

Minutes of the Hurricane City Council meeting held on February 2, 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, Doug Heideman, and Kevin Thomas. David Hirschi (online)

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, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Water Superintendent Ken Richins, and Ash Creek Sewer District Assistant Superintendent Matt Goodrich

AGENDA

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

Mayor Billings met with an individual to discuss enhancing the bike park through sponsors, grants, and RAP tax. Intermountain Health Care's Emergency Room in Hurricane City will open in July. She invited the City Council to attend the Sand Hollow Resort hot air balloon festival.

Darren Barney stated the flag at the museum is down due to damage to the pole. The Parks Department is preparing for spring maintenance.

Scott Hughes reported that the department's new hire is working on his apprenticeship. A Rocky Mountain Power breaker trip caused the power outage on Tuesday. He explained that the department is on Rocky Mountain Powers feed for the next few months due to work on 600 North.

Matt Goodrich with Ash Creek Sewer District reported that the manhole on the east side of 700 West has a T causing the backing up. A sewer line on 650 South needs to be repaired. The sonar sewer inspection will start in March, and easement cleanup will start soon.

Ken Richins reported that the Water Department has responded to several calls due to frozen pipes on the customer's side of the meter.

Weston Walker reported that fail of the patch on 700 West was caused by water and was not due to the contractor's fault. The skid steer was sent down to clear the wash.

Mayor Billings reported that she asked the legislator to support amending the bill to qualify Hurricane City as being part of a second-class county. Joe Decker is hopeful that the bill will be numbered tomorrow.

Selwin Lovell reported an opening for cleaners, Journey Lineman, Building Official, and Golf Maintenance.

Arthur LeBaron encouraged the City Council to attend the Dixie Transportation Expo on February 7th. They are continuing to work on the gym building downtown. They are still trying to find plans for the building, but the asbestos inspection report should be available next week. The proposal to create a permanent location for a mountain biking course outside of City limits has gained a lot of attention, so he has asked for it to be on the next agenda for approval. He feels it will have a positive impact on the City. They are continuing to work on the design for Purgatory Road. Utah Department of Transportation reported that construction funding must be allocated to the project to utilize the granted federal aid. He will work with Hurricane and Washington City to discuss funding details. Mr. LeBaron reported that the staging area on Sand Mountain is strained because of the activity level. DRATS, Utah Public Lands Alliance, and Hurricane City created another staging area; however, the increased use of the road is causing problems. DRATS is working on a grant to improve the road.

Fred Resch III mentioned he will present a report detailing the approved developments at the next meeting and then provide a monthly development report going forward. Mayor Billings reported that Rentalscape is the new short-term rental enforcement company.

Stephen Nelson reported that the community vision workshop for the downtown master plan is being held next week. Targeted workshops with property owners will be held on Tuesday, and the municipal leadership meeting is scheduled for next Wednesday. There will be open houses for public comment before the plan returns to the Planning Commission.

Kaden DeMille reported that the City's bond ratings have increased. He attended the What's Up Down South conference and feels they provided great information.

Dave Sanders reported that two officers are retiring from the Police Department.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge led by Matt Goodrich

Declaration of any conflicts of interest

Dave Sanders declared a conflict of interest on Old Business item 3 and New Business items 8 and 9. Joseph Prete declared a conflict on New Business item 8.

Public Forum – Comments From Public

Consent Agenda

1. Consideration and possible approval of **local consent for an off-premise beer license - Gas Stop Hurricane**
2. Consideration and possible approval of **local consent for 6 events held at Sand Hollow Resort - Jennifer**
3. Consideration and possible approval of **local consent for the Washington County Fair - Sui Lafaele**
4. Consideration and possible approval of **Ordinance 2023-03 amending Chapter 8 Section Utility rate and fees**
5. Consideration and possible approval of an **Amended Resolution 2022-01 regarding fees for utilities**
6. Consideration and possible approval of **Resolution 2023-10 reappointing members to the Planning Commission**
7. Minutes of the Regular **City Council meeting for January 19, 2023**

Mayor Billings described the items within the consent agenda.

Dave Sanders motioned to approve all items. Seconded by Doug Heideman. Joseph Prete, Kevin Thomas, David Hirschi, Dave Sanders, and Doug Heideman – aye. Motion carried unanimously.

OLD BUSINESS

1. 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.

Mayor Billings explained that this amendment allows reception centers as a conditional use permit in agriculture zones. Stephen Nelson reported that the reception center definition was updated, and conditions 9 and 10 were added to address the fire Marshall's concerns. Mr. Nelson explained that the reception center should be a secondary use to the agriculture on the property. The language defining the maximum number of days per month a reception can be held will ensure the centers are a secondary use. Mr. Nelson reviewed the conditional use

parking requirements. Mayor Billings noted that the parking requirement might need to be adjusted because most people with a barn do not have fully improved roads. Councilman Thomas expressed concerns regarding on-street parking. Parking on both sides of the street could cause traffic problems. Councilman Prete prefers the parking to be onsite. The City Council agreed that parking should be contained on site.

Kevin Thomas motioned to approve Ordinance 2022-61 as redlined with the addition that all parking is contained onsite. Seconded by Joseph Prete. Dave Sanders, David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

2. 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.

Councilman Prete noted that the City Attorney has not reviewed the revisions, and he would rather have a vetted document. Councilman Thomas expressed his concerns with Chapter 5, Section 1051-5 B. He does not feel that short-term vacation rental hosts receive the information listed in the section. Stephen Nelson read the updated short-term rental definitions. Councilman Thomas feels detached ADUs should meet the same street side setbacks as a house.

Kevin Thomas motioned to continue 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 the February 16th City Council meeting. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

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

Mayor Billings reported that the applicant provided the required documents to the City Council. Councilman Heideman visited the home and walked through the building on the property. Mike Vercimack reported structure meets all the requirements.

Doug Heideman motioned to approve the appeal of the denial of a residential hosting application. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Kevin Thomas, Doug Heideman, and David Hirschi – aye. Motion carried unanimously.

4. Consideration and possible approval of Resolution 2023-05 adopting the Washington County Water Conservancy excess water surcharges

Dayton Hall reported that he sent an email including the recommendations made by the Water Board. Councilman Prete read the recommendations and comments from the Water Board, noting that the recommendations are to adopt in part and reject in part. Councilman Prete explained that he had asked the water department to compile data to determine what he would have been fined in the previous two years based on the updated rate. He would be fined an average of \$100 yearly based on his usage; however, the fine for new homes would be a lot higher. Mr. Hall reported that the District has recommended an amendment to the Regional Water Supply Agreement. The amendment will allow the District to set the surcharge rates. He has taken a position in the discussion that the City is unlikely to agree to that amendment.

Councilman Heideman does not think it will be a significant hardship because people aren't putting as much grass when they develop; however, he is concerned about the excess water surcharge. Councilman Thomas feels this is a detriment to agriculture lots. Councilman Prete is primarily focused on existing homes. He feels there should be a bell curve for summer months for existing users. Councilman Heideman reported that the yearly flow of the Virgin River is continually decreasing. He understands the complexities of the situation, but he wants to see the valley stay mostly the same. Councilman Prete suggested an exemption for extenuating circumstances. Councilman Hirschi does not want to keep kicking this down the road. He sees the need to be wise with water, but he does not like the idea of putting limits. He also does want to cede control to the District.

Doug Heideman motioned to continue Resolution 2023-06. Dayton Hall clarified that his direction from the Council is to rewrite a resolution that follows the Water Board's recommendations, creates a bell curve, and provides that any funds received by additional surcharges be retained by the City. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of a conditional donation from Scott Nielson

Mayor Billings reported that Scott Nielson has offered to donate a one-hundred-and-fifty-foot flagpole and two forty feet by eighty feet flags for the Veteran's Park. Mr. Neilson would like the City to commit to providing the concrete, the steel to erect the pole, and the future purchase of the flags. Mayor Billings explained that Staff's concern is the maintenance of an oversized flagpole and the cost of replacing this size of flag. Darren Barney reported that the height of the flagpole at Heritage Park is between eighty to one hundred feet. Councilman Heideman thinks the parking lot on the cemetery's north end is a better spot for this size of flag. Mayor Billings noted that another recommendation by Staff is to erect the flag by the new

gyms downtown. Councilman Hirschi asked if the donation is conditional upon the flag's location. Scott Nielsen noted that he is confident that the City Council will determine the appropriate location. He explained that Nielsen development will provide the excavation. The City's cost is rebar, concrete, and maintenance.

Dave Sanders motioned to approve working with Nielson Development for a flagpole, preferably in the Veteran's Park. Seconded by Doug Heideman. Joseph Prete, Kevin Thomas, David Hirschi, Dave Sanders, and Doug Heideman – aye. Motion carried unanimously.

2. Consideration and possible approval of revoking the residential hosting license at 2640 S 3480 West - Cindy Beteag

Mayor Billings reviewed staff comments, and the City Council confirmed that the applicant nor the owner are present.

Kevin Thomas motioned to approve revoking the residential hosting license at 2640 S 3480 West based on information in the staff report. Seconded by Joseph Prete. Dave Sanders, David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

3. Consideration and possible approval of revoking the residential hosting license at 3445 W 120 North - Cindy Beteag

Mayor Billings reviewed staff comments and complaints made by neighbors. Dayton Hall confirmed that the applicant nor the owner are present, and Councilman Prete verified that the owner received proper notice.

Kevin Thomas motioned to approve revoking the residential hosting license at 3445 W 120 North based on no response from the owner. Seconded by Doug Heideman. David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Joseph Prete – nay. Motion carried.

4. Consideration and possible approval of support for United We Pledge Art Show - Dennis Leavitt

Mayor Billings explained the purpose and intent of the show. Darrin Winn explained that the show's theme is "What did Liberty mean in 1776". The purpose is education and introducing the parents and youth to Liberty Village. They are seeking permission to run the show through the Recreation Center.

Doug Heideman motioned to approve support for the United We Pledge Art Show. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

5. Consideration and possible approval of allowing a **building permit to be issued for Quail Creek Industrial Phase 5 lot #501**. Dennet Construction Applicant

Mayor Billings explained the preliminary plat is approved and the ordinance allows the construction of a model home; however, the question is whether the applicant can build a model industrial building. Doug Dennett explained that the building will be used as a model building, and they will follow the requirements of a model home. Councilman Thomas is not opposed to considering it a model home. Councilman Prete feels there is a good reason for things to happen in a specific order. He is not in favor of an expansive interpretation of a model home. Mr. Dennett explained that the plat has been approved and recorded. He noted that they are not asking for a certificate of occupancy until the phase is complete. Councilman Prete feels that the language of the model home is evident. If the City Council is open to expansive interpretation on this matter, it will open the door to expansive interpretations of terms throughout the code. Dayton Hall noted that if City Council interprets this as an allowed use, the same interpretation must be applied to future industrial model buildings. He reiterated that an industrial model building is not a model home.

Joseph Prete motioned to deny allowing a building permit to be issued for Quail Creek Industrial Phase 5 lot #501. Motion fails for lack of second.

Councilman Thomas understands the applicant's situation but worries about unforeseen consequences. Councilman Hirschi is concerned this will open the door for similar requests. Mr. Hall noted that if the City Council intends to direct Staff to interpret an industrial building as a house, the ordinance needs to be amended to reflect that change.

Doug Heideman motioned to deny the building permit to be issued for Quail Creek Industrial Phase 5 lot #501 and directed Staff to bring the ordinance to the Planning Commission. Seconded by Joseph Prete. David Hirschi and Kevin Thomas - nay. Joseph Prete and Doug Heideman - aye. Dave Sanders - abstained. Mayor Billing - nay. Motion fails.

Joseph Prete motioned to continue allowing a building permit to be issued for Quail Creek Industrial Phase 5 lot #501 to the first City Council meeting in March. Seconded by Kevin Thomas. Doug Heideman and David Hirschi - nay. Joseph Prete and Kevin Thomas - aye. Dave Sanders - abstained. Mayor Billings - nay. Motion fails.

Councilman Hirschi asked Mr. Nelson if he has any concerns. Mr. Nelson reported that in this specific case, he has no concerns; however, it needs to meet the code. He is concerned about skirting the code without going through the process. Councilman Prete feels that the position of the City Council is to be accommodating; however, if this is broadly interpreted, it sets a precedent for developers to interpret the code. Mr. Hall noted that his role as the City Attorney is to ensure the City follows the law. He agrees with Councilman Prete that a home is not a

commercial building. He does not think it is in the City Council's purview to make this interpretation without the proper public hearing process to amend the code.

David Hirschi motioned to deny allowing a building permit to be issued for Quail Creek Industrial Phase 5 lot #501. Seconded by Joseph Prete. Joseph Prete directed the Staff to research when this ordinance was adopted. Motion fails.

Joseph Prete motioned to deny allowing a building permit to be issued for Quail Creek Industrial Phase 5 lot #501 directing Stephen Nelson to research the details of the code and when the code was adopted. Kevin Thomas wants to deny it with no direction. Motion fails for lack of second.

Kevin Thomas motioned to deny allowing a building permit to be issued for Quail Creek Industrial Phase 5 lot #501. Seconded by Joseph Prete seconded. David Hirschi, Kevin Thomas, and Joseph Prete – aye. Dave Sanders and Doug Heideman – abstained. Motion carried.

6. Consideration and possible approval of 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 explained that they have seventy-two lots due to three additional access points. Stephen Nelson reported that the applicant submitted a water model, but it has yet to be approved. Staff still has drainage concerns, but their primary concern is the lack of power and infrastructure. He stated staff and Planning Commission still recommend denial. Mayor Billings stated there are other developments within Hurricane City with approved preliminary plats without power to the location. She also explained that after the City Council denied this, staff has yet to approve any construction drawings in this area. Councilman Prete explained when the preliminary plat was first introduced, staff and the Planning Commission recommended denial, and the City Council denied it. They hold the same position now. Mr. Carter conceded that power and water are still concerns. The water pressure is good throughout the site, but the velocity issues need to be addressed.

Councilman Thomas stated that the decisions made by the City Council affect the economy in Hurricane City. He hates to see developments being shut down and employment layoffs due to a fear that utilities are not there. Mr. Hall explained that the development agreement states they can only apply for future development once the utilities are there. The purpose of the agreement was to avoid these situations. Ty Myers commented they do have adequate power if they were ready to build right now. Kaden DeMille explained that if this is approved and the construction drawings are approved, the City may be forced to extend the utilities without adequate power. He questioned whose timeline the City operates on.

Councilman Prete commented that the City Council needs to be careful not to reject the standards that are there for protection. He does not think it is appropriate to disregard code provisions that were wisely enacted for our protection. Councilman Sanders stated the developer wants to proceed knowing they must wait for power and water. They are creating jobs that could be beneficial for the economy. Councilman Hirschi feels it should be denied for lack of infrastructure. Stephen Nelson reported that the question is whether utilities can be provided in a timely matter. If the preliminary plat is approved, at what point does the construction stop if power is unavailable? Mayor Billings reported that staff has denied construction drawings based on the City Council's denial of preliminary plats. She noted that based on will-serve letters and other criteria, the City is not responsible for serving the development if adequate facilities are unavailable. Councilman Prete feels it is essential to be mindful of the existing residents. They have voiced concern about continued rapid growth. Councilman Sanders feels the development of this area should have started with the Copper Rocks project. Mayor Billings explained that her primary goal is to treat everyone the same.

Kevin Thomas motioned to approve the preliminary plat for Desert Sky Estates subject to a modification to the development agreement stating that construction drawings cannot be signed until capacity is available as determined by City staff and subject to other staff recommendations. Seconded by Dave Sanders. Doug Heideman, Kevin Thomas, and Dave Sanders – aye. David Hirschi and 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

Bob Hermandson reported that all staff comments have been addressed other than power. Stephen Nelson stated staff and the Planning Commission previously recommended denial based on lack of power; however, the developer was invited to reapply. He reported that the clubhouse needs to be built in phase one.

Kevin Thomas motioned to approve the preliminary plat for Southern Dunes Townhomes, a recreation resort 345 townhome development located at 2600 W and 4200 S. subject to staff and JUC comments and amending the existing development agreement just for this portion of the property. No construction drawings will be signed until public utilities are available. Seconded by Dave Sanders. Kevin Thomas, Dave Sanders, and Doug Heideman – aye. David Hirschi and Joseph Prete – nay. Motion carried.

8. Consideration and possible approval of a preliminary plat for Dixie Meadows, a 238 lot single family subdivision, located at approximately 4392 W 2400 S. Western Mortgage and Realty Co-Brent Moser Applicant. ProValue Engineering-Karl Rasmussen Agent.

Karl Rasmussen explained that the PID still needs to be funded. This preliminary plat will improve Sand Hollow Road and the water looping. The master planned road will tie into the property owned by the Washington County School District, and Wilson Drive will tie into Turf Sod Road. The main focus is to address the drainage issue in the Marla subdivision. Stephen Nelson noted that the applicant has provided a letter to address staff comments.

Doug Heideman motioned to approve the preliminary plat for Dixie Meadows a 238 lot single family subdivision, located at approximately 4392 W 2400 S subject to staff to JUC comments. Seconded by Kevin Thomas. Doug Heideman, Kevin Thomas, and David Hirschi – aye. Joseph Prete and Dave Sanders – abstained. Motion carried.

9. Consideration and possible approval for a **preliminary plat for Bench Lake Townhomes, a 196 unit townhome development located at approximately 3145 S 1100 W**. Blue Mountain Property Enterprises LLC and Diamond Edge Construction, LLC-Scott Stratton Applicant. ProValue Engineering-Karl Rasmussen Agent.

Mayor Billings explained that this was brought before the City Council because the preliminary plat expired. Stephen Nelson clarified that after a prior version of a new preliminary plat was approved, the applicant requested and was granted a new zone and submitted a new plan that changed the layout and increased the density. Because the applicant was granted a new zone and was proposing higher density, the prior preliminary plat was void and the applicant was informed in the staff report that a new preliminary plat would be required. Because the prior preliminary plat was void, the City did not send the applicant a courtesy reminder to renew the voided plat. Scott Stratton reported that after giving the roadway to provide connectivity, they increased their density from one hundred and seventy to one hundred and ninety units. Mayor Billings advised Mr. Stratton that the construction drawings will not be signed until there is adequate power to the location. Mr. Stratton reviewed the history and his acquisition of the property. The roadway abutting his property was purchased utilizing COG funds, so he cannot use the roadway as a detention basin. At this point, he plans to develop the road to his property and tie it into the existing City street.

Arthur LeBaron commented the COG fund issue has not come up before. He thinks more work should have been put into determining the roadway. Development along a public right of way must improve that right of way. He does not support a development that is pulled away from the road with no improvements. He recommended scheduling a meeting to determine a solution. Mr. Stratton asked if he should be required to develop the City's road on the City's property. Mr. LeBaron stated the City has been working on the realignment of 1100 West. He agrees something needs to happen, but he doesn't support the plat as it's proposed. He noted that the City does reimburse developers when constructing system improvements that are greater than their impact. Mr. Stratton reported that if the property is deeded to him, he will develop the roadway to the new alignment. He suggested leaving the COG parcel undeveloped and just have landscaping and trails through it. He stated he could go back to his original plan of

200 units but that would require him to build up the roadway. Mr. LeBaron prefers that scenario. Mr. Nelson stated the previous plat was approved but some items like double frontage lots need further discussion, so he would recommend that any approval be subject to JUC and staff comments.

Doug Heideman motioned to approve the preliminary plat for Bench Lake Townhomes located at approximately 3145 S 1100 W. subject to the following conditions: Mr. Stratton must build the road and work with Staff to accomplish that; work with Staff to address the COG issue; the City will own the undeveloped area; this approval is subject to the old plat conditions; Mr. Stratton will continue to work on construction drawings; the three corner lots must be corrected; separating the road and subdivision plats; and staff and JUC comments. Seconded by David Hirschi.

Mayor Billings noted staff cannot sign off on the construction plans until power and infrastructure are developed. Karl Rasmussen voiced his concern that they can only submit the final plat once construction drawings are signed, and by that point, the preliminary plat has expired. There needs to be a better solution to address the power issues. Mayor Billings reported that the City and staff are working on a solution.

Dayton Hall asked how the City Council wants to handle the existing development agreement recorded against the property.

Doug Heideman amended the motion to note that no amendment to the development agreement is part of the motion. Seconded by David Hirschi, Dave Sanders, Kevin Thomas, Doug Heideman, and Dave Sanders – aye. Joseph Prete – nay. Motion carried.

Mr. Hall confirmed that Mr. Rasmussen will complete two construction drawings. A drawing for the roadway and a drawing for the subdivision, and that staff has permission to approve and move forward with the roadway drawings, but that the drawings for the subdivision may be reviewed but not approved until there are adequate public facilities. Council agreed.

10. Consideration and possible approval for the Planning Director to issue a grading permit for Cordero Phase 2 - Brant Tuttle

Mayor Billings reported the three requirements for the Planning Director to approve the permit are an approved grading plan, bonding, and reclamation for the project. Stephen Nelson stated a grading plan was submitted but it still needs to be signed, and there is nothing to bond against at this time. Staff has withheld signatures on construction drawings due to power capacity. Dust is a severe issue in this area. Last summer, staff had to stop developers from using water to control the dust because they were draining water from the tanks that serve residents. Councilman Prete feels that dust can only be controlled with water. Mr. Nelson reported dust is usually resolved when the asphalt is complete, and homes are built. Due to the

uncertain timing of power to the site, the area could remain undeveloped for a substantial time. Dayton Hall noted that approval of the grading permit does not grant entitlement.

Kevin Thomas motioned to approve the Planning Director issuing a grading permit for Cordero Phase 2 conditional upon acknowledgment that no entitlements are granted and subject to dust mitigation, bonding, and a grading plan. Seconded by Doug Heideman. Kevin Thomas, Dave Sanders, and Doug Heideman – aye. Joseph Prete and David Hirschi – nay. Motion carried.

11. Ordinance 2023-04: Consideration and possible approval of a Land Use Code Amendment request to Title 10 Chapter 32: Landscaping and Screening to make updates to water conservation standards. Hurricane City Applicant.

Stephen Nelson reported that the Planning Commission recommended denial. They are not confident that this ordinance is meant to conserve water. He included their comments and suggested verbiage in the presented ordinance. Mr. Nelson reviewed the changes made to the code. The Hurricane Canal Company, irrigation plan, landscape area, landscape plan, park strips, secondary irrigation system, and water parks were defined. The scope and applicability were clarified, exceptions were added for agricultural use, and this ordinance does not apply to existing homes. He noted that some updates do not reflect the Conservancy District's recommendation. Mr. Nelson read additional changes made to the land use code. Mayor Billings feels golf courses should be allowed to develop property if they have their own water. Mr. Nelson reported that the drafted plan was submitted to the Conservancy District, but he is still waiting for their recommendation.

Dave Sanders motioned to continue a Land Use Code Amendment request to Title 10 Chapter 32: Landscaping and Screening to make updates to water conservation standards. Seconded by Kevin Thomas. Joseph Prete, Doug Heideman, David Hirschi, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

12. Discussion and possible direction to staff on whether to proceed with the purchase of a natural gas generator - Scott Hughes

Mayor Billings read through the summary included in the packet. Scott Hughes presented a list of pros and cons. Another generator is an additional resource that provides insurance against the power market and is less expensive than other options; however, a new generator is a lot of money upfront, and the return on investment is prolonged. Transmission expenses rise, and there is a risk due to the volatility of the natural gas market.

Kaden DeMille reported that adding a generator is estimated at \$275,000 over fifteen years. He added that this would be an impact fee expenditure.

Kevin Thomas motioned to direct Staff to proceed with the purchase of a natural gas generator. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

13. Consideration and possible approval of an updated policy governing power generation by customers connected to the City's power grid. - Scott Hughes

Mayor Billings read the summary included in the packet. The Power Board and Power Department recommended approval, and the City Attorney has approved the policy. Scott Hughes reviewed the rate changes in the new policy.

Joseph Prete motioned to approve the updated policy governing power generation by customers connected to the City's power grid. Seconded by Kevin Thomas. Dave Sanders, Doug Heideman, David Hirschi, Joseph Prete, and Kevin Thomas – aye. Motion carried unanimously.

14. Consideration and possible approval of a MOU with the Utah Department of Workforce Services regarding the Five County HEAT program

Mayor Billings read the summary included in the packet. Dayton Hall's concern is the paragraph stating the City cannot charge a fee unless it is approved by Workforce Services. Staff has requested that Workforce Services remove that paragraph, but they have not received a response.

Kevin Thomas motioned to approve the MOU with the Utah Department of Workforce Services subject to the amendment the City can charge the City's standard fees. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

15. Consideration and possible approval of a Cost Sharing and Reimbursement Agreement with DAF Development and Richardson Brothers for 2800 West. - Mike Vercimack

Mike Vercimack reported that some developers have requested improvements to their property in conjunction with 2800 West. This agreement finalizes the cost of each party.

Kevin Thomas motioned to approve the cost sharing and reimbursement agreement with DAF Development and Richardson Brothers for 2800 West. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

16. Consideration and possible approval of Resolution 2023-09 authorizing and directing the retention of an outside engineering firm to perform development plan reviews. - Mayor Billings

Mayor Billings reported that this will allow staff to find a company that is qualified to review the plans. She explained that plans should be reviewed in a timely matter. Councilman Sanders asked how plans are prioritized. Arthur LeBaron explained that plans going to JUC have priority. The second review takes longer. They have more volume than they can process in a timely manner. Mayor Billings reported that this resolution would allow developers to pay for a review by an approved outside engineering firm. Councilman Prete asked if the five-business day turnaround is feasible. Karl Rasmussen reported that the State had extended its timeline for a large plan set. Mr. LeBaron agreed that larger plan sets should have a different turnaround time. Stephen Nelson updated the language in the resolution to reflect the changes made to turnaround time.

Joseph Prete motioned to approve Resolution 2023-09 as amended. Seconded by Doug Heideman. Kevin Thomas, David Hirschi, Dave Sanders, Joseph Prete, and Doug Heideman – aye. Motion carried unanimously.

17. Discussion and possible decision regarding the maintenance of the park area behind the LDS Stake Center at 677 S 700 West

Councilman Hirschi reported that the LDS church owns the park area behind the stake center; however, the school district has been maintaining the property. The school has requested that the City to maintain the property. Mayor Billings reached out to President Broadbent, and he was not aware the school did not want to maintain the property anymore.

Joseph Prete motioned to continue the decision regarding the maintenance of the park area behind the LDS Stake Center for two weeks until President Broadbent responds. Seconded by Dave Sanders. Kevin Thomas, David Hirschi, Doug Heideman, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

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

No closed meeting was necessary.

Dave Sanders motioned to adjourn the meeting. Seconded by Doug Heideman. Motion carried unanimously.

Adjournment: 12:12 a.m.