

Minutes of the Hurricane City Council meeting held on February 15, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas, Clark Fawcett, Drew Ellerman, 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, City Planner Gary Cupp, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, Human Resource Director Sel Lovell, Finance Manager Paige Chapman, Parks Superintendent Darren Barney, Water Superintendent Ken Richins, and City Recorder Cindy Beteag

AGENDA

4:00 p.m. Work Meeting

1. Discussion regarding the priority of future road projects.

Mayor Billings stated the Hurricane City Council established the 1100/1150 West Corridor to serve as the path of the power transmission line. Meetings were held, and letters were sent to property owners in an attempt to address their concerns. Mayor Billings read the letter she sent to the property owners and explained the reasons for not including specific completion dates in the letter. She explained citizens have requested that the City prioritize building the roadway on 1100 West before they will sign the selling agreement for their land.

Arthur LeBaron provided a list of roadway projects. This list includes the most important roadways to focus on over the next five years. He reported that the list was prepared by staff and Mayor Billings. The projects include 100 N from 200 West to SR-9, 100 East from 400 South to 100 South, 150 South from 1515 South to 1400 West, 1400 West from 400 South to 650 South, 650 South from 700 West to 1530 West, 2300 South from 1100 West to 3500 West, 900 South from 700 West to 180 West, 920 West from 400 South, Turf Sod Road from Sand Hollow to Pecan Valley, 700 West 400 South Roundabout, and Main Street from 600 North to 975 North. Mr. LeBaron reviewed the phases of the 1150 West project. The phases include 900 South to 400 South, 2300 South to 900 South, and 3000 South to 2300 South. The estimated cost to complete the 1150 West project is 4.7 million. During the meeting for the 3000 South to 2300 South section, citizens asked the City to make additional improvements to the roadway. Mr. LeBaron explained the method used to calculate the estimated cost. He stated the City could dedicate a portion of the estimated cost to satisfy the improvements requested by the community. The Purgatory Road project is multi-jurisdictional. He requests that the City Council commit several million dollars toward the project. Councilman Fawcett would like all the roads in the City to be on a repair schedule.

Mayor Billings invited property owners to share their vision and concerns for the 1100/1150 West. Mr. LeBaron reported that a QR code is available for citizens to give feedback on prioritizing the roadways.

Mac Hall reported that community members understand that the City needs the roadway to develop the transmission line. However, many people living along 2300 South to 3000 South have livestock, which creates a safety issue. He commented the citizens would like the City to preemptively develop the roadway to its full extent to accommodate the increased traffic.

Ryan Nay echoes Mac Hall's comments. Mr. Nay's children get on the school bus at the stop by the animal shelter. He and his wife drive them to the bus stop because of safety concerns on the roadway. Their biggest concern is safety. He asked the City Council to consider shoulders along the roadway.

Kelby Iverson agrees with the previous comments. The General Plan adopted in 2020 includes the preservation of agriculture. He feels the City needs to do more to protect the agricultural uses in this area. The City must address the traffic and safety issues prior to building the power line and issuing building permits. He impressed upon the City Council that the City has a duty to provide safety, protection, and welfare for all of the citizens currently living in the community.

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

Weston Walker mentioned the Street Department has completed the crack seal on roads that pavement management will chip and slurry. There is a supervisor and operator position open in the department.

Ken Richins reported that the department plans to focus on the two million-gallon water tank at Sky Ranch. He asked the City Council to contact him if they have any concerns about the project. The department has one open position.

Mayor Billings mentioned the Chamber of Commerce awarded the Police Department the Business of the Month.

Chief Lynn Excell stated the auto accident on SR-59 was fatal. The identity of the occupant has not yet been confirmed. A youth caught himself on fire and was life-flighted to Las Vegas. The department is in the process of hiring a full and part-time records clerk. Iron Man will be held on the first Saturday in May. The City is working with Matt's Off-Road Recovery and Sand Hollow State Park on their event. They will reimburse the City for the officers assigned to the event. The Rotary Club is providing security for the Easter Car show, along with two Hurricane City Police Officers. Officer Gonzalez will be graduating from the Police Academy on March 7th, and Officer Roberts will be graduating on April 25th. Animal Control Officer Jennifer Jarvis is graduating from Utah Tech University Academy on April 13th.

Larry Palmer noted seventeen single-family homes and three apartment complex building permit applications were submitted last week.

Darren Barney explained the Parks Department has filled two positions and promoted Chris Hansen to supervisor. The department is wrapping up winter projects and preparing for spring maintenance.

Scott Hughes stated the Power Department is focusing the substation project and preparing for the summer generation schedule. He thanked the Street Department for crack sealing the parking lot.

Tiffani Wright mentioned Marry Poppins will be the Theater's summer show, and the Recreation Department is preparing for the Soccer program. The part-time Recreation Coordinator position has been filled.

Sel Lovell stated there are four open positions, and the introductory wellness program is underway.

Dorela Nuellari reported the City has gained four hundred new Facebook followers and eighty-nine Instagram followers. She is updating LinkedIn daily.

Mike Vercimack stated the Public Works Department has approved six construction drawings and held three preconstruction meetings in the past two weeks. The Airport Pavement Preservation Project bid opening is scheduled for February 22nd, at 2:00 p.m.

Arthur LeBaron noted there was a lot of interest in Hurricane City's Master Transportation Plan during the Dixie Transportation Expo. The bid for the Frog Hollow project is on tonight's agenda. The Request for Qualifications on the Storm Drain Master Plan closes on February 20th.

Gary Cupp mentioned the subdivision ordinance workshop is tentatively scheduled for February 26th. The Planning Department has nearly finished the R1-4 zoning ordinance. Mr. Cupp reviewed the General Plans Introductory chapter. The General Plan's purpose is to articulate the City's values and visions. He reported that he will review each element of the plan in future presentations.

6:00 p.m. - Call to Order –

Mayor Nanette Billings welcomed everyone and called the meeting to order.

Mayor Billings recognized the Hurricane Chamber Choir and the Hurricane Youth City Council for their positive contribution to the community.

Prayer, Thought, National Anthem and Pledge of Allegiance led by the Youth City Council and Chamber Choir

Discussion with the Youth City Council on beautification of commercial properties

Each member of the Youth City Council introduced themselves, sharing their future goals and visions for the community.

Mayor Billings recognized Will Ducrest for replacing a damaged headstone.

Declaration of any conflicts of interest

None declared.

Minutes of the Special City Council Meeting for January 29, 2024

Clark Fawcett motioned to approve the Minutes of the Special City Council Meeting for January 29, 2024. Seconded by David Hirschi. Motion carried unanimously.

Public Forum – Comments From Public

OLD BUSINESS

1. Consideration and confirmation of funds being used to sponsor the Tri-State ATV Club

Mayor Billings reviewed the summary provided in the packet. She noted that the club was approved for \$5,000 from RAP tax funding and \$1,100 for insurance coverage. Chris Anderson explained the ATV club voted against the jamboree due to the expense. Instead, they chose to host a three-day fun run event. The club chose the equestrian park because of its proximity to ATV trails. Councilman Fawcett asked what the City's financial contribution will be used for. Ms. Anderson stated renting the tents, tables, and chairs costs \$2,300. Kaden DeMille reported that the funds donated in the past were geared toward economic development. However, the event described will not generate the same amount of attendance. Councilman Fawcett agrees with Mr. DeMille. Councilman Thomas does not favor paying for the insurance or awarding the RAP tax due to the significant changes to the event. Councilman Prete asked if the event would be viable without financial support from the City. Ms. Anderson stated that the club will move the event to a location that supports the event. Mayor Billings mentioned the club has given funds back to the City. Ms. Anderson explained the club donates the money raised to different charities. Mayor Billings noted her advocacy for the club. Councilman Thomas clarified that he fully supports the ATV Jamboree. Mayor Billings asked if it is necessary to pay for the insurance if the event is held on City property. Mr. DeMille stated the event needs to provide its liability insurance.

David Hirschi motioned to approve confirmation of funds being used to sponsor the Tri-State ATV Club in the amount of \$2,500, with the condition that the club will cover its own insurance. He noted that the facility rental fee will be waived. Seconded by Kevin Thomas. Roll call vote. Joseph Prete, Clark Fawcett, Drew Ellerman, David Hirschi, and Kevin Thomas – aye. Motion carried unanimously.

2. Discussion and possible approval of putting the pump track back up somewhere in the City

Tiffani Wright reported that erecting the track on the Utah Tech Campus parking lot is impossible. She suggested placing it on the new recreation campus. Mayor Billings asked if the track could be on dirt pending a concrete pad. She asked if it can be erected at the Community Center until a permanent solution is presented. Councilman Thomas thinks it will function well by the ball fields. Darren Barney is concerned about vandalism due to the remote location of the ball fields. Councilman Ellerman estimated the cost of a concrete pad to be \$8,000. Mayor Billings suggested adding this to the next fiscal budget. Councilman Thomas suggested placing

the pump track at the Community Center, with the intent to move the track to the new recreation campus when funding is available.

Kevin Thomas motioned to approve putting the pump track at the community center until they determine a permanent location. Seconded by Joseph Prete. Clark Fawcett, Drew Ellerman, David Hirschi, Kevin Thomas, and Joseph Prete – aye. Motion carried unanimously.

NEW BUSINESS

1. Discussion on an ordinance preventing retail sales of puppies and kittens - Andrea Kaz
Mayor Billings read the summary provided in the packet. Andrea Kaz introduced herself; she was injured during her law enforcement career. During her recovery time, she volunteered at the local animal shelter. She understands that the City Council wants to protect the community. She feels it is important for the City to understand that these businesses' fraudulent practices prey on the residents. Their bottom line is profit. The puppies are purchased from puppy mills without regard to health or breeding. She is contacted regularly by owners who cannot afford to pay for their pet's healthcare because of the loan payment they are making on the animal. Councilman Fawcett asked Dayton Hall if the City could restrict a specific business from operating in the community. Dayton Hall stated he will research the parameters of business restrictions. Councilman Fawcett expressed the importance of stopping fraudulent practices for all businesses in Hurricane City. Ms. Kaz suggested an ordinance that would restrict the loan amounts. Councilman Ellerman does not want to put the legitimate hobby breeders out of business. Councilman Hirschi appreciates Andrea's passion. However, he is not prepared to decide at this time. He recommends continuing the discussion pending further research.

Amy Moddit lives in Salt Lake City and volunteers for the nonprofit group Bailing out Benji. Their goal is to end puppy mills through research, education, and advocacy. She offered her support and experience if the City Council has any questions.

Councilman Thomas is not prepared to bring the discussion back to the Council. Councilman Fawcett would like to discuss the topic after obtaining more information.

Clark Fawcett motioned to continue the discussion on an ordinance preventing retail sales of puppies and kittens to the second meeting in March. Seconded by David Hirschi. Joseph Prete, Drew Ellerman, Kevin Thomas, Clark Fawcett, and David Hirschi – aye. Motion carried unanimously.

2. Discussion regarding utility accounts being required to stay in the property owner's name - Matt Patterson

Matt Patterson explained that requiring property owners to secure the utilities in their name will reduce the City's burden and liability. Mr. Patterson reported that \$58,437 was sent to collections from 2021 to date. Over one million dollars have been sent to collections since 1997. Councilman Fawcett is concerned that this will discourage property owners from renting their homes and decrease the housing inventory in the community. Michelle Prince explained the

length of time it takes to collect past-due balances. The process includes phone calls, texts, and emails. Past-due utilities are disconnected on scheduled dates during the month. Mayor Billings commended the staff for their time and effort in attempts to decrease the number of disconnected utilities. Mr. Patterson explained that this is a pro City ordinance and provided feedback from cities with this restriction. As the City grows, it is important to find ways to improve staff efficiency. Councilman Fawcett would like to hear feedback from landlords. Councilman Prete questioned how this would affect the rentals in the community. He is concerned about the repercussions of affordable housing in the community. Councilman Ellerman would like to have a proposed ordinance for the Council to review. Councilman Fawcett would like to research the item further before making a decision; he suggested increasing the utility deposit amount. Councilman Prete is open to further discussion after proper research.

Council directed staff to write an ordinance and bring it back to the first meeting in May to be discussed further.

3. Public Hearing to take comments on the following:

- a. Sensitive Land application on the Kolob Views Subdivision located at approximately 850 S. 1300 West

No comments were made.

4. Consideration and possible approval on a preliminary plat and sensitive lands application for Kolob Views, a 20 lot single family subdivision located at 1400 W 900 S. Stratton Dev LLC, Applicant. Colt Stratton, Agent.

Mayor Billings reviewed the summary provided in the packet, noting that the Planning Commission unanimously recommends approval of phase one only. Colt Stratton explained the plan was revised based on the previous discussion. He disagrees with only approving phase one. They cannot plan the project if the City changes the roadway's alignment. Mr. Stratton and the City Council reviewed the alignment of the roadway. Mr. Stratton reported that he would be unable to build on his property if the City builds the roadway in the designated location. Mr. Hall pointed out there is no legal access to phase two. Mr. Stratton stated they are willing to sign a development agreement restricting them from developing phase two until the proper access is provided. He noted the location of the road, per Mr. LeBaron's proposal, will deem many of his lots unbuildable. Councilman Ellerman feels this is an important roadway and questioned whether an exception should be granted for changing the grade of the sensitive land area. Mr. Hall clarified that the City Council is considering approval of a preliminary plat for phase two if the cul-de-sac is extended to the east to pick up two lots, with a note or condition that no building can take place on the two remaining lots until there is legal full access.

Drew Ellerman motioned to continue the preliminary plat and sensitive lands application for Kolob Views, a 20 lot single family subdivision located at 1400 W 900 S., until March 7th.

Seconded by David Hirschi. Joseph Prete, Kevin Thomas, Clark Fawcett, Drew Ellerman, and David Hirschi – aye. Motion carried unanimously.

5. Consideration and possible approval of **waiving the rental & power fee for the Hurricane Utah Farmers Market - Annie Spendlove**

Mayor Billings reviewed the summary provided in the packet. Annie Spendlove explained the market will start the Saturday after the Easter Car Show and go on until the weekend before Thanksgiving. She mentioned there are already three committed farmers. She is working through the process of accepting food stamps. Councilman Prete feels it is important to support agriculture preservation.

Joseph Prete motioned to approve waiving the rental & power fee for the Hurricane Utah Farmers Market. Seconded by Drew Ellerman. Kevin Thomas, Clark Fawcett, David Hirschi, Joseph Prete, and Drew Ellerman – aye. Motion carried unanimously.

6. Consideration and possible approval of **waiving the rental and event permit fees for the Hurricane Valley Lion's Club**

Mayor Billings reviewed the summary provided in the packet. Leah Evans, the President of the Hurricane Valley Lion's Club, noted the projects that the club has supported. They are proposing a Swamp Meet on the north grass of the Community Center. They will provide their own insurance.

Kevin Thomas motioned to approve waiving the rental and event permit fees for the Hurricane Valley Lion's Club. Seconded by David Hirschi. Joseph Prete, Clark Fawcett, Drew Ellerman, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

Dayton Hall clarified that this approval is for a single event.

7. ZC24-01: Consideration and possible approval of a **Zone Change Amendment request located at approximately 700 W and 2350 S from PF, public facility, to M-1, light industrial. This change will affect the west portion of parcel number H-3-2-10-2313. Beau Davis, Applicant. Karl Rasmussen, Agent.**

Mayor Billings reviewed the summary provided in the packet, noting that the Planning Commission unanimously recommends approval.

Kevin Thomas motioned to approve the Zone Change Amendment request located at approximately 700 W and 2350 S from PF, public facility, to M-1, light industrial. Seconded by David Hirschi. Joseph Prete, Drew Ellerman, Clark Fawcett, Kevin Thomas, and David Hirschi – aye. Motion carried unanimously.

8. Discussion and possible approval of **prioritizing the 1100 West corridor project.**

Mayor Billings suggested determining and prioritizing the three top projects. Mayor Billings explained the City is purchasing the power line easement; in turn, the residents are requesting the City prioritize 1100 West from 2300 South to 3000 South. Howard Woods stated that 1100

West needs to go to SR-9 to accommodate access to the south, which will help to divert traffic from 700 West. Councilman Fawcett is not opposed to designating funds to address the safety issues in the area. However, the primary focus is to develop another access road. Arthur LeBaron explained that this agenda item is meant to define the priority of each project. Councilman Ellerman feels 100 N is the first priority, followed by 1100 West. Mike Vercimack explained that staff is looking for direction from the City Council on their top priorities so they can start the engineering process. Councilman Fawcett feels 1100 West is the priority. The City Council discussed the projected timeline of the upcoming developments and how they tie into the projected roadway projects. Mayor Billings asked for an estimate of the cost of engineering. The community members in attendance feel that the safety of 1100 West should be addressed ahead of 700 West. Kelby Iverson commented the property owners want to work with the City. However, the safety issues must be addressed before they are willing to sell. Councilman Fawcett feels it is important to start the engineering process and meet with the property owners to clarify and address their concerns.

Clark Fawcett motioned to authorize Arthur LeBaron to obtain engineering estimates to bring forth to the March 7th, meeting. Seconded by David Hirschi. Drew Ellerman, Clark Fawcett, and David Hirschi – aye. Kevin Thomas – nay. Joseph Prete – absent. Motion carried.

9. Consideration and possible approval of the scope of work for the planned AWOS project at the Hurricane City Airport - Mike Vercimack

Mayor Billings reviewed the summary provided in the packet. Dayton Hall stated the scope of work is not a contract. Mike Vercimack read through the Scope of Work.

Kevin Thomas motioned to approve approval of the scope of work for the planned AWOS. Seconded by Drew Ellerman. Joseph Prete, David Hirschi, Clark Fawcett, Kevin Thomas, and Drew Ellerman – aye. Motion carried unanimously.

10. Consideration and possible approval of Ordinance 2024-03 amending Title 8, Chapter 1, Section 4 regarding utility rates and connection fees

Dayton Hall explained that the current practice is to give Active Military Service members a discounted utility rate. However, no resolution or ordinance is in place. Mr. Hall reviewed the suggestions received from the City Council and Kaden DeMille.

Kevin Thomas motioned to continue Ordinance 2024-03 amending Title 8, Chapter 1, Section 4 regarding utility rates and connection fee to the next meeting. Seconded by Joseph Prete. Cindy Beteag asked for this item to be continued until item two comes back to council since the proposed changes are in the same chapter.

Joseph Prete amended the motioned to continue Ordinance 2024-03 amending Title 8, Chapter 1, Section 4 regarding utility rates and connection fee to the first meeting in May. Seconded by

Kevin Thomas, Clark Fawcett, Drew Ellerman, Joseph Prete, David Hirschi, and Kevin Thomas – aye. Motion carried unanimously.

11. Consideration and possible approval of awarding a contract for the Frog Hollow Debris Basin Rehabilitation Project - Arthur LeBaron

Mayor Billings reviewed the summary provided in the packet and noted that the Engineering Department recommends awarding the contract to Whittaker Construction.

Kevin Thomas motioned to approve awarding a contract for the Frog Hollow Debris Basin Rehabilitation Project in the amount of \$6,018,014.63 to Whittaker Construction. Seconded by Clark Fawcett. Roll call vote. Joseph Prete, Drew Ellerman, David Hirschi, Kevin Thomas, and Clark Fawcett – aye. Motion carried unanimously.

12. Consideration and possible acceptance of financial guarantees for the construction of required offsite improvements for the Balance of Nature development. - Mayor Billings

David Hirschi motioned to table the consideration and possible acceptance of financial guarantees for the construction of required offsite improvements for the Balance of Nature development. Seconded by Joseph Prete. Clark Fawcett, Kevin Thomas, Drew Ellerman, David Hirschi, and Joseph Prete – aye. Motion carried unanimously.

13. Mayor Billings, Council, and Staff reports

Mayor Billings reported that Matt's Off-Road Recovery is donating a jeep, and the proceeds will go to the Veterans Memorial Park. The Car Show has guaranteed \$20,000 to the Veterans Memorial Park, and the Epson LPGA tour is donating proceeds from "Birdies for Veterans" to the Veterans Memorial Park.

Mayor Billings mentioned the Mosquito Abatement has found three positive West Nile cases in Southern Utah.

Mayor Billings stated oversized vehicle traffic in the Zion Park tunnel will be closed by March of 2026.

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

David Hirschi motioned to go into a closed meeting to discuss pending litigation and professional competence. Seconded by Kevin Thomas. Motion carried unanimously.

Adjournment: 11:23 p.m.