Minutes of the Hurricane City Council meeting held on March 2, 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**: Dave Sanders, David Hirschi, Doug Heideman, Kevin Thomas, and **Council Members Excused:** Joseph Prete

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, Building Clerk Karri Richardson, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, Fire Chief Tom Kuhlman, Financial Supervisor Paige Chapman, and Human Resource Director Selwin Lovell

AGENDA

4:00 p.m.

NEW BUSINESS

1. Consideration and possible approval of a **resolution appointing a deputy city recorder**.

Kevin Thomas motioned to approve the resolution appointing a deputy city recorder. Seconded by Doug Heideman. David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

Layla Mangum swore in Kaden DeMille as Deputy City Recorder.

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

Dave Sanders motioned to go into a closed meeting. Seconded by Kevin Thomas. David Hirschi, Doug Heideman, Dave Sanders, and Kevin Thomas – aye. Motion carried unanimously.

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

Stephen Nelson reported The Downtown Master Plan workshop meeting is scheduled for 3/16/2023 from 3:00 p.m. to 5:00 p.m. Councilman Hirschi noted that the public hearing is scheduled during spring break. Mr. Nelson reported that the meeting coincides with the scheduled consultant meeting. Mayor Billings directed Mr. Nelson to contact the consultant to reschedule the meeting. Mr. Nelson is preparing the request for qualifications for the City Center and Parks and Recreation Master Plan.

Kaden DeMille reported that a preliminary meeting was held with Desert Edge for the architecture of the gym building.

Arthur LeBaron reported that the National Resource Conservation Service (NRCS) is preparing the environmental impact statement for flood control on Gould's Wash. He suggested scheduling a meeting in August for the NRSC to present preferred alternatives. He spoke to Utah Dam Safety and NRSC to discuss safety requirements regarding the proposed activity around Frog Hollow Dam. Utah Dam Safety reported that they do not want activity along the face of the dam, and NRSC did not raise any significant concerns.

Weston Walker reported that the department is filling potholes and clearing drainages in preparation for runoff. Straight stripe is helping with the crack sealing while the department's equipment is being repaired.

Paige Chapman asked the City Council to discuss any questions regarding the upcoming budget with herself or Kaden DeMille. She noted that this will be a challenging year.

Mike Vercimack explained that the annual AWOS maintenance fee is $7,500. The fee was not included in the airport budget. Councilman Heideman asked Mr. Vercimack to provide a report of the gate proposal meeting. Stephen Nelson reported that Staff is recommending the City pay for the gate. Kaden DeMille authorized the purchase order for payment to Tailor Fencing. The estimated cost of the fencing and installation is $3000. Staff will move forward with additional review of public comments and obtaining professional input. The information gathered will go before the Planning Commission and City Council.

Fred Resch III reported the Rental Scape program is on track to go live next month.

Scott Hughes encouraged the City Council to attend the Utah Associated Municipal Power Systems municipal toolkit workshop. The Workshop is in St. George City on April 19th.

Selwin Lovell reported that there are seven open positions. Dayton Hall and Kaden DeMille are reviewing the policy manual, and the review should be finished by April st.

Fire Chief reported that the senate passed bill 27-04 which will allow us to get away from property taxes for funding and replace that with a sales tax. Some numbers were run and if you remove Hurricane City from the mix, 44% of calls come from people who do not live within our district.

Lynn Excell reported that three officers are graduating Police Academy next week. Three officers who previously left the field of law enforcement are returning to work in the Hurricane City. Two officers are retiring on May 1st, and the positions are tentatively filled. The department is working with Weston Walker and Arthur LeBaron to address the Three Falls Elementary Crosswalk concerns.

Dave Houston reported that the airport is moving to a state-funded monitoring system. The Airport Board met on February 21st. The board discussed tie-down and rental fees, and he will meet with Kathy Excell to discuss methods to track the fees.
6:00 p.m. - **Call to Order** –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge: Paige Chapman

Recognition for school crossing guards

Mayor Billings recognized Gary Marsoc, Ken Twichell, Dave Lusck, and Dave Moody for their service in protecting the roads, defending the community, and ensuring the safety of children and parents using the crosswalks.

Declaration of any conflicts of interest

No conflicts were declared.

Discussion on the impact of new housing – Mayor Billings moved the discussion on the impact of new housing to new business.

Public Forum – Comments From Public

Mark Hutchins introduced the newest Sky Ranch Community and Municipal Relations Committee member, Jen Sterns. Jen Sterns presented a plaque to Hurricane City and thanked the City and Staff for considering their community during their policy-making decision.

Consent Agenda

1. Consideration and possible approval of local consent for a single event beer license for Zion Canyon Brewing
2. Discussion and consideration of an Amended Final Plat for Cliff View Estates Phase 1 Lots 14 & 15, located at 3653 and 3653 S Cypress Point Road. Fairway Vista Estates Applicant. Alliance Consulting (Mike Bradshaw) Agent.
3. Discussion and consideration of an Amended Final Plat for North Slope Phase 2 Lots 42 & 43, located at 2041 and 2027 W Cedar Breaks Dr. Fairway Vista Estates Applicant. Alliance Consulting (Mike Bradshaw) Agent.
4. Discussion and consideration of an Amended Final Plat for Cliff View Estates Lot 6 Partial Amendment "C", located 3557 S Cypress Point Road. Fairway Vista Estates Applicant. Alliance Consulting (Mike Bradshaw) Agent.

Kevin Thomas motioned to approve the consent agenda. Seconded by Doug Heideman. Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

OLD BUSINESS

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

JD Webber is a student at Hurricane Middle School. He feels a new course is an excellent way to engage youth and unite the community.

Jensen Pace is a member of the Hurricane Flying Tigers Mountain Bike Team. He commented that a new course encourages outdoor activity and brings the community together.

Gabe Flukenger stated that after her diagnosis of Juvenile arthritis, she could no longer play soccer. Mountain biking is an activity that she can participate in. Mountain biking is open to all students, regardless of their skill level. She understands the concerns regarding the new course, but the positives outweigh the negatives.

Carson Pace is a member of the Hurricane Flying Tigers Mountain Bike Team. The new course will be an opportunity for more people to enjoy biking.

Adam Pace lives on 1180 South. He supports using city land located at the Frog Hollow Dam area and understands the grazing concerns, and they have been coexisting with livestock on the JEM trail for years. He questioned whether all citizens are allowed access to public lands or just a select few.

El Webber has been riding with the mountain bike team for six years. Most courses are far from the school, and a local course would be good for everyone to ride.

Shelley and Jace Goodfellow- Shelly Goodfellow reported that her son Jace Goodfellow has been mountain biking for two years. Mrs. Goodfellow listed hosting cities that have mountain biking trails. She wants to protect grazing as much as anyone else. The bike trails are very thin, and the mountain bike program is eco-conscious regarding land and animals. She asked the City Council to allow the citizens to use their public land.

Adam Flukenger is the Head Coach of the High School Mountain Bike Team. He is here to petition the Council to support the multipurpose use of the land. This is an opportunity to develop something meaningful. Sand hollow is an example of the positive impact of outdoor activities. They recognize the importance of maintaining the land and habitat and will work with the City to ensure the appropriate use of the area.

Lance Bartola reported that mountain biking is a way to develop strong relationships with his family. He encouraged the Council to consider the good stewardship of the NICA course in Desert Canyon.
Arthur LeBaron met with the Bureau of Land Management (BLM) land specialist Ryan Reeve and Jake Webber, the Utah High School Cycling League (NICA) course designer. The BLM specialist is concerned about the quality of the range land, and the ranching community's primary concern is the cumulative impact of increased land use. Mr. LeBaron reported that there are two separate issues. The first is the City authorizing the use of City property, and the second is the BLM going through compliance with the Nation Environmental Policy Act. During the meeting, suggestions were made to make the trail less impactful.

Colette Wadsworth reported that she should have been notified about this proposal. She questions if everyone who this will impact was contacted. Ms. Wadsworth is concerned about how this will affect the land. However, she is okay with the biking if they leave the cattle alone. She would rather have kids riding in the mountains than on the roads. She just wanted to be consulted.

Mac Hall recognizes that there needs to be a place for this, but he does not believe this is the place. He noted that some locations on his range could accommodate the course. His biggest issue with this plan is the potential hazards with City property. The area gets very slick and soft, and the top of a debris basin dam is not a good location for a venue. He requested to table the item until the issue with the dam site is resolved.

Councilman Thomas explained that the Boy Scout event several years ago devastated the farm property it was held on. He is not opposed to the concept and ideas of the mountain biking community but is opposed to the impact on grazing. Councilman Hirschi is also concerned about the impact on ranchers, but he believes this is a positive benefit to the community and youth. He would like to continue working towards a solution. Councilman Sanders appreciates the team's willingness to participate in maintaining the area, but who will maintain it after the event. Councilman Heideman fully supports the course and the ranching community, and he feels strongly that the increased use will destroy the grazing land.

Doug Heidemen motioned to table the resolution in support of developing a mountain bike racecourse on City and BLM Land indefinitely until a solution can be found. Seconded by Dave Sanders. Kevin Thomas, David Hirschi, Doug Heideman, and Dave Sanders – aye. Motion carried unanimously.

Mayor Billing directed Arthur LeBaron to meet with the BLM and Mac Hall to determine another location.

2. Consideration and possible approval of **Resolution 2023-05 adopting excess water surcharges.**

Mayor Billings explained that the City Council directed the City Attorney to draft a revised resolution to reduce the fee per one thousand gallons, lessen the threshold for typical water usage, address the concerns regarding the penalization of large families, and the impact on agricultural families.

Dayton Hall explained the updates made to pressurized irrigation. The updated draft includes large family and livestock water relief programs. Hurricane City previously agreed to the Washington County Water Conservancy District standards; therefore, he is reluctant to change the threshold for new construction. He also included the City Council's request to retain the excess water surcharge funds.

Kevin Thomas motioned to approve Resolution 2023-05 adopting excess water surcharges. Seconded by Dave Sanders. Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

NEW BUSINESS

Discussion on the impact of new housing

Stephen Nelson reported that it is essential to consider why the new housing is important. He explained that housing is the most vital service that the City supports. Every service in place is meant to support households. He provided a table showing the basic affordability levels within Hurricane City. Dedicated affordable housing and naturally occurring affordable units are two ways that provide affordable housing. The market rate is the source of naturally occurring affordable units. The City can help the market rate by increasing the housing supply. Housing supply decreases sell prices by alleviating the demand for existing units.

Mr. Nelson reported that home prices in Hurricane City have significantly increased partly due to the drop-in vacancy rates for long-term units. The lack of affordable housing in Hurricane City has affected economic growth, and it is challenging for businesses to obtain or retain employees due to the lack of affordable housing. He explained that City services benefit from tax revenue, and multifamily housing generates more tax revenue than commercial development per acre. Multifamily units are more efficient per unit but use more services per acre. Multiple units per acre use more water than single-family homes per acre. However, multifamily units represent a higher tax revenue. Overall, it comes to down balance and mindful planning.

2. Consideration and possible approval of **Desert Roads and Trail System (DRATS) asphalting the road up to the water tanks and staging area south of the SR-7 interchange.**

Mayor Billings reported that the applicant is applying for federal grants and seeking permission to asphalt the City road. Hurricane City is responsible for road maintenance after the asphalt is complete.
Kevin Thomas motioned to approve Deseret Roads and Trail System (DRATS) asphalting the road up to the water tanks and staging area south of the SR-7 interchange. Seconded by David Hirschi. Doug Heidemen, Dave Sanders, Kevin Thomas, and David Hirschi – aye. Motion carries unanimously.

3. Consideration and possible approval **to move forward with the AWOS project at the airport** - Mike Vercimack

Mike Vercimack reported that the annual maintenance fee covers the cost of inspection, calibration, and certification of the automated system.

Doug Heideman motioned to approve moving forward with the AWOS project at the airport. Seconded by Kevin Thomas. David Hirschi, Dave Sanders, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

4. Ordinance 2023-ZC-04: Discussion and consideration of a **Zone Change Amendment request located at 479 N 360 E from HC, highway commercial, to RM-3, multifamily 15 units per acre. Parcel number H-SMME-1-A.** Interstate Rock Applicant. Chase Stratton Agent.

Mayor Billings reported that Planning Commission recommended denial due to access to the property.

Chase Stratton reported that the property is under contract, and the applicant wants to develop multifamily housing. He conceded that there is only one access. Staff comments recommended modifying the existing three-way traffic signal to a four-way signal and creating a new entrance from the traffic signal. Mayor Billings asked if the applicant would consider purchasing the northern parcel to accommodate access. Mr. Stratton reported that the Utah Department of Transportation owns the parcel, but it may be up for auction soon.

Councilman Heideman reported that he believes there are better locations for commercial. The traffic in this area is difficult and dangerous due to the access and medians. Councilman Hirschi likes the zone change but prefers eight to ten units per unit. Councilman Thomas prefers the area to remain highway commercial; he agrees that a road connection is necessary regardless of the zoning.

Kevin Thomas motioned to deny the Zone Change Amendment request located at 479 N 360 E from HC, highway commercial, to RM-3, multifamily 15 units per acre. Parcel number H-SMME-1-A. To preserve the Highway Commercial zoning. Seconded by Dave Hirschi. Dave Sanders and

Doug Heideman – nay. Kevin Thomas and David Hirschi – aye. Nanette Billings – aye. Motion carries.

5. Discussion and consideration of removing the **City Council conditions previously placed on the issuance of a building permit for non-combustible structures, subject to compliance with the City's Code and the Building Code.** - Scott Nielson

Dayton Hall reported that the final site plan was conditionally approved on the condition that a building permit would be issued once certain conditions were met. The conditional approval allowed the applicant to move forward with prep work. Mr. Hall explained that Hurricane City ordinances determine when a building permit can be issued, and it is not in the City Council's purview to grant building permits. The item for discussion is whether to remove the conditions placed by the City Council. He explained that Glampers Inn requested a subdivision which the City Council approved. The building permit conditions for a subdivision are more stringent than in the final plat approval. He reiterated that no building permits would be issued without the building official's approval.

Scott Nielson reported that, per Stephen Nelson, they could move forward with the slides and pool. Katie Leavitt explained that after the October City Council meeting, she was under the assumption that a pool permit was separate from a building permit. The pools, water feature, and slides have been approved. However, the building official could not issue a permit due to the condition placed on the site plan. Mr. Nielson noted that they are here today to petition the City for approval of their non-combustible units. The water loop was paused due to a gas main on Sand Hollow road. The blasting permit was issued, and he anticipates that the water loop will be completed soon. Mayor Billings asked if the Staff could issue a building permit for non-combustibles if the City Council approves removing the conditions of the approval.

Mr. Hall explained that only the building official could make that determination. He reviewed conditions that must be met per the City Ordinance for issuing a building permit. Katie asked if the subdivision was withdrawn, could the building permit be issued for the waterslide and pool. Mr. Hall reviewed the conditions that must be met to issue a building permit for one lot with a site plan. He expressed concern that if the subdivision application is withdrawn and building permits are issued, the applicant could reapply for a subdivision and circumvent the subdivision standards. Ms. Leavitt asked what they are required to bond for when the subdivision application is withdrawn. Mr. Hall explained that they will have to bond for public improvements that still need to be constructed.

Karl Rasmussen asked if they could record the final plat when bonding is posted. Mr. Nelson explained that they recorded the plat when the public improvements were bonded. However, a building permit can only be issued once the improvements are complete. He clarified the difference between a subdivision and a non-subdivision code.

Mayor Billings explained that the item before the City Council tonight is whether to remove the conditions of the conditional approval.

Doug Heideman motioned to approve removing the City Council conditions previously placed on the issuance of a building permit for non-combustible structures, subject to compliance with the City's Code and the Building Code. Seconded by Dave Sanders. Kevin Thomas, David Hirschi, Doug Heideman, and Dave Sanders – aye. Motion carried unanimously.

6. Consideration and possible approval and acceptance **of roadway dedications for Glampers Way, Jellystone Road, and Sand Hollow Road.** - Arthur LeBaron

Arthur LeBaron explained that these are PID roads from the Gateway PID. He feels that review issues can be addressed in the next few days. His recommendation is to accept the roadway dedications. Mr. LeBaron explained the standard review process.

Kevin Thomas motioned to approve the acceptance of roadway dedications for Glampers Way, Jellystone Road, and Sand Hollow Road. Subject to approval by the City Engineer and City Attorney. Seconded by David Hirschi. Doug Heideman, Dave Sanders, David Hirschi, and Kevin Thomas – aye. Motion carried unanimously.

7. Consideration and possible approval of the **Ethical Behavior Policy** - Sel Lovell

Susan Cedar is a City employee at Sky Mountain Grill. She believes that this policy was not written with the idea of the grill in mind, due to gratuity. She is wondering if they can make an exemption for the services that have gratuity? Kaden DeMille asked if they receive more than $50 from one person. Ms. Cedar clarified that they receive returning customers that would tip more than $50 from one person in a year time period. Georgie Rice noted that she was hired at a lower rate since she receives tips. Sel Lovell stated that the recommendation is from the Fraud Assessment Team. He was not taking into consideration the restaurant industry but this policy could be amended. Paige Chapman shared that this came from the State Auditor's Office as a template. There could be some wording that exempts tips. But says that tips are reported to the State anyways so it is not a "gift". Dayton Hall agrees with Paige that this policy does not include tips, as it is reported income, it is not a gift it is fair market for the service. Mr. Lovell stated that verbiage can be added if necessary, but it was not written with the intent of affecting the service industry. He does not believe it is a problem but is okay with adding an amendment. Mrs. Chapman asked Dayton for clarification that if they were to amend it, it would no longer be conforming to the state code as referenced in our policy. Mr. Hall shared that this is not mirroring State code as it came from the State Auditor.

Dave Sanders motioned to continue the Ethical Behavior Policy. Seconded by Doug Heideman. Kevin Thomas, David Hirschi, Dave Sanders, and Doug Heideman – aye. Motion carried unanimously.

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

David Hirschi motioned to go into close session to purchase real property and discuss threatened litigation. Seconded by Doug Heideman. Motion carried unanimously.

Adjournment: 9:42 p.m.