a broad definition, but it is the most restrictive way to limit the multiple units. Councilman Thomas noted that this combines the codes into one chapter, which was the intent.

Kevin Thomas motioned to continue Ordinance 2022-62 to February 2nd to give the City Attorney time to review the proposed changes. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Doug Heideman, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

NEW BUSINESS

1. **Presentation and update on the IPP Renewed Project for the Intermountain Power Project** that will be converting from coal fuel to natural gas and hydrogen fuel- Intermountain Power Agency, John Ward

The Communications Director of Intermountain Power Agency (IPP), John Ward, explained that the Intermountain Power Agency was organized in 1977 by twenty-three Utah municipalities. Other purchasers are participating in the project; however, the ownership is with Utah municipalities. He reviewed entitlement shares and project participants. The project has been an economic benefit to Utah. In 2022 Utah participants saved six million dollars. California passed a bill banning coal power after 2027, and IPP decided to shut down the coal plant in 2025. They executed the power purchase agreement for project participants, extending the project's life to 2077. IPP will invest over $2 billion to build new generation facilities at the Delta Site. The generation facility will utilize natural gas and thirty percent green hydrogen. The first salt cavern is complete, and the project is on track for completion in the Spring of 2025. The current plant consists of two nine hundred megawatt units. The new plant is half the size of the existing plant.

2. Discussion regarding the **municipal election** for Hurricane City

Cindy Beteag explained the City contracted with the County for the last two elections. Staff reach out the County to see what the City's options were for holding the election on their own. By State law, any election must be held primarily by mail. The State also has strict regulations on the size and language of the ballot. The County contracts with a company in Washington State to print the ballots because there isn't anyone in Utah that currently prints them. Another challenge the City would have is signature verification. Ms. Beteag explained if the County runs the election, the City does not have the option to run an audit by hand counting. Once the election is canvassed, the ballots are sealed and can't be opened unless by court order. She did speak to the Lieutenant Governor's office, and they are not supportive of hand counting and have full confidence in the machines.

Mayor Billings explained the people that own the machine configure them for every election. They won't let you see a number, so she questions if they are accurate. She asked staff to research the laws on canvassing the election. Ms. Beteag stated the County is discussing requiring a representative from each community to be present when they test the machines. Staff is trying to come up with different options, so the Council is comfortable with the election. One option they thought might work, if the County agrees to it, is have the County mail out the ballots and verify the signatures when they come back in. Then a team from the City would go pick up the ballots and hand count them. Mayor Billings and Councilman Thomas are in favor of this option. Mayor Billings just wants it to be transparent and have assurance that the election is verified.

Council directed staff to talk to the County and see if they are willing to contract with the City for a portion of the election and what the canvassing requirements are. Council would like the option of in person voting as well.

3. Consideration and possible approval of an **appeal to the denial of a residential hosting application** - Kelly Ashcroft

Cindy Beteag reported that the City now requires a floor plan in addition to the parking plan for any residential hosting license. The plan provided by the applicant shows a detached building defined as a shop. The application was denied because the building permit issued in 2019 for the shop did not have living quarters. Dayton Hall stated that the structure must comply with the normal development standard for habitual structure to obtain a residential hosting license. This shed does not comply with the development standard.

Kelly Ashcroft explained that he decided to build an attached casita after the shop was framed. Everything was inspected but he didn't make the change on the permit because he didn't realize it was required. Mrs. Beteag reported that the inspections are logged on the online permitting database. She noted that the slab, footing, and underground plumbing were not inspected.

Councilman Prete would like to see what inspections were completed. Councilman Thomas cited the staff comments stating that because construction is complete, the inspections cannot take place without damage to the structure. Mr. Ashcroft understands the situation's complexities and is willing to work with the City to ensure the structure is in compliance. The City Council advised Mr. Ashcroft to research the necessary steps to bring the casita into compliance.

David Hirschi motioned to continue the appeal of the denial of a residential hosting application to February 2nd and gave Mr. Ashcroft direction to research what it would take to make it compliant. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, Kevin Thomas, David Hirschi, and Doug Heideman – aye. Motion carried unanimously.

4. Consideration and possible approval of a **road dedication for 3150 S Extension** - Arthur LeBaron

Arthur LeBaron stated the west end of 3150 South is a dead-end. This dedication is necessary for the Estates at Sand Hollow to move forward.

Dave Sanders motioned to approve the road dedication for the 3150 S Extension. Seconded by Doug Heideman. Joseph Prete, Kevin Thomas, David Hirschi, Dave Sanders, and Doug Heideman – aye. Motion carried unanimously.

5. Consideration and possible approval of **amendments to the airport lease templates** - Dayton Hall

Dayton Hall explained that the lease draft was based on a template from St. George City. The insurance requirement attachment was mistakenly not included in the template. This proposal is to adopt the language verbatim from St. George City's insurance requirements. Mayor Billings confirmed that City must be listed as the additional insured. Dave Houston asked the City Council to allow the Airport Board to review the lease before a motion is made.

Dave Sanders motioned to continue the amendments to the airport lease templates to the January 19th meeting or until the Airport Board has made a recommendation. Seconded by David Hirschi. Joseph Prete, Kevin Thomas, Dough Heideman, Dave Sanders, and David Hirschi – aye. Motion carried unanimously.

6. Consideration and possible approval of **amending the Private Hangar Lease Agreement for Lot 13 S 5 E at the City Airport to remove Steven D. Young as the tenant**. Steven D. Young and SD Young Inv, LLC

Mayor Billings explained that the lease was approved with the applicant's personal name and his LLC. The tenant is requesting to have his name removed from the lease. Dayton Hall reported that he is concerned about an LLC being the only tenant named on the lease. The best way to protect the City is to have the tenant's name on the lease. Steven Young feels that the proper way protect the City is to have an insurance policy with the City as the additional insured. He thinks it is inappropriate to have a personal name on the lease. Mr. Hall explained that this is a City-owned and operated airport, which presents high risks. Councilman Prete stated that standard practice is to ask for a guarantee. Councilman Thomas agrees with Councilman Prete.

Kevin Thomas motioned to deny amending the Private Hangar Lease Agreement for Lot 13 S 5 E at the City Airport to remove Steven D. Young as the tenant. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

7. Consideration and possible approval to **accept for further consideration or deny the annexation petition for Copper Sky** - Tara Paras applicant, Jason Boal agent

Jason Boal and Tara Paras were online. Dayton Hall explained that the staff report is extensive. He summarized the staff comments that are for and against this annexation. Martha Honey expressed her opposition in public comment.

Jason Boal reported that the City Council has seen this petition before. The only thing that has changed is the applicant. He explained that this is not a decision for approval, it is only to accept it for further consideration. The applicant understands that there are several issues and is willing to collaborate with staff to address them. Tara Paras reported that she has discussed drainage concerns with many residents, and their new engineer will address them.

Mayor Billings reported that she spoke with the County Commissioners today. They reported they would like the City to annex this area. If this petition is accepted without the other properties, services will have to cross other providers to get to this property. Mayor Billings feels the petition needs to include all the properties. Councilman Thomas agrees. Ms. Paras explained that the property is near the city limits and on the border of Copper Rock. Mayor Billings noted that the roadways and access will not go through Copper Rock. Mr. Boal pointed out there are two hundred and thirty parcels in this area, and it is highly unlikely that all the property owners will consent to annexation. The applicant has been in communication with the Sewer District to provide sewer services. They do not feel that all or nothing is a viable solution. They are asking for the opportunity to have further conversations. Stephen Nelson explained that it would have to be the majority of the residents to make everyone annex. Councilman Thomas feels that annexing this one parcel opens up problems. Mayor Billings stated they want to annex to get sewer there. The City helped Copper Rock get there but now Copper Rock doesn't want to help anyone else. The challenge is making it work. Ms. Paras stated they want to be part of the solution.

Councilman Prete commented it does not make sense that this area is not part of the City. This petition was previously approved for further consideration. He asked why this has come before the City Council again. Dayton Hall explained the process and the requirements of the State code. The process was halted when the previous applicant withdrew their application. Councilman Prete noted that many residents voiced concern when this was brought to the City Council in the past. Mr. Nelson reported that the default zoning is A20; however, the City does have the option to enter into an agreement on different zoning. Mayor Billings reported that the citizens do not want to annex, because they felt their services were adequate and did not want to pay higher taxes. Councilman Sanders does see any economic reason to annex this parcel.

Mr. Nelson's main concern is the need for increased services if the area is annexed. He agrees the Council could accept it further consideration to work out details. Councilman Prete summarized the concerns of each department. He is open to further discussion.

Doug Heideman motioned to deny the annexation petition for Copper Sky. Seconded by Kevin Thomas. Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Joseph Prete – nay. Motion carried.

Ms. Paras asked why they approved the last applicant for further consideration but not her as the landowner. Mr. Hall explained his opinion is the Council was reluctant to accept it last time, but they did it in hope of Sky Ranch joining the petition. Since that time, Sky Ranch has gone silent and is not interested in joining the petition.

8. Consideration and possible approval of **local consent of a restaurant beer only license for Adelita's Mexican Fast Food located** at 982 W State St.- Jose Gonzalez

Jose Gonzalez explained that they are located between Lonny Boy and Classic Sports. The applicant meets all the distance requirements. Staff has completed the background checks and have no concerns.

Kevin Thomas motioned to approve the local consent for restaurant beer only license for Adelita's Mexican Fast Food. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

9. Consideration and possible approval of **reaffirming all of the power impact fee rates on the exhibit for Ordinance 2022-55** - Cindy Beteag

Cindy Beteag explained that when this ordinance was passed in November, the exhibit only listed the prices up to 1200-amp services; however, the fee schedule contains services up to 3000-amp services. Staff has updated all services with the approved rate and would like a record of the approval attached to the ordinance.

Kevin Thomas motioned to approve reaffirming all the power impact fee rates on the exhibit for Ordinance 2022-55. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Dave Sanders, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

10. Discussion regarding a potential **new policy governing the submission of agenda items** for City Council review.

The City Council agrees that a cutoff date needs to be put in place. Planning Commission items that are approved to move forward must have all updated requirements to staff by 5:00 p.m. on the Monday before the meeting. In addition, an executive summary sheet will be provided to the Council with the agenda. The City Council determined that agenda items not related to the Planning Commission must be submitted eight days prior to the City Council meeting.

11. Consideration and possible approval of a Resolution **transferring appropriated balance of funds between departments in the same fund**. - Kaden DeMille

Kaden DeMille explained this is a transfer of funds from the Animal Control Capital Facility fund to accommodate wages for the Police department and a transfer from the Golf Pro Shop to Golf Maintenance to finish the pond.

Dave Sanders motioned to approve transferring appropriated balance of funds between departments in the same fund. Seconded by Kevin Thomas. Roll call vote. Joseph Prete, David Hirschi, Doug Heideman, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

12. Consideration and possible approval of an **Independent Contractor Agreement for Zion's Regional Collaborative**

Kevin Thomas motioned to approve the Independent Contractor Agreement for Zion's Regional Collaborative. Seconded by Dave Sanders. Roll call vote. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

13. Consideration and possible approval of **Resolution 2023-01 Amending 8-1-4 & 8-4-4 regarding fees for connection of municipal power and water services**

Dayton Hall explained the City Council previously approved a fee for meter tampering, but it was limited to power service. This issue was brought up due to a water lock was cut. This resolution contains fees for municipal power and water services.

Doug Heideman motioned to approve Resolution 2023-01. Seconded by Dave Sanders. Joseph Prete, Kevin Thomas, David Hirschi, Doug Heideman, and Dave Sanders – aye. Motion carried unanimousl**y**.

14. Consideration and possible approval of **Resolution 2023-02 Adopting a fee for Identification Cards** - Lynn Excell

This Resolution adopts the fee for for ID cards that are necessary for the EASY Law ID’s.

Doug Heideman motioned to approve Resolution 2023-02. Seconded by David Hirschi. Joseph Prete, Kevin Thomas, Dave Sander, Doug Heidemen, and David Hirschi – aye. Motion carried **unanimously**.

15. Ordinance 2023-01: Consideration and possible approval of a **Land Use Code Amendment to Title 10-Chapter 7-Subsection 4, Title 10-Chapter 21-Subsection 9, and Title 10-Chapter 39-Subsection 5**, all regarding public noticing requirements.

Stephen Nelson explained the minimum posting requirement per State code. This update will remove the requirement of sending notice to the newspaper. It does add that the posted notices will be in five places instead of three. Council agreed they would like it posted in more places but would like the ordinance to be the same as the State's code. They agreed it would be better to leave it at three places but directed to staff to post it to five places when they could.

Doug Heideman motioned to approve the Land Use Code Amendment to Title 10-Chapter 7-Subsection 4, Title 10-Chapter 21-Subsection 9, and Title 10-Chapter 39-Subsection 5 as written with the change that public notices are posted in three places instead of five, to match State Code. Seconded by Dave Sanders. Joseph Prete, Kevin Thomas, David Hirschi, Doug Heideman, and Dave Sanders – aye. Motion carried unanimously.

16. Ordinance No 2023-ZC-01: Consideration and possible approval on a zone change amendment request located at **approx. 100 N and 2600 W from RM-2, multifamily 10 units per acre, and HC, highway commercial, to RM-3 (PDO), multifamily 15 units per acre with a planned development overlay, covering 8.29 acres and HC (PDO), highway commercial with a planned development overlay** covering 4.39 acres. Parcel H-3-1-32-4212-RD. Shadow Glen 420 In Applicant. Brandee Walker Agent.

Frank Lindhardt explained that this is located on the corner of 2600 West. Residential construction has stalled, and they would like to move forward with this development. The area needs neighborhood commercial. They are proposing commercial along SR-9. This will provide access to the neighboring property owner. Buildings will only be two stories. Everything to the east is commercial or more apartments. Stephen Nelson stated the master roadway would realign to where the applicant has shown the road. The Planning Commission recommended approval for RM-3 with PDO subject to commercial on the southern portion and a public road on the east side instead of parking. This will allow about forty more units than what is currently permitted. Both property owners are okay with the road alignment. Councilman Hirschi commented it looks like a nice development, but his concern is the density. Mr. Lindhardt stated that is why they compromised and added the commercial. It would be a managed project by him.

Dave Sanders motioned to approve Ordinance No. 2023-ZC-01 subject to the southern portion being commercial, the northern section RM-3 PDO and a road on the east side of the development connecting to adjacent property. Approval is based on it is harmonious with the surrounding uses, it matches the General Plan, it will have a positive effect on the surrounding properties, and the utilities are there to service it. Seconded by Kevin Thomas. Dave Sanders, Joseph Prete, and Kevin Thomas – aye. David Hirschi and Doug Heideman – nay. Motion carried.

17. Consideration and possible approval on a **preliminary plat for Glampers Inn, a five lot commercial development**, located at approximately 450 S Sand Hollow Road. Blow Sand LLC Applicant.

Stephen Nelson explained that the owner wants to subdivide five lots off the RV Park. He reported that the lots do not have access to a public road, and staff has concerns regarding access of shared parking. The parking lot was approved for share use. If this is divided without an easement or agreements, it will not be split evenly, and they wouldn't have access. A shared access easement needs to be recorded and shown on the final plat. Mr. Rasmussen stated they have no concerns with showing that on final plat. Councilman Thomas questioned how you don't address the concerns now but still move forward. Arthur LeBaron stated this happens all the time and it can be addressed in the future. Dayton Hall noted that this project has an approved site plan that includes restrictions. If this is application is approved, the restrictions need to be included. They want to subdivide it so it can be sold to individual owners.

Doug Heideman motioned to approve the preliminary plat for Glampers Inn subject to the prior conditions on the final site plan which are the following: 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. Approval is also subject to staff and JUC comments; 1. Public Works: No outlet to Sand Hollow Road. 2. Power: This area borders the line between Hurricane City Power and Dixie Power so both entities will have to work together. Overhead power lines are in the area. Will need a survey. 3. Sewer: No additional comments. 4. Street: No comments. 5. Water: Served off the Dixie Springs tank. Whole system will need a water loop for fire protection at least, likely through PID. 6. Engineering: Will the entire project plat at once? The construction plans show phase lines. Disturbed PLSS survey monuments must be reestablished per Utah state statute and meet their standards. Roadway dedication plats surrounding the project must be recorded before the Final Plat. Utility easements aren't shown. Utilities are typically public on the street side of the lines up to the meter. 7. Fire: No comments. 8. Phone: No comments. 9. Gas: No comments. 10. WCWCD: No comment. 11. All the proposed uses meet the Planned Commercial zoning standards. 12. The approved final site plan shows the southwestern restaurant building as having four units but this preliminary plat shows it as having two lots. Staff doesn't have an issue with this as it does not appear to have affected the overall site layout. 13. Where there are now several lots where there were originally planned to be one the applicant's parking plan may now be noncompliant. However, since the Planning

Commission signed off on the overall parking plan and the parking plan does not appear to have changed the Staff is fine with this. a. Staff will require that cross-access parking and movement agreements be signed when these lots are recorded. 14. The applicant will need to provide cross-access agreements for parking, access, and utilities to Jelly Stone Drive and throughout the drive areas. This is to ensure that each lot has proper legal access and utilities connection points, and to ensure the approved parking plan remains valid. Seconded by Dave Sanders. Doug Heideman, Dave Sanders, and Kevin Thomas - aye. David Hirschi - nay. Joseph Prete - abstained. Motion carried.

18. Consideration and possible approval of a **recommendation to UDOT for a traffic signal at 1580 West or 1400 West State** Street - Arthur LeBaron

Arthur LeBaron reported that the Utah Department of Transportation (UDOT) has indicated they would not participate in the cost; however, that can be decided in the future. Dave Pheasant has completed the traffic impact study. Bucks Ace Hardware is proposing a building that is three times the size of their current building at about 1400 West State. The UDOT agreement states one traffic signal will be installed at one of the intersections but not both. The traffic impact study recommends installing the signal at 1400 West due to signal spacing. The City Council discussed the road layout and determined that if the road was moved closer to Gould's wash it would put it in the floodway.

Kevin Thomas motioned to approve the recommendation to UDOT for a traffic signal at 1400 West. Seconded by Joseph Prete. Doug Heideman, David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

Buck Ace Hardware reported that they are willing to pay for the light and improve the piece of property on the east side of the road. Safety is the key factor; however, it could be like the current light at Quail Lake until all the roads are finished.

19. Consideration and possible approval of **Resolution 2023-04 appointing board members to the Historical Committee**

David Isom has resigned from the committee. David Hirschi and Lee Beatty are the current members. The new members are David Hinton, Gerri Hinton, and Paula Arriola. Phyllis Lawton is a staff member who will continue to have a role on the Historical Committee.

Joseph Prete motioned to approve Resolution 2023-04. Seconded by Doug Heideman. Kevin Thomas, David Hirschi, Dave Sanders, Joseph Prete, and Doug Heideman – aye. Motion carried unanimously.

20. Consideration and possible approval of **Resolution 2023-05 adopting the Washington County Water Conservancy excess water surcharge and a monthly standby fee, administrative fee, and extension fee**

Mayor Billings explained the District's board already approved this but the Council hadn't seen it yet. The District approved an excess water surcharge and adopted a new surcharge for new construction. This will lower impact fees because they will use less water, but residents will pay more if they go over the set amount. The other surrounding cities have not approved it yet. Ken Richins stated by signing the pooling agreement we agreed to the rules. Dayton Hall stated in his opinion it is not part of the pooling agreement. The agreement has a water development surcharge not an excess water surcharge. Mr. Richins suggested approving it subject to all other communities approving it then we will be team player. Mayor Billings mentioned the landscape ordinance is coming back for reconsideration because the District has a requirement that sod can't be more than 8%. If we don't meet this requirement our residents don't' qualify to get the rebate.

Mr. Hall explained Hurricane has had its own water, but we don't have more to supply moving forward. We are contracted with the District to supply water. They have said we will only have water for the next ten years if we do all their requirements. If we don't take all their measures, then it will be a shorter period. Zach Renstrom has offered to come talk to the Council. Mr. Hall explained what the surcharge would be. There will be a standby fee per platted lot that developers will have to pay until they build on the lot. Mr. Richins stated the irrigation expansion system that is being installed will make so people don't go over the amount. Stephen Nelson stated the landscape ordinance has been drafted and was sent to the District to review. It will be on the Planning Commission agenda next week for them to review.

Dave Sanders motioned to approve Resolution 2023-05. Seconded by Doug Heideman. Joseph Prete, David Hirschi, and Kevin Thomas - nay. Doug Heideman and Dave Sanders - aye. Motion fails.

Dayton Hall asked if the City Council would like a work meeting. Councilman Hirschi would like the District to work with us more. When they say there is water for ten more years, they assumed canal water shares could be used. Mr. Hall stated if we don't reduce how much per lot is used then we will run out of water sooner. Councilman Hirschi pointed out slowing the growth would help too. Mr. Hall stated Hurricane City has the largest land mass to develop. Mayor Billings stated a work meeting is a good idea, but she would like the District to bring statistics to show the Council. The City Council agreed that a work meeting with the Water Conservancy District is necessary before a decision can be made.

David Hirschi motioned to continue Resolution 2023-04. Seconded by Joseph Prete. Kevin Thomas, Dave Sanders, Doug Heideman, David Hirschi, and Joseph Prete – aye. Motion carried unanimously.

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

Joseph Prete motioned to go into a closed session to discuss the purchase or exchange of real property. Seconded by David Hirschi. Kevin Thomas, Doug Heideman, Dave Sanders, Joseph Prete, and David Hirschi – aye. Motion carried unanimously.

Adjournment: adjourned at 11:56 p.m.