

Minutes of the Hurricane City Council meeting held on February 16, 2023, in The City 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, Public Works Director Mike Vercimak, 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, and Fire Chief Tom Kuhlman.

AGENDA

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

Ken Richins reported that the Water Department is ready to prepare the well site in the Ghouls Wash well.

Darren Barney reported that the Parks Department has an open part-time position. The department will start working on spring maintenance soon. The dedication for the Dixie Springs All Ability Park is on Friday the 24th at 2:00 p.m.

Scott Hughes reported that the Power Department has an open lineman and apprentice position. The project on 600 North might be put on pause due to insufficient employees.

Tiffani Wright stated that this weekend is busy with tournaments, and spring sports are starting soon. There is an open position at the pool and an open position for a Recreation Coordinator.

Tom Kuhlman stated they were helping other agencies during the snowstorms. House Bill 392 passed and will now go to the Senate. The bill will allow them to look at different funding mechanisms and allow a portion of taxes, excluding gas and food tax, to go toward their funding.

Chief Excell reported there are there two message boards in operation. The damaged board is being repaired, and a new message board with radar has been ordered. Ironman is coming up in May, the marathon significantly impacts the Dixie Springs and Sand Hollow areas, and the proposed return route on SR-7 was approved. Two officers are retiring soon, one position is filled, and interviews for the second position were held today. The K9 handler, K9 officer, and another officer involved in the critical accident are back to work and will be honored tonight.

Weston Walker reported that several potholes are showing up due to the wet weather. When everything dries out, they will return to crack sealing and cleaning the wash. They have completed all the crushing in the yard.

Arthur LeBaron held a meeting with farmers in the Bench Lake area who are experiencing difficulties due to development. He assured them that they would have City support on the issues. He explained that the City needs to consider the impact on cattle operations when approving preliminary plats.

Stephen Nelson reported that several open house meetings were held for the Downtown Master Plan. They received a lot of valuable feedback and will send out an online survey soon. The open house for Did We Hear You Correctly is on March 15th, and the consultant would like to have a workshop with The City Council on the 16th. The RFP draft for the parks, trails, recreation, and open space master plan will go out in the next two weeks. The Building Department is currently interviewing for the Building Official position.

Dayton Hall reported that he reviewed the short-term rental ordinance and is okay with the form presented tonight. He is still working on the excess water usage surcharge. The development agreements for the approved preliminary plats were sent to the developers and must be signed within thirty days. He is continuing to work on the policy for the City Council procedures. He is working on a global rewrite of the event permit, but some legislative items could affect that, so he would like to wait until that is over.

Kaden DeMille reported that they are starting the budgeting process. Mayor Billings noted that the City only received a quarter of the expected impact fees.

Selwin Lovell reported that all the employees are in the process of completing the sexual harassment training. Mayor Billings asked the City Council to get their pictures done at the police station for their IDs.

Doug Heideman recognized Fred Resch III for his excellent job in getting short-term rentals in compliance. He mentioned that he has received a lot of feedback regarding the high density of PDO developments. Mr. Nelson reported that the Planning Commission is reviewing the PDO ordinance. He explained that there are pros and cons to diverse housing types. He will prepare a presentation for the City Council.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge: Sargent Kurt Yates

Declaration of any conflicts of interest

No conflicts of interest were declared.

Recognition of officers involved in a critical incident.

Chief Excell and all Sargents came forward. Councilman Sanders expressed gratitude for the privilege of working with Chief Excell and all of the officers protecting Hurricane City. He recognized Deputy Gonzales and Under Sherriff Barry Goulding. He shared that he never thought this incident would happen in Hurricane City. A suspect wrecked his car and fled on foot, entering an occupied home. Officer DeMille, Officer Bopenhagen, St. George PD Deputy Rosales, K-9 officer Riko, and deputies from Washington County responded to the incident. When the officers entered, the suspect came down the stairs with a six-inch knife, and K-9 Officer Riko was stabbed multiple times. The suspect was fatally shot. Riko was transported to a Veterinary Clinic in St. George, where he received a blood transfusion and was transported to the Animal Hospital in Las Vegas. Riko was re-certified and is back to work. The City Council thanked everyone who supported the officers during the incident and presented the officers with an award on behalf of the City. K-9 Riko, Officer Eric DeMille, and Officer Jordan Bopenhagen were presented with the Medal of Valor.

Development update from the Planning Department

Fred Resch III provided an overview of the approvals in the last year. He reported that Preliminary site plans have no vested rights. Preliminary plans give vested rights and expire after one year. Thirty-seven new subdivisions were approved, consisting of 2,557 single-family, 862 townhome units, 1,500 multi-family units, 861 resort units, and 180 park model units.

One hundred thirteen new short-term rentals were identified this year, and 303 new short-term rental licenses were approved. Seventy-five percent of the warning letters sent out have resulted in compliance.

Two thousand final plat lots were approved without a building permit, and 5,000 preliminary plat lots were approved. Ten thousand lots were approved subject to development agreements and have yet to be platted. Seven thousand five hundred lots were approved within a PID and are not subject to a development agreement. Thirteen restaurants, fourteen retail establishments, eighty-two industrial pads, 252 hotel rooms, 333 RV pads, and 212 storage units were approved within commercial development. Mr. Resch III provided a breakdown of the building permits issued. There was a significant decrease in single-family home permits. However, there was a steady increase in commercial building permits.

Public Forum – Comments From Public

Darlene Smith owns a home in Brentwood. Ms. Smith read quotes from Governor Spencer Cox. Her water efficiency landscape rebate application was denied because she does not live in a qualified City. She was directed to contact her elected officials to encourage the City to participate in the program.

Consent Agenda

1. Consideration and possible approval for the **Planning Director to issue a grading permit for the Gould's Wash Well site** - Ken Richins
2. Consideration and possible approval of **Resolution 2023-11 appointing a temporary Justice Court Judge** for the Justice Court - Kaden DeMille
3. **Minutes** of the Regular City Council Meeting for February 3, 2023, and special meeting January 31, 2023
4. Consideration and possible approval of an amended **final plat for Quail Lake Estates Lots 10 and 11** located at 4400 W State St #10 and #11. Darrell and Christine Leigh Applicant. Ryan Scholes/Alpha Engineering Agent.
5. Consideration and possible approval on an **amended final plat for Dixie Springs Lot F41 and F42**, located at 2829 S 3200 W and 3203 W 2830 S. Heather Hugie Applicant. Mike Hugie Agent.
6. Table the discussion regarding the **maintenance of the park area behind the LDS Stake Center** at 677 S 700 West until further information is received.

Mayor Billings provided a summary of each item on the consent agenda. Councilman Sanders requested to remove item 1 from the consent agenda.

Kevin Thomas motioned to approve all items on the consent agenda except item 1. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Doug Heideman, Kevin Thomas, and David Hirschi - aye. Motion carried unanimously.

Councilman Sanders stated he was mistaken, and item 1 did not need further discussion.

Kevin Thomas motioned to approve consent item 1. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders -aye. Motion carried unanimously.

OLD BUSINESS

1. Ordinance 2022-62 Consideration and possible approval on a **Land Use Code Amendment Request to Title 1-Chapter 5-Subsection-5, 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 Thomas wants to ensure 10-51-14 subsection B9 reads that no space in front of the garage can be counted as parking. Stephen Nelson noted the change he made to the section based on Councilman Thomas's request. Councilman Prete asked Councilman Thomas to clarify his reasons for requesting the update. Councilman Thomas explained that, in his opinion, residential hosting guests should not park in the driveway and block owner access to the garage. Mr. Nelson reported that ADU setbacks shall meet the same setback for primary units.

Kevin Thomas motioned to approve the Land Use Code Amendment Request to Title 1-Chapter 5-Subsection-5, 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 with the change that guest parking is not allowed in front of the garage for residential hosting licenses. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

2. 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.

Mayor Billings explained that the Water Conservancy District changed the rebate program requirements after the City Council passed the ordinance. If approved, this amendment will allow residents to apply for a rebate from the Water Conservancy District and the State of Utah. Stephen Nelson reported that Santa Clara and LaVerkin City code provides exceptions for historical agriculture areas. When preparing the updates to the conservation standards, Staff incorporated similar exceptions for areas historically served by the Hurricane Canal Company with connections to secondary water. Per the Water Conservancy District, the proposal will not qualify for the rebate. The concern cited in the Conservancy District's email is the total water used by culinary and secondary. Mr. Nelson provided clarifications of the exceptions to the conservancy district. However, he has not received official approval and recommends continuing the item. Mayor Billings reported that she is comfortable with the amendment because it matches the ordinance passed by similar cities. Councilman Prete voiced his concern regarding the exception because there are agriculture properties with one connection that feeds multiple lots. Although, he is inclined to approve the amendment as is and take the stance that it is the same as two other communities.

Joseph Prete motioned to approve the Land Use Code Amendment request to Title 10 Chapter 32: Landscaping and Screening to make updates to water conservation standards with a revision extending the exception to lots serviced by a secondary irrigation system. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, Joseph Prete, and Dave Sanders – aye. David Hirschi – nay. Motion carried.

Councilman Hirschi noted that he does not want to place any restrictions on agriculture and would like to discuss the item further.

NEW BUSINESS

1. Consideration and possible approval of **partnering with Washington County School District for a health and resource fair** - Nadina Angulo

Nadina Angulo works with the Washington County School District to provide services to homeless students within the School District. Hurricane Valley represents 1/3 of the homeless population within the district, and the highest number of students are in Kindergarten. There is a growing need for resources. She reported that the Health and Wellness Fair is being held at Hurricane High School on August 19th. The fair serves to educate families and students about the available resources. She would like the City to appoint a community engagement member to attend monthly meetings. Mayor Billings reported that the representative could advertise on all social media and email. She noted that Ms. Angulo is asking the City to cover the cost of the bounce house and provide water bottles. Kaden DeMille confirmed that the school is responsible for covering the insurance cost of the bounce house. Ms. Angulo explained the resources available to residents within Hurricane Valley.

Doug Heideman motioned to approve partnering with Washington County School District for a health and resource fair. Seconded by David Hirschi. Kevin Thomas, Joseph Prete, Dave Sanders, Doug Heideman, and David Hirschi – aye. Motion carried unanimously.

2. Consideration and possible approval of a **resolution in support of developing a mountain bike race course on City and BLM Land.**

Mayor Billings cited a text message from Collete Wadsworth stating this is in the middle of where she winters her cows. She would have preferred that the Bureau of Land Management (BLM) notify the land owners, and she does not support the development of the course.

Mayor Billings read the summary and comments included in the staff report.

Justin Reeve stated this property was recently transferred to the City to protect the retention area. The dam is there to protect the City, and the increased activity will negatively affect the dam. He noted that the GEM trails are established and are only closed for one week a year.

Mac Hall is not opposed to multiple uses on BLM property, but this activity will destroy the grazing rights of seven families that rely on it. Mr. Hall asked the City Council to consider citizens that have used the land for many years.

Arthur LeBaron reported that Frog Hollow Dam is a flood control structure that was deeded to the City. The dam was not designed to retain water. It can get muddy, and any event staged would not be able to coexist with a rain event. Use of the staging area will be temporary, and it is the responsibility of the event promoter to determine if the area is suitable for their event.

Jake Webber with the Utah High School Cycling League (NICA) explained they have been looking for a course in Hurricane City for many years. He explained that the Utah High School Cycling League is the largest in the nation, and Hurricane City has seventy members. He explained that the league would ask for the ground to be graded. However, they are working diligently to minimize their impact. He understands the concerns that were voiced tonight. He reviewed the proposed areas. They are asking for eighty acres and are trying to keep the course on one side of the fences.

Justin Reeve reported that the dam is over fifty feet tall and could flood eighty acres. If the vegetation is removed, the mud will come down into Hurricane. He explained the allotments and grazing rotation. Many grazers have had to sell their grazing allotment due to recreation activities. Dayton Hall reported that people have taken down fences letting cows out in the past.

Bob Wells with BLM reported that they are willing to work with City and NICA to find a location. They do not have the space on the GEM Trail side to develop a staging area. This area is appealing because a portion is Hurricane City property. They do want to ensure that the concerns discussed are addressed.

Kaden DeMille would like to know the financial implication for the City. Arthur LeBaron reported that County fiscal year just started, and they have yet to have an opportunity to put the budget towards it. Staff brought this to the City Council for authorization before researching the cost. Councilman Hirschi asked Mr. Wells if this was the only viable area to develop a staging area. Mr. Wells explained that other areas could be reviewed. He noted that the City and NICA approached the BLM, so they thought it would be a good partnership, and this is an ideal staging area.

Councilman Hirschi asked if there was a way to compromise with the grazers. Mac Hall reported that it would have been better if the grazing community had been approached first. He expressed concern that there is no control over the trails, which could create serious issues for the ranchers. Councilman Hirschi would like to continue this item to allow all the groups to discuss options. Mayor Billings would like the City Council to meet with Greater Zion, Dam Association, grazers, BLM, and NICA on-site to discuss viable options.

Councilman Prete asked if there was a way to schedule the event during a time that would not affect grazing. Pam reported that according to the EAI, cows would be grazing on the eastern portion during the race. Mr. Hall reported that the grazing rotation is different every year.

Mr. Webber explained that the goal is to hold State Championship this year in mid-October. Mayor Billings asked if the City Council members could meet on the 22nd, and the Council members discussed their upcoming obligations and decided they could not attend the meeting. The other parties will meet together before the next meeting.

David Hirschi motioned to continue the resolution in support of developing a mountain bike racecourse on City and BLM Land. Seconded by Doug Heideman. Kevin Thomas, Dave Sanders, Joseph Prete, David Hirschi, and Doug Heideman – aye. Motion carried unanimously.

Steven Lisonbee lives in Laverkin, works in Governor's office, and has kids on the team. He shared that access to trails is a priority from a state perspective. There is a tremendous economic impact when large events are held, and Utah State Legislation has increased the available funds for municipalities to support this.

3. Consideration and possible approval of waiving the rental & power fee for the Farmers Market - Annie Spendlove

Mayor Billings summarized the request and reviewed Staff comments. She reported that Staff recommended a flat fee for power. Annie Spendlove shared a video produced by While You Were Town, showing what the farmers market entails. She explained that the farmers market is a local market, and everything is produced and made within one hundred miles of Hurricane City. This is her second season as the owner of the Farmers Market and the 3rd season of the market. They work each year to comply with State and City regulations. This year their goal is to accept the snap program. The market would like to open after the Easter Car Show and extend to November. She reported that many vendors started in the market have moved their business beyond the market. Councilman Thomas thinks it is an excellent service for the community. Councilman Hirschi agrees with Councilman Thomas. Mayor Billings noted that all food trucks must be self-sufficient, and most booths do not use electricity. Joe is a vendor who brings his lathe, and it is fun for kids to see how things are made. This type of venue is a place where kids can learn to be entrepreneurs.

Ms. Spendlove reported that the State requires the market to be 501C to qualify for Snap. Mayor Billings reported that Darren Barney recommended weekly rotation to protect the grass. Darren Barney noted that after further review, he determined it would take all summer to get the grass back. Rotating will help, but it will also spread the damage. Stephen Nelson explained that this could be an opportunity to close 100 South temporarily. The general plan calls for permanent closure of the road, and this is an excellent opportunity to see if long-term closure of the roadway is viable. Ms. Spendlove is concerned because the asphalt is hot in July and August. Caleb Spendlove commented that the Cedar City Farmers Market is on the roadway, making navigating the market easier.

Kevin Thomas motioned to approve waiving the rental & power fee for the Farmers Market with the condition that food trucks do not hook up to power and the applicants work with Staff on where it will be held and if it will be rotated. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

4. Ordinance 2023-ZC-03: Consideration and possible approval on a **zone change amendment request located at 663 W 400 S** from R1-8, single-family residential one unit per 8,000 sq ft to RM-1, multi-family six units per acre. Parcel H-231-B-1 Jeremy Black Applicant.

Mayor Billings reported that the applicant wants to remove the home and build a duplex. The Planning Commission unanimously recommended approval. Stephen Nelson reported that the new zoning will enhance the property's usability. The property is in the floodplain, but building can occur in a floodplain if specific standards are met. Jeremy Black reported that they are not building in the floodplain.

Kevin Thomas motioned to approve the zone change amendment request located at 663 W 400 S. Seconded by Joseph Prete. Dave Sanders, David Hirschi, Doug Heideman, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

Dayton Hall clarified that the motion was a unanimous vote in favor of the zone change.

5. Presentation of the improvements at the **Washington County Solid Waste site**

Mayor Billings reported that Galloway is the Engineering Firm for the Washington County Solid Waste District.

The purpose of the project is to improve safety and the flow of traffic. They are making changes to the scale house and building a new facility for Staff. Mayor Billings presented slides of the proposed changes.

6. Consideration and possible approval of a resolution regarding **Hurricane City's participation in the NuScale project** - Scott Hughes

Scott Hughes presented graphics detailing the risk and cost estimate scale. Hurricane City crossed the class three milestone, so the costs are getting more defined and accurate. Councilman Heideman commented that the more the City invests, the higher the risk. The estimated cost in 2015 was fifty-five dollars per megawatt, which has now increased to eighty-nine dollars per megawatt. He noted that if the subscription rate goes from eighty percent to one hundred percent, it will drop the cost for the City. Mr. Hughes explained that a decision must be made tonight to stay. The question is whether the City will choose to continue as they are, reduce its entitlement, or withdraw entirely. Councilman Prete reported that the Power

Board supports continuing at the current rate. He explained that there is another off-ramp opportunity if the project does not reach eighty percent participation. Councilman Prete noted that he is torn with the City investing in a risky concept rather than finding predictable power rates through contracts. However, the City is already involved in the project, and proceeding with the contract for one more year is reasonable.

Doug Heideman motioned to approve the resolution that continues the City's participation at the current rate. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

7. Consideration and possible approval of political candidates being allowed to purchase an ad in the Peach Days magazine.

David Hirschi motioned to approve political candidates being allowed to purchase an ad in the Peach Days magazine. Seconded by Kevin Thomas. Joseph Prete wants to discuss the item further.

Councilman Prete reported that this is a City-sponsored magazine. He feels it is essential to provide all the candidates with the same opportunity, the advertisements should be the same size in the same section, and the information should be included in the orientation packet. Mayor Billings commented that this has been allowed for twenty years. Councilman Hirschi agrees with Councilman Prete. Councilman Thomas reported that candidates are allowed to advertise anywhere they want. Councilman Prete reiterated that it is a City-sponsored magazine. Dayton Hall recommended that candidate ads should be in the same place, the same size, and in random order, and notice should be in the orientation packet. Councilman Thomas feels this will make candidates feel obligated to advertise in other ways. Councilman Prete noted that the City does not allow candidates to post signs on City property to avoid the appearance of endorsement. The same principles should apply to the City-sponsored magazine.

David Hirschi motioned to approve political candidates being allowed to purchase an ad in the Peach Days magazine. Seconded by Kevin Thomas. Doug Heideman, Dave Sanders, and Joseph Prete – nay. Motion fails.

Kevin Thomas motioned to approve political candidates being allowed to purchase an ad in the Peach Days magazine with the condition that a disclaimer is put on all ads stating that the City does not support the ad. Seconded by David Hirschi. Kevin Thomas and David Hirschi – aye. Joseph Prete, Dave Sanders, and Doug Heideman – nay. Motion fails.

Joseph Prete motioned to approve political candidates being allowed to purchase an ad in the Peach Days magazine with the condition that all candidates are notified of the option in the orientation packet; all ads are in the same section, in random order based on the Governor's master ballot position list, candidates can purchase any size of ad, and a disclaimer that states

the City does not support the ads. The ad can't be on the first, last, or cover page. Councilman Heideman likes this better than the first option but thinks the City should not allow candidate ads in the City sponsored magazine. Seconded by Dave Sanders. Doug Heideman, Joseph Prete, and Dave Sanders – aye. Kevin Thomas and David Hirschi – nay. Motion carried.

Kevin Thomas motioned to move to item 9. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Doug Heideman, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

9. Consideration and possible approval of a Resolution adopting a fee schedule for renting City equipment and supplies

Mayor Billings explained that this fee schedule is being proposed due to private companies asking to use City property. Tiffani Wright reiterated that the fee schedule was drafted due to private events asking to utilize City supplies. They researched the amount that private businesses charge and slightly raised the City fee to not compete with private businesses. Mayor Billings feels that City supplies should only be rented if the event is on City property. Weston Walker feels there should be a cap on the number of supplies that can be rented to ensure the departments have adequate supplies and equipment.

Kevin Thomas motioned to approve the resolution adopting a fee schedule for renting City equipment and/ or supplies with the condition that the items rented stay on City property. Seconded by Dave Sanders. Joseph Prete, Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders – aye Motion carried unanimously.

8. Consideration and possible direction of use on City property located at approximately 100 W State Street and approximately 1000 W 100 North

Mayor Billings explained and reviewed the locations available for the donated building. There is space by the Community Center and the current City office. Councilman Thomas shared his vision of the gym at the site of the old high school and explained that the City Council could determine the facade. He presented ideas of how the gyms could be laid out.

Councilman Heideman noted that community members were excited about the building during the open house meeting, but eighty percent were concerned with parking. Tiffani Wright reported that the downtown master plan is to close 100 West which would impede access to the front of the building. Mayor Billings explained that this building has to be started by September. Stephen Nelson reported that part of the downtown master plan is a site analysis. The consultant would like to meet with the City Council for ideas, and they will draft concepts to present to the City Council on the 16th. Mrs. Wright stated that the pressing matter is determining who the engineer will be. The location can be determined in the future, and introduced the three candidates.

Kaden DeMille thinks the City can negotiate with any of the candidates. He suggested a work meeting with the City Council to determine the use of the listed properties and a meeting with the candidates.

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

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

Adjournment at 10:36 p.m.