There Minutes of the Hurricane City Council meeting held on May 4, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:30 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 Vercimack, Planning Director Stephen Nelson, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Water Superintendent Ken Richins, Recreation Director Tiffani Wright, Finance Manager Paige Chapman, Human Resource Director Sel Lovell, and Building Official Larry Palmer

AGENDA

3:30 p.m. Closed Meeting

Joseph Prete motioned to go into a closed session. Seconded by Doug Heideman. Motion carried unanimously.

4:30 p.m. Pre-Business

1. Consideration and possible approval of the **selection of engineering consultants for development reviews.**

Arthur LeBaron reported the City Council approved a measure to allow developers to pay an outside engineering firm to review their plans. Four statements were received in response to the request for qualifications. The Selection Committee reviewed the responses and recommended Sunrise Engineering and Paul Hansen Associates. Both firms primarily work for agencies and municipalities. He discussed his concerns regarding the two firms that were not recommended. Councilman Prete's main concern about outsourcing is the difference between the engineering firms and the City's analysis. Mr. LeBaron agrees that there will be a learning curve with the new process. He recommends selecting both companies to ensure that the reviews are completed within the ten-day review period. Once it comes back, the City has five days to review the comments.

Mr. LeBaron explained that this is optional for developers. If developers choose not to pay for a review with the outside firm, the City will review the plans. Councilman Prete asked if the City could reject incomplete plans to help eliminate the backlog and expedite the City's review process. Stephen Nelson stated that he needs to review the State Code further, but it does allow a City to reject plans that are not adequate and ready to review. Mike Vercimack reported that the department recognizes a backlog and has made internal changes to the process, reducing the burden on the engineering department. He expressed reservations regarding the logistics of allowing outside firms to review plans.

Joseph Prete motioned to approve Sunrise Engineering and Paul Hansen as engineering consultants for development reviews. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, David Hirschi, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

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

Stephen Nelson reported that the Downtown Master Plan is going well. They have completed the first review, and the plan will be posted on the website for community feedback early next week. The Utah Department of Transportation feels some of the recommendations deserve further review. The Planning Department is negotiating with the consultant for the Parks Master Plan. The Zions Regional Collaborative met at the Community Center today. They are collaborating to develop a plan for the corridors in and out of Zion National Park. The Planning Commission work meeting for the Downtown Master Plan is on May 25th, and the public hearing will be held on June 8th.

Arthur LeBaron reported that there are slope stability issues on the 2800 West project, which is preventing the road from being opened. Councilman Hirschi reported that he was approached by a resident asking for access to their property from 700 West. Mr. LeBaron explained that this can be discussed in a closed meeting. He has received complaints that motorized vehicles are using the BMX bike jumps by ball fields. He noted that there are posted signs stating no motorized vehicles are allowed, and the Parks Department will post more signage. Mayor Billings suggested increasing the fine for violations.

Fred Resch III reported the roadside cleanup is tomorrow morning. He noted that the Beautification Committee would like to add the weed ordinance to the agenda for the next City Council meeting.

Mike Vercimack reported he and Weston Walker met with Ash Creek Sewer District to review the proposals for repairs on 3000 South. They will meet with Landmark and Geotech to discuss the proposed remedies next week.

Paige Chapman reported that the preliminary budget and amendments are on the agenda.

Tiffani Wright introduced the newest Recreation Coordinator, Darius McFarfield. He graduates from Utah Tech with a Bachelor's in Recreation and Sports Management tomorrow. The fast-pitch softball tournament went very well. She reported that the architect suggested reverse engineering on the metal building donated for the gym. Roger Lichfield informed her that the building came from a company in Florida. However, the company is no longer in business. Arthur LeBaron would like to contact one more person to discuss reverse engineering. Kaden

DeMille reported that the committee has determined that the property northwest of the pool is the best location for the building.

Weston Walker reported that 3000 South is down to one lane. The time frame for the repairs is dependent upon the recommendations from next week's meeting. Preparations are complete for the Ironman Competition this weekend, and he noted that SR-9 will be congested on Saturday. Councilman Sanders reported that trees are blocking the crosswalk lights on 870 West.

Chief Excell reported that next week is National Police Week. The department is fully staffed, and a SWAT team member graduated from elite training this week.

Scott Hughes reported that the new hire is starting next week. He reminded the City Council that the Utah Associated Municipal Power Systems conference is in August.

Ken Richins reported that the water year has started well, and he hopes the moisture continues. Dixie Springs Well is being pumped again on Monday, and he anticipates the well be online soon.

Sel Lovell reported open positions are being filled. The biometric screening for employees is being held next week.

6:00 p.m. - Call to Order –

Prayer, Thought, and Pledge: Arthur LeBaron

Declaration of any conflicts of interest

Joseph Prete declared a conflict of interest on New Business item 2 and will abstain from voting.

Recognition of retirement for Joe Rhodes

Arthur LeBaron reported Joe Rhodes has been with Hurricane City since 2006. Without his expertise and work ethic, the GIS department would not be what it is today. He expressed gratitude for the opportunity to work with Mr. Rhodes. Mr. LeBaron welcomed Meriellle Redwine to the department.

Public Forum – Comments From Public

Thomas Eldridge lives in Coronado Ridge adjacent to the Sky View Subdivision. The subdivision connected to the sewer line in Coronado Ridge, the pavement repairs have started to settle, and some trenches have collapsed. The neighborhood feels the repairs were inadequate, and he asks for the roadway to be brought up to Hurricane City standards.

Mike Vercimack reported that the repairs are temporary and more repairs will occur as the road is paved to the subdivision.

Consent Agenda

1. Consideration and possible approval of **Resolution 2023-21 updating the retention schedule.**

2. Consideration and possible approval of a **Memorandum of Understanding (MOU) with Big Brothers Big Sisters** regarding the placement of bins on City property

3. **Minutes** of the Regular City Council Meeting for April 20, 2023, and special meeting April 19, 2023

Mayor Billings reviewed each item on the consent agenda.

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

OLD BUSINESS

1. Consideration and possible approval of a **resolution approving an Interlocal Cooperation Agreement Regarding Election Services** between Hurricane City and Washington County.

Mayor Billings summarized the discussions in the previous City Council meetings. She reported that the current contract can only be null and void if all parties agree. Her request is for the County to do the first process, print, mail, receive the ballots, and verify signatures, and then the City would take possession. She reviewed State Code 20A-4-303 on the duties of the Board of Canvassers. Mayor Billings reported on her conversation with the Lt. Governor's office regarding this State Code section and read an email response from the Lt. Governor's office, which stated that "this code section is specifically referring to the canvass and not counting ballots. The election officer, election staff, and/or volunteers are able to help process and count ballots before the board of canvassers meet to canvass the election returns." Mayor Billings reviewed the current status of the election agreement and the process to terminate the contract with the County.

Washington County Attorney Eric Clark was present on behalf of the County's position. He reported that the County feels hand counting is less accurate than machine counts. Mr. Clark summarized the duties that would fall to the City if the current contract with the County were terminated. Mayor Billings reported that the City wants the County to administer the election, with the City verifying signatures as part of the canvass by hand counting. With the election coming up so soon, the County is uncomfortable splitting the election duties with the City in this way. Mr. Clark stated that the Council is welcome to be involved in the whole election process as canvassers and, after votes are tabulated, may open the cage and hand count specific precincts. The County expects to have a machine by the end of June that can sort ballots by precincts to make this possible. The County's position is that the City Council is the board of canvassers, and the County does not have the ability to have municipalities showing up with staff to do full hand counts. If the Council, as the board of canvassers, chooses to spend large amounts of time at the County's facilities verifying the election results, Mr. Clark requested that the Council inform the County of those plans and expectations so the County can be prepared. The County wants to accommodate the City Council in verifying the election results but needs to be aware of expectations because it is a busy time for the County.

Councilman Prete commented that three Council members are up for reelection this year. If those three Council members are running and choose not to participate in handling the ballots to avoid the appearance of inpropriety, that leaves only three members of the Council to participate. Councilman Prete stated it seems untenable for three people to meaningful check or audit the ballots, so he is troubled by the County's position that only the Mayor and City Council may participate. Mr. Clark stated that he believes that the canvassing responsibilities are person specific and cannot be delegated, but he is open to discussing that issue more and might be convinced otherwise. Councilman Prete asked Mr. Clark to confirm that the County is willing to stay with the current agreement and that the County is willing to accommodate the inspection and counting of ballots precinct by precinct for as many precincts as the Council cares to count, and that the County would work with the Council to give the Council space in the County building to carry out these actions with the ballots still in the County's custody. Mr. Clark responded that, to the maximum extent the County can, the County will make every effort to make that possible. Councilman Thomas has looked at State Code and the existing agreement, and he feels there is room for improvement but thinks the best option is to stay with the current interlocal agreement.

Kevin Thomas motioned to continue with the current interlocal agreement with Washington County. Seconded by David Hirschi. Joseph Prete, Dave Sanders, Doug Heideman, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

NEW BUSINESS

1. Ordinance 2023-ZC-09. Discussion and consideration of a **Zone Change Amendment request located at approximately 2700 W 600 N**, from R1-8/PDO, residential one unit

per 8,000 square feet with a planned development overlay, to RR, recreational resort. This change will affect all of the Eagle Pointe Ph 1A, 1B, and 1C subdivisions. Perry Development Applicant. Greg Sant Agent.

Mayor Billings reported that the City Council has reviewed the emails and the signatures on the petition. She explained that the City Council can make a motion before hearing comments.

Councilman Prete asked the agent to address what changes have taken place since the denial. Greg Sant reported the applicant is asking for a smaller portion of the development to be zoned as a recreation resort. The proposal consists of eighty units. He reviewed the amenities and noted that they are near completion. Mr. Sant read clauses from the 1996 Sky Mountain Golf Course development agreement and explained that the applicant is trying to honor the document while giving flexibility to the developer.

Roy Moffat relocated to Hurricane City seven years ago because of its beauty and charm. He feels the City is losing those aspects, which is not something to take lightly.

Eric Sorenson lives in Peregrine Pointe. He explained that he expected the area to remain single-family residential when he moved here, and resort communities should not be in the middle of residential. He asked the City Council to deny this zone change.

Larry Whiting appreciates the City Council’s time. He expressed gratitude for the meeting's opening ceremony. He reported that 656 residents have signed the petition opposing this zoning change, and he received more petitions tonight. They support the Planning Commission's recommendations. The property has always been residential, and they feel it would be unwise to approve the zoning change. He read a response email from Marsha Smart, the Assistant Manager of the Sky Mountain Golf Course, stating that the golf course is booked solid, and the community cannot absorb the nightly rental.

Councilman Prete noted that this will create higher property taxes, which creates more tax revenue for the City. However, the City Council must determine whether this zone change will affect the neighboring properties. Mr. Sant asked the City Council to continue the item. He feels that denial will be harmful to the City and the developers. He understands that the City Council is bound to the four criteria for a zone change. He explained that 600 North is a natural barrier, and the development will not use any of Sky Mountain's roads. Councilman Thomas thinks the City Council has already approved too many vacation rentals. This is a City Golf Course that should be preserved for the community. Councilman Heideman agrees with Councilman Thomas.

David Hirschi motioned to deny Ordinance 2023-ZC-09: Discussion and consideration of a Zone Change Amendment request located at approximately 2700 W 600 N, based on the fact that it is inconsistent with the City's plans, goals, objectives, and policy. It is not harmonious with the overall character of the existing developments in the vicinity. It will negatively affect surrounding uses, the strong opposition of the majority of property owners in the area, and the Planning Commission's recommendation of denial. Seconded by Doug Heideman. Roll Call Vote Joseph Prete, Dave Sanders, Kevin Thomas, David Hirschi, and Doug Heideman – aye. Motion carried unanimously.

2. Ordinance 2023-ZC-11: Discussion and consideration of a **Zone Change Amendment request located at approximately 1202 S Sand Hollow Road and 1151 S Sand Hollow Road from NC**, neighborhood commercial, to PC, planned commercial. Which will affect parcel numbers H-4-2-11-2112-GS1, H-4-2-12-1207-GS1, H-4-2-11-129, H-4-2-11-122, and H-4-2-11-128. As well as the location at approx.. 1175 S Sand Hollow Road from NC, neighborhood commercial, and RR, recreation resort, to PC, planned commercial, and RR, recreation resort. To allow for the realignment of zoning for the proposed development Obsidian Resort. This includes parcel numbers H-4-2-11-126 and H-4-2-12-1113-GSI. Brent Moser Applicant. Karl Rasmussen Agent.

Karl Rasmussen reported that this project is near Marla in Elim Valley. The applicant is seeking to change the general commercial and neighborhood commercial to planned commercial. He noted that the Planning Commission gave a positive recommendation.

Stephen Nelson reviewed the map provided by the applicant. They are proposing commercial units on the ground floor with residential units above the commercial units. This zone change will not change the number of vacation rentals allowed, and the access and connectivity will have to be worked out through the design process.

Doug Heideman motioned to approve the zone change amendment request located at approximately 1202 S Sand Hollow Road and 1151 S Sand Hollow Road from NC, based on the diversity of businesses it will offer; it is in a good location and matches the surrounding uses. Approval is subject to updated site plans that address staff and JUC comments. Seconded by Kevin Thomas. David Hirschi, Dave Sanders, Doug Heideman, and Kevin Thomas – aye. Joseph Prete – abstained. Motion carried.

3. Discussion and consideration on an **amended final plat for Fairgrounds Lots 25-29** located at 368 S Commerce St. Bill West Applicant. Pratt Engineering Agent.

Mayor Billings reported that the Planning Commission gave a positive recommendation. Stephen Nelson reported that the applicant is increasing the size of the units.

Kevin Thomas motioned to approve the amended final plat for Fairgrounds Lots 25-29, Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

4. Discussion and consideration on a **preliminary plat for Hurricane Cliffs**, a single family subdivision located at approximately 3350 S 1100 W. DAF Development Applicant.

Mayor Billings reported that the Planning Commission recommended denial based on inadequate infrastructure. Rick Richardson reported that the preliminary plat was previously approved. However, working with the neighboring property to gain access to assist with developing utilities caused delays, and the applicant missed the renewal period.

Dayton Hall prepared a development agreement at the request of Mayor Billings, which states that no entitlements are granted until adequate facilities are available. Stephen Nelson reported this area is a low-pressure water zone, and the Water Department has requested a water model. They would be limited to the first phase until the water looping could be completed. Some phasing and secondary access issues will have to be addressed. Mr. Richardson reported that the construction drawing submitted is for the construction of the first fourteen units, and they have received the water and sewer will-serve letters. He stated that the applicant wants the City Council to approve the preliminary plat without the development agreement. Mr. Hall recommends applying the adequate public facilities ordinance to the project and strongly recommends the development agreement. Councilman Prete does not want to delay development due to an extension technicality. Although, he is conflicted because the power capacity is not available.

Dave Sanders motioned to approve the preliminary plat for Hurricane Cliffs, subject to the development agreement, JUC, and staff comments. Seconded by Doug Heideman. David Hirschi, Dave Sanders, and Doug Heideman – aye. Joseph Prete – aye, with the caveat that this is an exception to the rule. Kevin Thomas – nay. Motion carried.

5. Consideration and possible approval of a **Proclamation regarding the discharge of fireworks**

Mayor Billings reported that this proclamation will allow fireworks in the four parks on specific dates.

Joseph Prete motioned to approve the proclamation regarding the discharge of fireworks as presented. Seconded by Dave Sanders. Kevin Thomas, David Hirschi, Doug Heideman, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

6. Report on the **annual water rate and base rate** increase

Mayor Billings reported that the City Council adopted this increase on June 16, 2022. This item is on the agenda to serve as a reminder of the rate increase and allow the City Council to discuss questions or concerns with Ken Richins. Mr. Richins reported that the wholesale base rate from the district is increasing from $1.54 to $1.64, and the retail rate is increasing from $1.13 to $1.23.

7. Ordinance 2023-07: Discussion and consideration of a Land Use Code Amendment request on **Title 10 Chapter 3 Subsection 4 and Title 10 Chapter 39 Subsection 15 regarding model homes.**

Mayor Billings reported that this has gone before the Planning Commission several times. Southern Utah Builders Association has asked for the item to be continued to allow them time to review the amendment.

Kevin Thomas motioned to continue the discussion and consideration of a Land Use Code Amendment request on Title 10 Chapter 3 Subsection 4 and Title 10 Chapter 39 Subsection 15 regarding model homes. Seconded by Dave Sanders. Joseph Prete, David Hirschi, Doug Heideman, Kevin Thomas, and Dave Sanders – aye. Motion carried unanimously.

8. Public Hearing to take comments on the following:

    a. 2023-2024 Preliminary Budget

    b. Proposed amendments to 2022-2023 Fiscal Year Budget

No Comments from the public.

9. Consideration and possible approval of **Resolution 2023-22 approving the 2023-2024 Preliminary Budget**

Paige Chapman reviewed the preliminary budget for the general fund. The projected revenue is $17,826,639, which is slightly lower than last year. She reported that it is necessary to cut the budget by $ 1.9 million. The projected budget is $62,274,194. Kaden DeMille reported that it is normal to have an unbalanced preliminary budget. The City Council will meet again to approve budget cuts.

Doug Heideman motioned to approve Resolution 2023-22, approving the 2023-2024 Preliminary Budget. Seconded by David Hirschi. Joseph Prete, Kevin Thomas, Dave Sanders, Doug Heideman, and David Hirschi – aye. Motion carried unanimously.

10. Consideration and possible approval of **Resolution 2023-23 approving & adopting amendments to the 2022-2023 budget.**

Paige Chapman reported that the budget amendments result from grants and donations.

Joseph Prete motioned to approve Resolution 2023-23, approving & adopting amendments to the 2022-2023 budget. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, David Hirschi, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

11. Close Meeting held pursuant to Utah Code section 52-4-205 to discuss pending or reasonably imminent litigation and other purposes upon request.

No closed meeting was held.

Adjournment: 8:10 p.m.