

Minutes of the Hurricane City Council meeting held on March 16, 2023, in The City Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:30 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director Stephen Nelson, Assistant Planner Fred Resch III, Planning Technician Brienna Spencer, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, Fire Chief Tom Kuhlman, Financial Supervisor Paige Chapman, and Human Resource Director Selwin Lovell

AGENDA

3:30 p.m. City Council and Planning Commission Joint Work Meeting - Downtown Master Plan Workshop

Stephen Nelson introduced the architectural firm that partnered with the City to develop the Downtown Master Plan. Kaden DeMille explained that the City acquired a metal building. The intended use of the building is for a community gym space. Erection of the building must take place no later than September as a condition of ownership. There are two possible locations for the building. The original suggestion was to erect the building near the Community Center. However, a lot of work needs to take place on the property before erecting the building. There is a possibility of erecting the building next to the swimming pool. There is money set aside to update the pool and gyms. He feels remodeling the swimming pool and attaching the gym space is more cost-effective. The City Council reviewed the pros and cons of each location.

The Planning Commission and City Council participated in several exercises meant to guide the discussion of the Downtown Master Plan.

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

Fire Chief advised the community to stay away from the running water.

Scott Hughes reported that an employee had accepted employment with Rocky Mountain Power, and there will be another open position in the department. The wind stalled the set up of steel structures and self-supports on 600 North, and they plan to start again tomorrow.

Police Chief Lynn Excel advised the community to stay away from the water. Runoff is coming down very swiftly, and the water is cold. Gould's Wash was flowing heavily, but there was no blockage. There was flooding off SR-7 on Sand Hollow Road and the north side of 1150 West. The flood trailer is operational. The department has 11,000 sandbags and has ordered 15,000.

He anticipates the City will be prepared for monsoon season. Three officers graduated from the academy last week, and Officer Despain and Thompson are retiring next month.

Mayor Billings shared a picture from the news showing a moisture graph from 1983 and noted her concern that flooding could be an issue this year.

Paige Chapman reported that the City applied for a grant for the new city office campus and the pressurized irrigation systems.

Selwin Lovell reported that the Building Official position was filled, and an offer was extended for a Recreation Coordinator. There are three open positions in the Power Department, and it has been challenging to find qualified applicants. Stephen Nelson reported that the Building Official is scheduled to start early next week.

Arthur LeBaron reported that the City is working with the Utah Department of Transportation (UDOT), Scooters Coffee, and Del Taco on adding a right-turning lane on SR-9 for eastbound traffic approaching 700 West. UDOT is concerned about flooding and is not putting any funds toward contingency projects. They have asked the City to cover the cost upfront, and they will reimburse the City for UDOT's portion after July. 700 West is under construction, and 2800 West is almost complete. Mr. LeBaron submitted a grant application for funding of the Purgatory road project. Councilman Prete asked for an update on the 3000 South project. Mayor Billings shared that Ash Creek Sewer District has contracted with Interstate Rock to complete the 3000 South project. Councilman Prete asked about Sand Hollow Road and funding from the State Park. Mr. LeBaron reported that there are still discussions to determine the best way to fund the project.

Councilman Heideman thanked Weston Walker and the Street Department for clearing Gould's Wash.

Councilman Sanders asked for an update on the Goulds Wash detention basin. Mr. LeBaron reported the Bureau of Land Management, the Environmental Protection Agency, and the National Resources Conservation Service are working through the environmental impact statement. He anticipates scheduling a work meeting with the City Council to review the information in August.

Fred Resch III shared that the spring cleanup on SR-9 is next Friday. There is a waiver from UDOT that needs to be signed before participating. There has been a lot of success with the code enforcement citation system, and he asked for direction from the City Council regarding sending civil citations for junk in yards. Mayor Billings and Councilman Prete agree that there are circumstances where civil citations are necessary, but they have reservations. Dayton Hall shared that the City Council can determine the fee for civil citations. Councilman Thomas

expressed the importance of implementing a fair ordinance for all citizens, and he does not feel it is necessary to pursue a new ordinance at this time.

Stephen Nelson shared that the gate has been ordered for 1515 West. He reported that the open house for the Downtown Masterplan was well attended. The next open house and the workshop with the City Council and Planning Commission are scheduled for April. The Request for Qualifications for the City Center and Parks Master Plan will be issued in the next two weeks.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge: Sheila Bushay

Declaration of any conflicts of interest

No conflicts were declared.

Consent Agenda

1. Consideration and possible approval of **Resolution 2023-16 ratifying the previously adopted policy governing the Hurricane American Legion Equestrian Park.**
2. Consideration and possible approval of **memoranda of understanding between the Utah Department of Workforce Services and Hurricane City regarding providing assistance to eligible low-income households for water and power utilities.**
3. Minutes of the Regular City Council meeting for **February 16, 2023**
4. Minutes of the Regular City Council meeting for **March 2, 2023**

Mayor Billings summarized the consent agenda items.

Dave Sanders motioned to approve the consent agenda. Seconded by Kevin Thomas. Motion carried unanimously.

Public Forum – Comments from Public

Kristin Isham reported that Chad Grady is asking for volunteers to gather signatures for the Utah Flag Referendum.

NEW BUSINESS

1. Consideration and possible approval of **Resolution 2023-17 amending the rules of order and procedure for meetings of the Hurricane City Council.** - Dayton Hall

Dayton Hall reviewed the existing rules governing the City Council since 2012. He explained that Rule No. 1 covers the state code requirements and has several sub-parts. State Code requires at least one City Council meeting per month. State Code defines a quorum, City Council member attendance requirements, special meetings, roll call votes, minimum vote requirements, and rules of conduct. Per State Code, a roll call vote is required for ordinances, resolutions, or anything that poses a liability. He reviewed the situations where a City Council Member or members of the public can be excluded or removed from the meeting. Rule No. 2 explains how items are placed on the agenda. Rule No. 3 sets out the order of agenda items, discussion, debate, and decisions on agenda items. Rule No. 4 requires civility in the meetings. Rules 1-4 are existing. The proposal is to add Rules 5-6. Rule No. 5 sets the deadlines for items placed on the agenda and requires a summary of the item being placed on the agenda. The proposed deadline is Tuesday the week before the meeting, to allow Staff and the City Council time to review the items on the agenda. He noted that there are exceptions to the cutoff date. Rule No. 6 addresses the procedures for donation requests. The proper procedure is for donation requests to go to the City Administrative Department to be placed on the next budget year. He reviewed the donation request procedure exceptions. Kaden DeMille reported that donations that are not a line item in the budget must go through a public hearing before the funds can be released.

Kevin Thomas motioned to approve resolution 2023-17 amending the rules of order and procedure for meetings of the Hurricane City Council. Seconded by David Hirschi. Doug Heideman, Dave Sanders, Joseph Prete, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

2. Consideration and possible approval of **Resolution 2023-18 establishing a new power rate schedule for Hurricane City Power.** - Scott Hughes

Mayor Billings read the agenda summary provided in the packet. Scott Hughes reported that the Power Board has concluded that a rate increase is necessary immediately. The Power Board recommend increasing rates by ten percent, followed by a rate study. He reported that the City Council approved a rate increase in October. The basis for the amount of that increase in October was that, typically, rates go down in the winter. However, the cost of power continues to increase. Mr. Hughes provided graphs detailing the department's finances throughout the past year. He reported that he supports the ten percent increase. However, he chose to exclude raising the base rate. Councilman Prete shared that the cost of power has increased by fifty percent. However, the rates have only increased by nineteen percent.

Kaden DeMille explained that the City's historical budget predictions are no longer accurate due to the volatile nature of the market and economy. He reported that the City can not afford the natural gas generator that the City Council approved. He noted that the issue is not isolated to Hurricane City. Other municipal power entities are struggling financially. He reported that he and the City Accountant needed more time to run the financial analysis on the increase, and he cannot say if the increase is too low or too high. The summer months are the peak time for power consumption, and he is concerned about raising rates in the spring and summer months. Mr. DeMille noted that this proposal will cover the increased power costs, not infrastructure. The only way to fund infrastructure is to wait for impact fees to recover the cost or bond against rates. Mr. Hughes reported that in 2021 the department's operating margin dropped to twenty-one percent, and this year the margin is a deficit of seven percent. Councilman Thomas feels that this is the result of the green agenda movement at the federal level. Affordable resources are no longer accessible. Mr. DeMille stressed that tonight's decision would cover the cost of sales, but there is a chance that another increase will be necessary. He asked if the City Council is agreeable to a rate increase of more than ten percent pending the completion of a rate study.

Bruce Zimmerman reported that St. George has only raised their rate by four percent in the last fourteen years. He questions why Hurricane City rates increased by twenty-five percent within one year. Councilman Prete asked Mr. Hughes if St. George City rates were higher than Hurricane City. Mr. Hughes reported that Hurricane City rates would be slightly higher than St. George City with a ten percent increase. However, St. George City is in the process of raising its rates. Mr. Hughes presented a rate comparison chart of local power companies. Councilman Heideman expressed concerns about the implications of purchasing a new generator. He explained that the Power Department operated within its reserve fund for four months. However, at this point, the City is losing money. Councilman Prete agrees with Councilman Heideman; he explained that the City is losing money on power costs and does not have the funds to build the necessary infrastructure. Mr. Hughes reported that the resolution includes the previously approved base rate increase for solar customers.

David Hirschi motioned to approve Resolution 2023-18 establishing a new power rate schedule for Hurricane City Power. Seconded by Kevin Thomas. Dave Sanders, Joseph Prete, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

3. Consideration and possible approval of Resolution 2023-19 appointing members to the Beautification Committee. - Doug Heideman

Mayor Billings read the names of the citizens appointed to the Beautification Committee. The newest committee members are Helen Baringer, Sheila Bushay, Amanda Pectal, and Chris Henderson.

Doug Heideman motioned to approve resolution 2023-19 appointing members to the Beautification Committee. Seconded by Joseph Prete. David Sanders, David Hirschi, Kevin Thomas, Doug Heideman, and Joseph Prete – aye. Motion carried unanimously.

4. Discussion and consideration of an Amended Final Plat for Gateway North Industrial Lot 3F, located at 421 N 5500 W. Tad Porter Applicant.

Stephen Nelson reported that the buildings must have individual water meters. He recommends approval subject to confirmation of individual water meters, Staff, and JUC comments.

Kevin Thomas motioned to approve the amended final plat for Gateway North Industrial lot 3F, located at 421 N 5500 W., subject to Mr. Nelson's recommendations for approval, Staff, and JUC comments. Seconded by Joseph Prete. Dave Sanders, Doug Heideman, David Hirschi, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

Dave Sanders motioned to go into a public hearing. Seconded by Joseph Prete. Motion carried unanimously.

5. Public Hearing to take comments on the following:

- a. Discussion and consideration of a possible approval of a sensitive land application for Quail Lake Sunset RV, an RV park with 22 spots located at 2480 N Old Hwy 91.**

There were no public comments.

Dave Sanders motioned to go out of the public hearing. Seconded by Joseph Prete. Motion carried unanimously.

6. Discussion and consideration of a possible approval of a sensitive land application for Quail Lake Sunset RV, an RV park with 22 spots located at 2480 N Old Hwy 91. Ray Ebert Applicant. CivilScience - Brandee Walker Agent.

Mayor Billings provided a summary of the applicant's request. Councilman Heideman asked Arthur LeBaron if he had reviewed the drainage plan, and Mr. LeBaron stated that he had not. Stephen Nelson reported meeting with the engineer Jeremy, and the applicant provided a preliminary drainage study. He noted that the grading report provided meets the standard of the sensitive lands plan.

Kevin Thomas motioned to approve the sensitive land application for Quail Lake Sunset RV, an RV park with 22 spots located at 2480 N Old Hwy 91. Subject to Staff and JUC comments.

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

7. Consideration and possible approval for Staff to process a grading permit application for Obsidian Resort Phases 1-5 - Jeff Thomas, ProValue Engineering

Jeff Thomas reported that the applicant has construction drawings in review, and he anticipates the plans will be submitted soon. Councilman Prete declared a conflict of interest and will abstain from voting. Councilman Heideman asked what the difference is between grading and building permits. Mayor Billings shared that a building permit allows the erection of a building, whereas a grading permit allows them to move dirt.

Dave Sanders motioned to approve Staff processing a grading permit application for Obsidian Resort Phases 1-5. Seconded by Kevin Thomas. Doug Heideman, David Hirschi, Kevin Thomas, and Dave Sanders – aye. Joseph Prete – abstained. Motion carried.

8. Consideration and possible approval of a cooperative agreement with UDOT to share costs for the construction of a right-turn lane at 700 West State Street. - Arthur LeBaron

Arthur LeBaron explained that the City is working on a turning lane for eastbound traffic approaching 700 West. The proposal includes removing the curb, gutter, sidewalk, and utility relocations. The cost is around \$150,000. UDOT is allowing the City to provide in-kind work, and he estimates the cost to the City after in-kind work is \$36,000. Councilman Sanders asked if Mr. LeBaron would ask UDOT to consider adding a left turn arrow on Main Street for cars turning off highway 59. Mr. LeBaron will ask UDOT to look at warrants for all the traffic signals in town.

Doug Heideman motioned to approve the cooperative agreement with UDOT to share costs for the construction of a right-turn lane at 700 West State Street. Seconded by Kevin Thomas. Dave Sanders, Joseph Prete, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Motion carried unanimously.

9. Consideration and possible approval of roadway dedications for Resort Drive, Gateway Boulevard, and Bash Parkway. - Arthur LeBaron

Mayor Billings explained that the PID gave up land to rezone the area for roadways. However, the roadway alignment needs to be relocated, and the City will need to go through the process of disposable property. Mr. LeBaron reported that there would be excess property on the existing Sand Hollow road and other portions of Sand Hollow road to the west and south. He reported that Brent Moser would prepare exhibits to show the excess parcels. Joseph Prete declared a conflict of interest and recused himself.

Doug Heideman motioned to approve the roadway dedications for Resort Drive, Gateway Boulevard, and Bash Parkway. Subject to engineer and legal review. Dave Sander seconded. David Hirschi, Kevin Thomas, Doug Heideman, and Dave Sanders – aye. Joseph Prete – abstained. Motion carried.

Councilman Heideman would like to have a work meeting to review the status update of the active PIDs. Mayor Billings reported that it could be added to the City Council agenda on April 5th.

- 10. Ordinance 2023-ZC-05: Discussion and consideration of a Zone Change Amendment request located at approximately 5700 W Regional Park Dr from OS, open space, to PF, public facility, to provide additional public facilities and amenities. Parcels H-4-2-3-1202 and H-4-2-3-430 Washington County Applicant. Jeff Mathis Agent.**

Mayor Billings provided an overview of the summary included in the packet. Washington County wants to build an emergency operation building and parks building. Stephen Nelson explained that the agenda item pertains to the zone change request, and the City Council will have to hold a public meeting to address the sensitive lands.

Dave Sanders motioned to approve the zone change amendment request located at approximately 5700 W Regional Park Dr from OS, open space, to PF, public facility, to provide additional public facilities and amenities. Councilman Sanders' motion was made on the grounds that the Planning Commission recommended approval and the zone change request met the criteria for a zone change as stated in the City's Code. Seconded by Joseph Prete. Kevin Thomas, Doug Heideman, David Hirschi, Dave Sanders, and Joseph Prete – aye. Motion carried unanimously.

- 11. Ordinance 2023-ZC-06: Discussion and consideration of a Zone Change Amendment request located approx. Between 2600 W and 2100 W and 3600 S from RA-1, residential agricultural one unit per acre, to an R1-8/PDO, residential one unit per 8,000 square feet with a planned development overlay. Parcels H-3385, H-3393, and H-3399. Mesa Vista Applicant. Adam Allen Agent.**

Mayor Billings read the agenda summary included in the packet. The Planning Commission recommended denial due to inadequate facilities to support the zone change. Stephen Nelson reported that Staff raised concerns about power and water. This is in a low water pressure area and will likely need an additional water tank to increase the pressure. This will be a growing concern until adequate services are in the area. Matt Lou with American Land Consulting noted that the applicant appreciates the guidance of the Planning Commission and Staff. He reported that others are facing this challenge in the area. The client is not in a rush for development, and they are okay with moving onto the preliminary or final plat once utilities are available. He feels a PID is an excellent strategy to get services to the area without burdening the citizens.

Councilman Thomas shared that the previously approved zone changes have exacerbated the situation. He thinks granting a zone change in these conditions is unwise. Mayor Billings knows there will be power services and a water loop in the area at some point. However, she does not know whether that will come from the utility departments or the collaboration of the developers. Councilman Heideman likes the development but would like to see the lot sizes and open spaces expanded. He noted that this application does not meet the fourth zone change criteria of the City's Code. Councilman Hirschi feels that the proposed amendment will negatively affect the adjacent property. Councilman Prete likes the concept of the project; however, he feels this is premature considering the lack of adequate infrastructure. Councilman Sanders also thinks this is premature and feels that the members of the PID need to work together with Staff to develop a solution.

Doug Heideman motioned to deny the zone change amendment request located approx. between 2600 W and 2100 W and 3600 S from RA-1, residential agricultural one unit per acre, to an R1-8/PDO, residential one unit per 8,000 square feet with a planned development overlay, Parcels H-3385, H-3393, and H-3399. Councilman Heideman's motion was based on the findings that the proposed amendment will negatively affect the adjacent property and that the public facilities and services are inadequate to serve the property. Seconded by David Hirschi. Joseph Prete, Kevin Thomas, Dave Sanders, Doug Heideman, and David Hirschi – aye. Motion carried unanimously.

The City Council members scheduled a budget meeting on April 19th at 5:00 p.m. and April 20th at 3:30 p.m.

Mayor Billing reported that the golf tournament is scheduled for April 27th through the 29th.

Councilman Hirschi would like to discuss parking at the ball fields on the next agenda.

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

David Hirschi motioned to go into a closed meeting to discuss current litigation. Seconded by Dave Sanders. Motion carried unanimously.

Adjournment 8:27