Minutes of the Hurricane City Council meeting held on June 1, 2023, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

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

Also Present: City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Water Superintendent Ken Richins, Building Official Larry Palmer, and Finance Manager Paige Chapman

AGENDA

4:00 p.m. Work Meeting

Discussion with Greater Zion on the economic impact of Ironman and the Copper Rock LPGA tournament

Brittany McMichael with the Greater Zion Convention and Tourism Office reviewed the application and funding process for events supported by the Tourism Office. She reported that Greater Zion's general event and sponsorship budget is $500,000.

Joyce Kelly reported that she has been marketing golf for twenty years. There are fourteen golf courses within Washington County, and the Copper Rock tournament is an excellent opportunity for Hurricane City.

Penny James Garcia is the Copper Rock Tournament Director. Ms. Garcia thanked the City Council for their support of the tournament. She provided a PowerPoint presentation of the LPGA Epson Tournament and played a video from the Golf Channel promoting the Copper Rock Tournament. Her goal is to have the event live streamed on the Golf Channel. The tournament brings in 120 players from thirty countries. She explained that articles mentioning the tournament reached nineteen countries and were written in nine languages. The championship is a great outreach with a small footprint and has a minor impact on Hurricane City residents. The 2023 Championship had a total media value of $1,850,000. Hurricane City's $85,000 sponsorship generates a value of $143,750. Ms. Garcia provided the championship's financial summary and economic impact and summarized the championship's marketing.

Paige Chapman explained that the funding came from the City's Rap Tax for the past three years. She reported that it was not approved in this year's Rap Tax; if the City Council approves sponsoring the tournament, it will come from the general budget.

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

1. Presentation and discussion regarding a regional rail plan

Arthur LeBaron reported that railroads prefer to be on a one or two-percent incline. Hurricane City terrain is not conducive to a railway, but it can be accomplished. There is funding from the Federal Government to expand passenger rail service. The US Department of Transportation's Federal Railroad Administration is conducting a long-distance service study that will be reported to Congress in October. Five County Association of Governments is involved in the study and has asked for feedback from local jurisdictions. He provided maps of current railways and proposed routes in Utah and the United States. The Utah Rail Passengers Association sent a letter to the Secretary of Transportation expressing their support of a rail line in Southern Utah. Mr. LeBaron feels that a railway is an economic driver. Councilman Thomas stated that it is exceedingly difficult to build a railroad, and he does not support light rail or buses. Councilman Hirschi reported that his family in Northern Utah uses the railway and bus services regularly and is interested in seeing how this will transpire over the next five years. Mr. LeBaron reported that industries are interested in being close to the railway. Councilman Sanders feels there are ways to make a railway work; he is concerned that the protected land will prevent a railway through the area. Councilman Heideman agrees that a railway will open international trade.

Larry Palmer reported that the Building Department and staff reviewed twenty-three permits in the past two weeks.

Chief Excell invited the City Council to attend National Doughnut Day at Dixie Springs Park tomorrow morning. He is working with Timberline to relicense the radios. He explained that several departments have radios not licensed to Hurricane City. The HVAC contractor confirmed that the air conditioners at the radio repeater site are working properly. Mr. Excell noted that the Department is busy, and the citation volume is up.

Weston Walker reported that the northbound lane on 3000 South is complete, and they are now working on the southbound lane. Eastbound traffic on 650 South near 700 West is closed. He anticipates a small impact on 700 West.

Scott Hughes noted that the Power Board meeting is next week.

Ken Richins reported the Water Board is recommending approval of the secondary water impact fee. The Public Hearing will be on the next City Council agenda. Councilman Prete asked that the Washington County Conservancy District supports the direction the City is going with secondary water. Mr. Richins reported that the Conservancy District supports the secondary water system because it alleviates culinary water use.

Paige Chapman reported the budget meeting is on Tuesday, June 6th, at the Power Department. She asked for the City Council's direction on sponsoring the LPGA. She explained that the RAP Tax Committee recommends not using the funds for the tournament sponsorship this year. Councilman Heideman reported that the RAP Tax Committee does not support sponsoring private businesses or events. Mrs. Chapman explained that RAP Tax supports tourism. The City Council would like to discuss this during the budget meeting and requested a list of the RAP tax recommendation.

Tiffani Wright reported that summer programs start next week, and the Theater is preparing for the fall show. The pool is bustling, and she hopes they will not lose any lifeguards to the new water park. Mrs. Wright explained that they used water barricades around the driveway of the Fine Arts building to accommodate drop-offs and pick-ups. Councilman Prete asked for an update on Veterans Park and the gym space. Mayor Billings reported that the plans for the Veteran's Park have gone to JUC. Mrs. Wright reported that the engineer is still working to reverse engineer the gym, and she is hoping to meet the September deadline.

Mike Vercimack reported that the department continually meets with developers on new and current projects, and development activity remains robust. The City Council asked for development reports. Fred Resch III reported that he could provide the Council with a summary of Planning Commission meetings.

Arthur LeBaron reported that he oversees the traffic control for the parade and the logistic of fireworks at Sand Hollow State Park. He noted that the parade will have a chalk line to mark the area spectators must stay behind.

Fred Resch III reported that the Public Hearing for the Downtown Master Plan is scheduled for June 8th at 6:00 p.m. They are accepting planning applications online through City Inspect.

6:00 p.m. - Call to Order –

Prayer: Kevin Thomas

Thought and Pledge: Mayor Nanette Billings

Declaration of Conflict

None declared.

Minutes of the Regular City Council meeting for May 4, 2023, and May 18, 2023

Kevin Thomas motioned to approve the minutes of the Regular City Council meeting for May 4, 2023, and May 18, 2023. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

Presentation from Sky Mountain HOA on a donation to the K-9 unit

Susan Seder explained that the Sky Mountain Golf Community HOA has a golf tournament yearly to raise funds for local organizations. This year they selected the Hurricane City K-9 unit. Twenty-three local businesses donated money and products to support the fundraiser. She thanked officers for making a presentation about the K-9 unit to the Sky Mountain Community. Skip Mercer and Bruce Scott presented the unit with a check for $1,368.79.

Public Forum – Comments From Public

Kenneth Heaton thanked the City Council for the work they do. He is here to comment on the proposed road on 1150 West. He does not think the area needs three north-south corridors. Mr. Heaton provided a history of his family's farm. Last fall, he attended the open house and spoke with every official who would listen to his concerns. However, he does not feel the staff listened to his concerns. The road will not provide him with better access to his farm and will expedite traffic in the area. If the road comes through his farm, it will run through his orchard and render his feedlot nonfunctional. He feels the developed property to the west is a more appropriate route for the road, and the land value on the range land would be less costly than through his farm.

Bruce Zimmerman provided the City Council with a document regarding health concerns with power lines. He loves the area and has lived on 1100 West for over two decades. Power lines were erected on the front of his property in 2018. Since then, his wife has been ill, he has had cancer, and they have lost three dogs to cancer. He is concerned for the health and safety of his grandchildren and animals. The proposed roadway will eliminate fruit and nut trees and add noise and light pollution. Mr. Zimmerman read the health concerns from the document he provided and asked the City Council to find a different route.

Clelen Tanner lives in Sky Ridge. He referenced the code variance request for Park Model Homes. He does not feel the plan is compatible with the established single-family homes. He feels reducing the square footage is a good idea, but limiting the number of units will benefit the residents in the Canyon Villas.

OLD BUSINESS

1. 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 provided a summary of the possible amendments. Fred Resch III reported that the Beautification Committee would like to expand the civil citation system to other nuisances. Councilman Prete feels it is important for the City Attorney to review the changes. Chris Anderson explained that the current code states the City will clean up nuisance properties and bill the owner. However, the ordinance is not being enforced. Dayton Hall explained that this proposal would change the violation to a civil process. This proposal would follow the same civil process of vacation rental violations. Mr. Resch III reviewed the initial violation letter. He will add information for resources that can be utilized to assist in cleaning nuisance properties.

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

Mr. Hall clarified that the City Council wants to provide direction on the process and have input on the wording of the letters; they are not interested in amending the code. Councilman Heideman explained that they are trying to emphasize the spirit of community, and he wants the letters to be positive.

2. Consideration and possible approval of an **ethical behavior policy for City employees and officers**

Mayor Billings provided a summary of the agenda item. Paige Chapman reported the ethical behavior policy is part of the City being transparent with the State, lessens the City's liability, and meets the criteria of insurance through the Utah State Trust.

Doug Heideman motioned to approve the ethical behavior policy for City employees and officers. Seconded by Joseph Prete. Kevin Thomas, David Hirschi, Dave Sanders, Doug Heideman, and Joseph Prete – aye. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of a **memorandum of understanding with Redrock Media** regarding broadcasting music for the July 4th fireworks display. - Mike Evans / Dayton Hall

Mike Evans is the director of sales at Red Rock Media. Mr. Evans reported that Red Rock Media is excited about partnering with Hurricane City. He presented a video describing Red Rock Media's marketing. He reported that the initial proposal was a three-year commitment. However, the City Council has shown interest in a one-year commitment and asked what the City Council's vision is for the future of the fireworks in Hurricane City. Councilman Thomas is concerned about the increased traffic. Chief Lynn Excell reviewed the three-exit location. The department will contract with a towing company to assist stuck vehicles. Mr. Excell shared that this is the biggest patriotic event of the year and an opportunity for the community to shine. Arthur LeBaron reported that they have prepared a robust traffic control plan. Mr. Evans explained that they will work with the firework company to synchronize music with the fireworks, and as they transition, he would like to highlight the first responders who keep the community safe. He explained that a multiyear contract enables them to create a new vision and a way to bring the community together.

Councilman Hirschi appreciates that this does not affect the downtown events. Councilman Prete voiced concern about losing control of a private venture. Many unknowns exist with a new partnership, and he hesitates when entering multiyear contracts. Councilman Sanders feels this will enhance the Fourth of July celebrations. However, it will take more than one year to build the event. He is confident with a three-year agreement, this is not a financial obligation, and the City cannot afford this type of event. Dayton Hall explained Red Rock Media requires a firm three-year commitment. However, the MOU in the packet is for one year commitment and a first right of refusal on the second year. Mayor Billings read each partner's responsibilities in the MOU. Mr. Hall explained that the City can reserve the right to approve sponsors. Craig Hanson, the owner of Red Rock Media, appreciates this opportunity. He explained that these events grow yearly, and there will be more entertainment and activities each year. They are asking for a three-year commitment because they typically do not make a profit until the third year. Mr. Hansen is willing to allow the City Council to vet the sponsors but does not want to grant unilateral veto power.

Dave Sanders motioned to approve the memorandum of understanding with Redrock Media regarding broadcasting music for the July 4th fireworks display, changing the memorandum to three years, allowing the City to have input on the sponsors and the right to approve the title. Seconded by David Hirschi. Joseph Prete, Kevin Thomas, Doug Heideman, Dave Sanders, and David Hirschi – aye. Motion carried unanimously.

2. Discussion and consideration of a possible approval of a **preliminary plat for Kolob Views,** a 20 lot single family subdivision located at 850 S 1300 W. Stratton Development Applicant. Colt Stratton Agent.

Mayor Billings provided a summary of the agenda item. She explained that the Planning Commission sent a recommendation of denial due to the lack of a sensitive land application and will serve letters. Noting that the Planning Commission may be inclined to approve the applicant's roadway alignment. However, they cannot approve the preliminary plat as currently presented.

Colt Stratton explained that the will serve letters and sensitive lands applicant are not included in the preliminary plat because this application only pertains to the roadway alignment. He reported that they can meet the ten percent code in the roadway. However, it will destroy the sensitive lands in that roadway section. The developer is agreeable to utilizing two lots for open space. They are seeking approval on the roadway alignment to move forward with their project. Fred Resch III reviewed the Master Plan, noting that the plat does not comply with the Master Planned Roadway. Councilman Heideman would like to hold another closed meeting to discuss the roadway. Arthur LeBaron explained that the decision was made when the City adopted the Transportation Master Plan. If the City Council wants to approve this, the master plan should be updated. Dayton Hall agreed with Mr. LeBaron's comments. The application does not comply with the Master Plan. This proposal combines two major roadways; if the City Council wants to approve this, the Master Plan must be updated. Councilman Prete noted that this affects more than the roadway; it affects how the power line ties into the new substation. Mr. Hall explained that the applicant is incomplete and cannot be approved at this time. The applicant is asking for direction from the City Council.

Kevin Thomas motioned to table possible approval of a preliminary plat for Kolob Views, a 20 lot single family subdivision located at 850 S 1300 W., based on the fact that the application is incomplete and until such time that the complicated issues can be addressed. Seconded by Joseph Prete. Doug Heideman, David Hirschi, Dave Sanders, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

Mayor Billings asked if the roadway discussion needs to be on the agenda. Dayton Hall explained that if the City Council wants to deviate from the Master Plan, they need to give direction to the City Engineer to amend the Master Transportation Plan. Councilman Prete feels the Council needs more information on the pros and cons of the different options. Mike Vercimack suggested a special meeting to discuss the options. The work meeting is scheduled for June 15th at 4:00 p.m.

3. Ordinance 2023-ZC-12: Consideration and possible approval of a **Request for a Variation of Zoning Standards within the Canyon Villas development** for the definition of a park model, which limits each unit's size to 400 sq ft without the issuance of "room additions" by a building permit. This variation would allow the applicant to develop a park model development with larger units. The approved 180 units and density remain the same. Located at approximately 250 N and 2800 W. Sunwood Homes of Southern Utah Applicant. James Jessop Agent.

Chris Anderson explained that she supported the previous approval. However, the new Canyon Villas was approved for an additional site in the same space, and the developer is again asking to increase the size of the park models. They are applying for three-bedroom homes with two parking spots. The increased parking on the street will affect the required open space. She disagrees that it is harmonious with surrounding uses and feels this is not in the City's best interest.

Councilman Thomas reported that a large crowd who shared the same concerns that have been voiced attended the Planning Commission.

Mayor Billings is concerned about residents losing their homes because it is on the developer's land.

Steve Handcroft represents the applicant. He reported that the applicant hired a firm to complete a feasibility study. The study showed that by 2026 Washington County will still be 2500 units short, and housing costs will continue to increase. The applicant chose to follow the firm's recommendation that seventy-five percent of the homes in the development are three bedrooms. They appreciate the Planning Commission's recommendation but feel 800 square feet is inadequate. They want to increase the unit size to 1,100 square feet to avoid owners adding to the smaller units. They have doubled the lot size to accommodate the larger units, and they have added more parking spaces than what was required. Mr. Handcroft reported that a long-term lot lease provides a way to enforce the rules meant to protect the residents in the park. Mr. Handcroft reported that the land lease adjusts based on market value.

Dayton Hall explained that the zoning restricts park models to 400 square feet. A section in the code allows the Council to grant a variation and cap the size of the unit. Fred Resch III explained that manufactured home subdivisions, Park Model subdivisions, and RV parks are permitted within Mobile Home/RV zoning.

Clelen Tanner read a prepared comment and reiterated the comment he shared in the Public Forum.

Mr. Resch III explained the history of the zoning on the property and reviewed the surrounding zones. He reported that the Park Model code requires one space per unit, and the applicant proposes two spaces with an overflow parking space. Councilman Thomas feels the comments voiced tonight are valid, and approval would be a mistake. He understands that 400 square feet is too small. However, 400-600 square feet is more affordable than 1,000 square feet. Mayor Billings reiterated her concern with the land lease. Mr. Hall explained that the City Council could grant a variance to increase the square footage, noting that landlords can restrict homeowners from adding to their units. Under the current zoning, the applicant can build park models up to 400 square feet. Councilman Heideman still has parking concerns. The average family needs up to four parking spaces, and he questions whether the amenities are adequate. Mr. Handcroft explained the amenities of the development. Councilman Hirschi asked if the applicant would cap the land lease price. The applicant explained that the land lease would match the market value.

Councilman Prete feels this is too dense for the area, and the Council should not assume that add-ons will have to happen in large numbers. He would feel better with the three-bedroom concept if the units were reduced. The City Council discussed changing the ordinance to disallow additions to park models. Councilman Thomas is concerned that if the Council denies this proposal, the size of the units will be unlivable. Mr. Hall explained that the City Council could deny the applicant and initiate the process of revising the park model ordinance. Noting that the current proposal entitles the applicant to 400 square feet per unit with a maximum of 220 units.

Mr. Hall recommended that the City Council direct staff to initiate the process of revisiting the park model ordinance to consider parking and additional restrictions.

Kevin Thomas motioned to approve the Request for a Variation of Zoning Standards within the Canyon Villas development to allow up to 1,100 square feet with direction to staff to start the process of updating the park model ordinance. Seconded by Dave Sanders. David Hirschi, Kevin Thomas, and Dave Sanders – aye. Doug Heideman and Joseph Prete – nay. Motion carried.

4. Consideration and possible approval of a **preliminary plat for Sky Ridge PDO, a two lot subdivision located at 100 N 2600 W.** Shadow Glen 420 Inc Applicant. Frank Lindhart Agent.

Mayor Billings reviewed the agenda item summary, noting that the Planning Commission recommended approval. Frank Lindhart explained that the preliminary plat adheres to the staff's recommendations.

Dave Sanders motioned to approve the preliminary plat for Sky Ridge PDO, a two lot subdivision located at 100 N 2600 W, subject to staff and JUC comments. Seconded by Joseph Prete. Doug Heideman, Kevin Thomas, David Hirschi, Dave Sanders, and Joseph Prete – aye. Motion carried unanimously.

5. Consideration and possible approval of an **amended final plat for Sky Valley Phase 1A located at approximately 3100 W Coronado Dr.** Shoshone Land Co Applicant. Frank Lindhardt Agent.

Mayor Billings reviewed the summary of the agenda item. Noting that the Planning Commission recommended approval conditional upon the applicant turning in a new plat complying with the amended final plat requirements. Frank Lindhart reported that the applicant replaced the townhomes with single family homes.

Kevin Thomas motioned to approve the amended the final plat for Sky Valley Phase 1A located at approximately 3100 W Coronado Dr, subject to staff and JUC comments and submission of a new plat that complies with amended final plat requirements. Seconded by Doug Heideman. Joseph Prete, David Hirschi, Dave Sanders, Kevin Thomas, and Doug Heideman – aye. Motion carried unanimously.

6. Consideration and possible approval of a **preliminary plat for Azure Ridge, a two lot commercial subdivision located at the northwest corner of Turf Sod Road and Sand Hollow Road.** David Crowther Applicant. Dave Nasal Agent.

Mayor Billings reviewed the agenda item summary, noting that the Planning Commission recommended approval. She explained that there is an approved preliminary site plan for the storage units on the general commercial piece. The applicant has advised staff that they would like to develop the planned commercial as a mixed-use development. Fred Resch III noted that this section of Sand Hollow Road is not dedicated to the City and will have to be worked out moving forward.

Doug Heideman motioned to approve the preliminary plat for Azure Ridge, a two lot commercial subdivision located at the northwest corner of Turf Sod Road and Sand Hollow Road, subject to Staff and JUC comments. Seconded by David Hirschi. Dave Sanders, Kevin Thomas, Doug Heideman, and David Hirschi – aye. Joseph Prete – abstained on a conflict basis. Motion carried.

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

No closed meeting was held.

Arthur LeBaron reported that the City is in flux with the property owners on the north end of 2800 West. They have not been permitted to lay the slope back on their property. He staked the location of the proposed building pads and is waiting for feedback from the parties involved. Councilman Sanders stated the City should get something back from the contractor or the engineer for the inconvenience. Mr. LeBaron explained that the City traded property along Sky Ridge for the realignment of the road. He does not recommend purchasing more property. He understands the desire to open the road but does not recommend purchasing more property.

Mayor Billings reported that the Hurricane Pantry has outgrown its current location and has asked for assistance in finding a new location.

Adjournment: 9:53 p.m.