

Minutes of the Hurricane City Council meeting held on May 18, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 5:00 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** Joseph Prete, Dave Sanders, 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, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Recorder Cindy Beteag, Water Superintendent Ken Richins, Parks Superintendent Darren Barney, Building Official Larry Palmer, Finance Manager Paige Chapman, and Human Resource Director Sel Lovell

AGENDA

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

Larry Palmer reported that thirty-three building permits have been submitted in the past week.

Scott Hughes commended his crew for the work on completing 600 North. The line was transferred back to Hurricane Power today. The department will start reinsulating the line to the Three Falls Substation soon. Councilman Heideman reported that residents contacted him regarding the route of the 1100 West line, and he would like to revisit the issue. Mr. Hughes reported that this had been discussed in several work meetings. His understanding is that the direction was to focus on the east side. Councilman Heideman agrees that there were discussions about focusing on the east side. However, he feels there should be more input from the property owners. Stephen Nelson reported that Interstate Rock filed a preliminary plat application for the parcels that will be impacted. The application will come before the City Council during the next meeting, and a decision will have to be made. Dayton Hall explained that the preliminary plat will dictate where the road will go for future landowners. Kaden DeMille agrees with Mr. Hughes's recollection of the meetings. There was a substantial difference in the cost of the two proposed alignments. Councilman Hirschi agreed with Mr. Hughes but felt the decision should be made in a public meeting.

Ken Richins reported that the Water Department is working hard to prepare for the summer. A lot of sand is coming down the river, and the irrigation water is turned off when the District flushes the sand out of the system.

Darren Barney reported that the dirty water is tremendously affecting the parks that are on irrigation. The installers have started installing the All-Abilities playground in Dixie Springs. Mayor Billings reported the Rotary Club is having a ribbon cutting on June 10th at 9 a.m.

Sel Lovell reported that URS might change the ROTH account, but it will not be until next year.

Tiffani Wright found an engineering company to reverse engineer the metal building. She asked if the Council would participate in a whip cream contest on the 4th of July. She explained that the City Council would get creamed if they answered a patriotic question incorrectly. The City Council prefers the watermelon eating contest.

Chief Excell reported that there have been several rattlesnake bites and advised the community to be aware and take caution. Mr. Excell reported that Washington County is donating money toward the new flood trailer that the department purchased. He noted that the department is seeing a lot of construction site and transport trailer burglaries.

Mike Vercimack reported that the 700 West projects has started. Interstate Rock will start to work on the roundabout on 100 North when school ends for the summer. The 2800 West project is complete but is still not open because of slope instability. Councilman Thomas reported that the slopes were engineered and asked if the engineering failed. Mr. Vercimack explained they were anticipating solid basalt, but they hit cinders during the drilling and blasting. They continue working with Ash Creek on 3000 South and received a recommendation to over X the roadway.

Weston Walker reported that the Streets Department is working to fix problem areas on 700 West. Sand Hollow Road was shut down overnight for construction. The department is mowing and spraying weeds. He noted that a new employee started this week.

Fred Resch III attended the Utah Chapter of the American Planning Association Conference last week. The department has sent forty letters and issued two citations for short-term rental violations, and code enforcement is getting a lot of complaints about weeds.

Stephen Nelson mentioned the open house for the Washington County Transportation Plan on Wednesday. The downtown master plan with the Planning Commission is next week. He will distribute the comments and recommendations to the City Council. Mr. Nelson reported that this is his last Council meeting, Fred Resch III will cover for him until the position is filled.

Dayton Hall stated there was interest in having a playlist synchronized with the fireworks last year. There were copyright issues with playing music on the city radio station. However, Red Rock Media is interested in playing the playlist on their radio station. They will create a synchronized playlist and promote the fireworks at no cost to the City. Mr. Hall noted that there would be an MOU with the City and Red Rock Media. The City Council wants to try it this year before committing to future agreements.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone to the meeting.

Prayer, Thought, and Pledge: Dave Sanders

Mayor Billings recognized Stephen Nelson and thanked him for everything he has done for the City Council and Staff.

The farewell party for Larry Berguson's retirement from the School District is being held at the Washington County School District building on May 19th. The open house for Joe Rhodes's retirement will be held in the City Council chambers on May 25th.

Declaration of any conflicts of interest

David Hirschi declared a conflict of interest on New Business 3.

Legislative Update

Stephen Nelson reported that thirty-five bills were introduced, and nineteen bills passed. Moderate Income Housing changed the compliance required date to August and established an appeal process. There were general plan modifications on water use elements and preservation, and the City will need to update its General Plan to reflect the modifications. Mr. Nelson reported that the subdivision review and approval process was updated. He reviewed the code changes that must be updated to match the State Code. He also reviewed the updated development standards. The residential standards for cross sections, mobile business standards, and annexation standards were also updated.

Dayton Hall reviewed the updated development agreement standards. The new code states that the City must provide a written disclosure to the developer listing every right being given up in the development agreement. The City can not enforce the development agreement if the City fails to identify all the forfeited rights in the disclosure. He expressed concern about the update and noted that he does not favor entering into development agreements moving forward.

Public Forum – Comments From Public

Mike Bird stated that he is unwilling to accept the City's proposal to purchase his property to widen 1100 West. Agriculture is vital to the community, and he wants to see it continue. He asked the City Council to meet with all the landowners to discuss other options.

OLD BUSINESS

1. 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 reintroduced the item and explained that this was brought to the attention of the City Council several months ago.

Stephen Nelson reported that the change to this ordinance adds additional restrictions to the current model home policy. The definition of "model home" was updated to a single dwelling commercial or industrial unit within a subdivision. Mr. Nelson reviewed the changes made to the land use code and Staff's recommendations. The JUC preferred not to allow model homes at all. However, the Planning Commission recognized that surrounding cities allow model homes. The proposed changes model Washington City's code with one exception. The Planning Commission feels that the updated policy is a good compromise. Dayton Hall clarified that the JUC is not concerned with model homes. They were concerned about granting an exception from the normal process. Councilman Thomas disagrees with changing the definition from model home to model unit. However, he is not opposed to most of the changes.

Doug Dennett explained they are building the model units in an industrial area; a model unit allows them to present units to future owners. Councilman Prete feels there are four options. The ordinance could be approved as drafted, keep the code as is, not change the model home to model unit, or remove the model home exception altogether. He prefers reverting model unit to model home and approving the other changes. Councilman Sanders feels the primary issue is changing the term to model unit. Councilman Prete feels there are good reasons why this is in place. Councilman Hirschi has no concerns with Mr. Dennett's project but does not want to set a precedence.

Joseph Prete motioned to approve Land Use Code Amendment request on Title 10 Chapter 3 Subsection 4 and Title 10 Chapter 39 Subsection 15 regarding model homes, as written with the addition of adding ten units or lots and changing the model units back to model homes. This includes removing the unit definition. Seconded by Kevin Thomas. Joseph Prete, David Hirschi, Doug Heideman, and Kevin Thomas – aye. Dave Sanders – nay. Motion carried.

Mayor Billings moved to hear New Business 1.

2. Ordinance 2023-ZC-10: Discussion and consideration of a **Zone Change Amendment request located at approx. 2174 West 3000 South to contain an extraction overly with the existing underlying zone remaining, RA-1, residential one unit per acre.** Parcel numbers H-3376-A and H-3375. Washington County Water Conservancy District Applicant.

Mayor Billings explained that the Washington County Conservancy District is seeking this zone change to allow clay extraction from these parcels. Cory Cram reported that the District plans to dedicate land for roadway dedications. They ask the City to provide fences around the parcels in exchange for road dedication and future land dedication. Dayton Hall reported that recently passed drainage requirements will be added to the agreement. He explained that the District requests that the City construct three reinforced concrete access points to the pit and relocate the irrigation lines on the east forty acres. He recommends continuing the item until an agreement is reached.

Kevin Thomas motioned to continue Ordinance 2023-ZC-10 to the next meeting. Seconded by David Hirschi. Joseph Prete requested to amend the motion to continue the item and authorize the City Attorney and City Manager to negotiate the development agreement and bring it before the City Council. Kevin Thomas accepted the amendment. Doug Heideman, Dave Sanders, Joseph Prete, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible a proposed amendment to the **Hurricane City Standards for Design and Construction and Hurricane City's Drainage Manual** to require development within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events.

Mayor Billings explained that Washington County Conservancy District has requested that the City deploy a higher level of stormwater management to help prevent stormwater and pollutants from flowing into the clay extraction pit. The Planning Commission held a special meeting yesterday, and Pro Value provided preliminary findings about the changes impacting the area. She reviewed Staff's concerns and the proposed changes to the drainage manual.

Stephen Nelson reported that the District is concerned that the smaller storms not contained on surrounding properties funnel into the clay pit. They are requesting for property owners to retain water on their property. He reviewed the Frog Hollow Basin area, noting that the Planning Commission has concerns about the impacts of this requirement, and made a split recommendation.

Councilman Thomas stated that drainage flows to the lowest point. As this area develops, the water will flow to the clay pit. Councilman Prete asked if there was any discussion regarding the term "development." Mr. Nelson explained that this proposal applies to new developments contributing runoff to the frog hollow sub basin. Typically a single home or accessory building would not meet the criteria. Councilman Prete would like this limited to a subdivision of five or more units. Mr. Nelson read the Planning Commission's comments.

Corey Cram reported that water contamination is not the main issue. The District recognized that everything will drain into the pit and did not want to create a property inundated with

water. They suggest retention of anything less than a ten-year event. Councilman Prete asked if the natural drainage routes have been studied. Mr. Nelson reported that the stormwater master plan was based on a study. Richard Wigit reported that there were studies regarding the volumes of water, which raised concerns.

Kevin Thomas motioned to approve the proposed amendment to the Hurricane City Standards for Design and Construction and Hurricane City's Drainage Manual to require development within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events, subject to the addition that it applies to developments of five lots or more and commercial or industrial. Subdivisions consisting of single-acre lots are exempt. Seconded by Dave Sanders.

The City Council discussed adding additional exceptions to the standards.

Dayton Hall advised the City Council not to rush exceptions to the rules. He recommends continuing the item so the City Council can process the proposal.

Kevin Thomas motioned to continue the proposed amendment to the Hurricane City Standards for Design and Construction and Hurricane City's Drainage Manual, requiring development within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events. Seconded by Dave Sanders. Motion failed.

Kevin Thomas motioned to approve the proposed amendment to the Hurricane City Standards for Design and Construction and Hurricane City's Drainage Manual to require development within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events, as follows, all new residential subdivisions of five lots or greater and commercial, industrial, and civic developments that contribute to runoff to any of the Frog Hollow sub-basins will be required to provide retention for the 10-year, 24-hour storm. Flows in excess of the 10-year, 24-hour storm will be required to be detained and discharged at the standard rate. Subdivisions that comply with RA-1 development standards are exempt from this retention requirement, except areas of excessive slope or impervious surfaces are subject to review by the City Engineer. Seconded by Dave Sanders. David Hirschi, Doug Heideman, Kevin Thomas, Dave Sanders – aye. Joseph Prete – nay. Motion carried.

2. Consideration and possible approval of local consent for 4 events held at Sand Hollow Resort Rockbowl

Mayor Billings reported that the events will be held at the RockBowl at the Sand Hollow Resort.

Dave Sanders motioned to approve local consent for 4 events held at Sand Hollow Resort Rockbowl. Seconded by Joseph Prete. Kevin Thomas, David Hirschi, Doug Heideman, Dave Sanders, and Joseph Prete – aye. Motion carried unanimously.

3. Discussion and possible approval of softball field renovations and construction of new fields - Matt Hirschi

Mayor Billings reported that Matt Hirschi is proposing renovations to Spillsbury Ballpark fields one and three. Mr. Hirschi reported that softball has tripled in the last few years, and he proposes tearing out the grass to create an appropriately sized softball field. Mayor Billings confirmed that Mr. Hirschi is requesting to take infield grass out of fields one and three and ten feet of the grass toward the outfield. Councilman Heideman confirmed that the City needs to purchase two portable mounds totaling \$8,000. Tearing out and replacing the dirt and other miscellaneous work is between \$12,000 and \$13,000 per field. Darren Barney commented that this is not included in the Park Department budget for the upcoming year. Kaden DeMille prefers to approve this in the upcoming budget.

Doug Heideman motioned to remove the infield grass on fields one and three, an estimated cost of \$30,000, to be paid for using funds in the next fiscal year budget. Seconded by Joseph Prete. Motion carried with David Hirschi, Doug Heideman, Joseph Prete – aye. Kevin Thomas – nay. Dave Sanders – abstained. Motion carried.

4. Consideration and possible approval of updating the Quail Creek Phase 4 reimbursement agreement to allow remaining vouchers to be used outside Phase 4.

Stephen Nelson reported that the City currently has a reimbursement agreement for phase four. All vouchers were not used, and the applicant would like to utilize the remaining vouchers in phase five. Dayton Hall recommends that the approval clarifies that amendment to the reimbursement agreement allows the vouchers to be used in phases four, five, or six.

David Hirschi motioned to amend the reimbursement agreement to allow the remaining vouchers to be used in phases four, five, or six. Seconded by Joseph Prete. Roll call vote. Kevin Thomas, Doug Heideman, Dave Sanders, David Hirschi, and Joseph Prete – aye. Motion carried unanimously.

5. Public Hearing to take comments on the following:
a. Culinary water impact fees

No comments.

6. Consideration and possible approval of Ordinance 2023-09 amending the culinary water impact fees.

Mayor Billings reported that Water Department has been working with Alpha Engineer to update the culinary water impact fee. The draft was presented to the Water Board, who

unanimously recommended approval. Councilman Prete clarified that the current current impact fee is \$2,157, and will increase by \$599.

Doug Heideman motioned to approve Ordinance 2023-09 amending the culinary water impact fees. Seconded by David Hirschi. Roll call vote. Doug Heideman, Kevin Thomas, Kevin Thomas, Joseph Prete, and Dave Sanders – aye. Motion carried unanimously.

7. Ordinance 2023-08 - Discussion and consideration of possible amendments to Title 1-4-5 and Title 4-3 of the Hurricane City Code

Mayor Billings reviewed the amendments and Staff comments. She reported that this proposal is outside the current ordinance. Chris Anderson reported that weeds are an issue just like trash is an issue. She explained that the Beautification Committee wants to unify the committee. They would like to offer support by connecting those in violation to the code enforcement office for suggestions or providing a list of approved vendors to assist in weed removal before issuing a fine. Councilman Heideman reported that there are groups that help clean up properties.

Councilman Prete hesitates to get too aggressive with code enforcement. Councilman Hirschi feels the City needs to reach out with compassion before turning to enforcement. Fred Resch III reported that resources could be listed in the letter sent to non-compliant residents.

Councilman Thomas struggles with this. He wants a beautiful City but does not want to tell his neighbor what to do. Mayor Billings asked the Beautification Committee to draft letters that include resources and recommendations. Councilman Prete would like to review the letters. The City Council would like to try a positive approach first.

Dave Sanders motioned to continue discussion and consideration of possible amendments to Title 1-4-5 and Title 4-3 of the Hurricane City Code to the next meeting. Seconded by Doug Heideman. David Hirschi, Kevin Thomas, Doug Heideman, and Dave Sanders – aye. Joseph Prete – nay. Motion carried.

8. Discuss and consider closing 100 W. between State Street and 100 S. to vehicle traffic.

Mayor Billings reported that the Staff would like the City Council to temporarily close the road for the summer to allow the City to review the closure to determine a permanent solution. Councilman Heideman recommends closing the road from June 1st to September 3rd. Mayor Billings suggested moving the gate to the south to allow vehicles to pull through to the Fine Arts Building parking area. Stephen Nelson reported that the gates can be opened for emergency services.

Dave Sanders motioned to temporarily close 100 W. between State Street and 100 S. to vehicle traffic from Memorial Day to Labor Day, with a review in August to extend it possibly. Seconded

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

9. Consideration and possible approval of a new private hangar lease agreement at the City Airport. - Final Design Group, LLC / Stephen Lemmon

Dave Houston explained that the Airport Board has made a recommendation of approval for a lease agreement with Final Design Group.

Kevin Thomas motioned to approve the new private hangar lease agreement at the City Airport. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

Kaden DeMille provided cost estimates for the new gyms. Staff needs input from the City Council on the direction they want to go. The cost of the building and an additional buildout on the front of the building is over two million. Mayor Billings feels confident she can generate some of the funds through donations. Mr. DeMille reviewed the available funds and the costs of an additional building. He feels that the unrestricted funds can support the building, the front buildout, and the mezzanine. He noted that the pool needs to be updated; impact fees can be used to update the pool but cannot be used to pay for a new pool. Mayor Billings reported that the School District has committed to help with some of the costs of the pool. Mr. DeMille asked the City Council for their direction.

Councilman Heideman asked if there is adequate parking for two gyms and a pool. Mr. DeMille reported that the parking should be adequate if the gyms are incorporated with the ball fields. Councilman Prete prefers that both gyms are completed first, and Councilman Sanders prefers completing the first gym and then the pool. Mr. DeMille suggests utilizing the impact fees for the pool and ball fields and bonding for the gyms.

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

Joseph Prete motioned to go into a closed session to discuss the purchase of real property and pending litigation. Seconded by Doug Heideman. Motion carried unanimously.

Adjournment: 11:11 p.m.