

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

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas (online), 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 Vercimak, 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, HR Director Sel Lovell, City Recorder Cindy Beteag, Water Superintendent Ken Richins, and Parks Superintendent Darren Barney.

AGENDA

4:00 p.m. Work Meeting

1. Presentation from Mason Baker, General Manager of UAMPS

Mason Baker from UAMPS, accompanied by Jackie Coombs, the manager of member relations presented to the City Council. He discussed UAMPS' strategic initiatives and industry trends, highlighting Hurricane's power portfolio and new resource projects. The presentation included a pie chart showing energy resources used in 2023, such as hydro, coal, natural gas, wind, and solar. Mr. Baker emphasized UAMPS' adaptability to industry changes, including exploring an all-requirements option for members and increasing natural gas usage. He outlined UAMPS' strategic plan, focusing on long-term planning, new resource development, and member engagement. The integrated resource plan identified cost-effective resources for future development, reflecting the agency's commitment to meeting members' evolving needs. Mr. Baker highlighted the importance of aggressive resource development in response to changing energy dynamics in the West.

Mr. Baker provided further details on challenges related to bringing new resources online, citing transmission constraints as the primary bottleneck. He explained that the transmission interconnection process is currently backlogged, resulting in a five-year delay for new resources to serve members. Additionally, he highlighted the need for permitting reform to streamline the development of new transmission infrastructure. He mentioned the importance of optimizing existing resources, such as the Nebo natural gas plant, while aggressively pursuing renewable energy options. He discussed Hurricane's resource mix, noting the significant reliance on the Nebo plant and the associated risk of outages. Mayor Billings inquired about the frequency and duration of outages, to which Mr. Baker explained that they typically occur twice a year for maintenance, with major outages lasting three to four weeks every two to three years for capital improvements.

Mayor Billings raised a concern about the reliance on natural gas, noting its reliability but also the need for diversification. Mr. Baker acknowledges the point and discusses efforts to mitigate

financial risks associated with Nebo natural gas plant, including changes in natural gas procurement to provide more price certainty for members. He mentioned the importance of planning for volatility, especially in years like 2023, which was impacted by weather-driven events and operational challenges at Nebo and Hunter. He concluded by highlighting the need to minimize exposure to high-priced purchases and learn from past experiences to plan better for future volatility.

Mayor Billings asked about the sale of resources in the portfolio and whether it was common practice to sell resources for a higher price. Mr. Baker explained that it was normal, especially if a significant amount of a particular resource was owned. He then presented a chart depicting the market power purchased for members since 1995, highlighting periods of pricing volatility, such as the western energy crisis in 2000-2001 and spikes in pricing in 2022-2023. He pointed out the impact of weather on pricing, noting the correlation between weather conditions and pricing fluctuations, and underscored the need to plan with members to mitigate exposure to volatility in the transitioning energy system. Mayor Billings mentioned a conversation with State Representative Colin Jack, who highlighted the passing of new energy legislation aimed at changing the state's energy policy. Mr. Baker agreed, it is important to have continued dialogue between utilities, state officials, and the legislature on energy matters.

Mr. Baker discussed the ongoing energy transition and highlighted four key pillars to facilitate this shift. He acknowledged the challenges associated with each pillar, emphasizing the need to balance the integration of low-carbon resources with ensuring system reliability. To address this, he mentioned the importance of investing in dispatchable generation, including new natural gas technologies capable of co-firing with hydrogen or ammonia blends. Regarding the cost-effectiveness of renewables, Scott Hughes inquired whether their affordability was primarily due to federal subsidies. Mr. Baker confirmed that federal subsidies played a significant role, particularly through investment and production tax credits. However, he cautioned that the apparent low cost of renewables should be considered in the context of their intermittent nature and the challenges associated with integrating them into the broader energy portfolio. He cited instances of excess solar generation leading to negative pricing on the wholesale market as an example of such complexities.

Mr. Baker elaborated on the challenges associated with balancing the energy system, particularly in light of the increasing reliance on renewables. He highlighted concerns regarding grid reliability, especially as most new generation projects prioritize renewables over traditional sources like natural gas or coal. He emphasized that the intermittent nature of renewable energy sources complicates the replacement capacity calculation, as solar, for example, generates power for only a fraction of the year compared to baseload sources.

Addressing energy supply chain issues, Mr. Baker mentioned challenges encountered during the development of solar projects. He stressed the importance of navigating these issues alongside transmission challenges.

Regarding the Integrated Resource Plan (IRP), Mr. Baker outlined key takeaways, including the need for new natural gas combined cycle and peaking generation to complement renewables. The plan also emphasized the importance of solar paired with battery storage, along with potential expansions in wind energy. He noted ongoing efforts to identify suitable sites for new natural gas projects, highlighting the detailed sighting analysis currently underway. He provided updates on specific projects involving Hurricane City, including participation in the Steel One project and plans to add battery storage. He also discussed progress on the Fremont solar and storage project, indicating its potential for completion by summer 2026.

Mr. Baker provided updates on ongoing negotiations and projects, including discussions with Rocky Mount for a geothermal project. He highlighted advancements in geothermal technology and mentioned efforts to explore potential sites in Nevada and Utah, with Hurricane City participating in a study project.

Regarding new natural gas projects, Mr. Baker outlined plans to select two sites soon, considering factors such as technology suitability, permitting challenges, proximity to member locations, water availability, and regulatory considerations. He noted the upcoming EPA rule on regulating new natural gas and its impact on planning.

In addition to new resource development, Mr. Baker emphasized efforts to improve member service by reviewing fiscal year 2023 performance and conducting planning activities to prevent future challenges like those experienced in 2023. He announced plans to conduct a financial health check on each UAMPS member, focusing on key financial metrics relevant to credit ratings for bond issuance. This analysis aims to provide members with insights into their financial standing and allow for comparison with other members. The assessment will consider factors such as transfers to the general fund, impact fees, and portfolio mix, recognizing historical differences that impact wholesale power supply costs and rates. Mr. Baker encouraged member feedback to ensure the process is beneficial and informative for all parties involved.

Mayor Billings expressed gratitude to Mr. Baker and Ms. Coombs for their time and mentioned an upcoming UAMPS conference on April 17th. She encouraged council members to attend the toolkit workshop at the Hilton Garden Inn in St. George, noting that Jackie could provide the necessary details for registration.

2. Discussion on power capacity and Three Falls Substation

Jared Ross expressed gratitude for the opportunity to be involved in the project and highlighted the growth and learning it has provided him. He also acknowledged the hard work of his team, including Brent George and Chris Shamo, as well as other crews who contributed to the project. Mr. Ross provided context on the project's development, explaining that construction of the Sky Mountain substation began in 2021 with the intention to support growing load in the Clifton Wilson and Brentwood areas, as well as provide distribution lines to the southfields area. However, issues arose with securing right-of-ways for the distribution lines and the rapid

growth in the southfields area led to capacity concerns. Consequently, the decision was made to shift efforts to the site on 1300 south, which is now the Three Falls substation.

In 2022, the City acquired and exchanged the property for the substation, completed engineering updates, and secured zoning approvals within the first three months of the year. We then awarded the site excavation to Ash Excavating, who promptly began work. Later in 2022 and early 2023, ICP initiated major engineering efforts on the site, and by the end of 2023, we received the engineering plans, enabling us to start ordering materials and infrastructure for the substation. The bid for the major infrastructure construction was awarded to Interstate Rock. However, due to an error in advertising, we had to rebid the contract. Surprisingly, this resulted in a cost reduction of approximately \$300,000, as more competitive bids were received in the changed economic environment.

As the construction progressed, Mr. Ross was pleasantly surprised by the overall appearance of the site. Despite the remaining tasks and final touches, such as terminations and jumpers, we are on the verge of backfeeding the substation and energizing the building with electricity from the line, rather than relying on generation as we have done previously. He showed lists of tasks required to finalize the substation. One list outlines the functional necessities for bringing the substation online to serve the area, while the other encompasses tasks to complete the site according to our final vision. He discussed the timeline for completing various tasks related to the substation project, including bringing generation online by May or June, conducting maintenance, and addressing SCADA and fiber installation needs. He mentioned that while some tasks, such as labeling, can take years, the majority of work should be finished by the end of June. He provided updates on specific tasks, such as the 750 termination and gate installation, noting that progress is being made and certain tasks will be completed soon.

Mr. Ross discussed the cost breakdown for the substation project, explaining how he initially tracked tasks using multiple sources before transitioning to a new task management program. He provided insight into the current spending on the substation and estimated costs to complete remaining tasks. Council Ellerman expressed surprise at the estimated gap in costs, to which Mr. Ross clarified that the variation depends on factors such as the chosen route and training requirements. He outlined different options, including in-house training and hiring an external company for programming, highlighting the need to decide on the most suitable option.

Mayor Billings scheduled a field trip for the Council to come out to the Three Falls Substation on May 16th before the City Council meeting to see the progress on the substation.

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

Dayton Hall informed the Council about an appeal hearing on the agenda, noting that the applicant's attorney indicated that if the appeal is denied, it would lead to a potential lawsuit against the city. He explained that this situation meets the threshold for reasonably imminent

litigation, giving the Council the option to hold a closed meeting before making a decision on the appeal. He stated that legal strategy discussions could be conducted in a closed session during the course of the meeting, with the option to resume the open meeting afterward.

Larry Palmer reported that in the past couple of weeks, the city received seventeen permit submissions, including nine for single-family homes and the rest for commercial/industrial buildings. He noted an increase in activity and expressed optimism about ongoing projects.

Ken Richins provided an update on the Gould's Wash Well, stating that drilling began yesterday, with about 100 feet completed. As of noon today, an additional 100 feet had been drilled, with progress expected to reach 350 feet by the end of the day. The total depth planned is 800 feet. After drilling, the well will be set up for pumping and water collection for testing purposes. Mr. Richins expressed satisfaction with the progress made. Mayor Billings expressed gratitude for a recent field trip involving Ken, Cory, Angie, and representatives from the Department of Natural Resources (DNR), including Ethan and two engineers. DNR facilitated a 0% loan financing of \$12 million for water projects. During the trip, Ethan expressed appreciation for the opportunity to witness the projects firsthand and praised the choice of drilling rig at the Three Falls site, emphasizing its suitability for the project's needs. Mayor Billings thanked those involved in organizing the trip.

Chief Excell provided updates on several matters. Firstly, regarding the Ironman event, he inquired if any council members were interested in attending and requested them to notify him before Monday for necessary arrangements. He also mentioned an upcoming annual communications drill scheduled for Monday at 6 pm, involving participation from the west and south districts. Additionally, preparations for the monsoon season, including sandbag distribution and the acquisition of quick dams, were discussed. He provided an update on the damaged mobile speed limit feedback sign, stating that insurance claims and restitution requests were underway, with hopes of restoring it by June or July. He briefly addressed a recent swatting incident, emphasizing the ongoing investigation and expressing pride in the prompt and effective response of the police force. He assured the council of receiving a detailed after-action report for further insight into the incident. Chief Excell highlighted the upcoming Great Utah ShakeOut, an annual earthquake exercise conducted by the state of Utah. He expressed appreciation for the community's proactive approach and mentioned the coordination with Hurricane West stake for a Preparedness Expo. Chief Excell invited council members to the event scheduled for Monday at 6 o'clock and thanked them for their support and collaboration.

Darren Barney reported on various recent activities, including the preparation and operation of the splash pads, which encountered some issues with spray features. He mentioned ongoing efforts to address these issues with the manufacturer despite the warranty expiration. Additionally, he noted the departure of a new employee and the need to hire a replacement. He also highlighted the significant time invested in setting up, tearing down, and cleaning up after a car show, totaling approximately 130 man-hours. He stated this is the busy period for

their department, involving tasks such as mowing, edging, weed eating, and managing baseball tournaments.

Scott Hughes provided updates on several tasks completed by the department, including changing flags for the Iron Man event and cleaning up pedestals from the car show. He mentioned ongoing tree trimming efforts along power lines, nearing completion. He highlighted a visual improvement involving the relocation of power infrastructure at the Chevron station, necessitating the installation of protective bollards. Despite the owner's delay, the department took action to ensure the equipment's safety and will bill accordingly. He also mentioned progress on the substation project and upcoming preparations for running generators in the spring. Lastly, Mr. Hughes reminded attendees about the upcoming toolkit event on the 17th and encouraged registration.

Sel Lovell expressed excitement about the first part of the policy manual being presented on the agenda after two years of development. Additionally, he mentioned progress on distributing AED machines to departments in need.

Mike Vercimak reported on the ongoing utility work in the City, highlighting projects such as the 400 West gas line, a new water line on 3000 South, and work by the Conservancy District, TDS, and Infowest. Despite a slight slowdown in residential development, there's been growth in commercial projects and utility work, necessitating staff time and inspections. He also mentioned significant repairs planned for 400 West, with hopes of restoring it to a serviceable roadway once completed.

Tiffani Wright stated the baseball season started today. Joseph opens tomorrow and she encouraged everyone to come. They had one actor break her foot and another one twist their ankle. So they had to cancel the Saturday matinee because they couldn't find a substitute in time. The new gym is coming along. Mayor Billings commented that the City will have the ribbon cutting and State of the City before it is done because they can't put in flooring until the standards are put in and they are a month out. The Easter Egg Hunt was successful as well as the Easter Car Show. They were both very well attended.

Weston Walker provided updates on various road-related projects, including the installation of RFBs (Rectangular Rapid Flashing Beacons) on 700 West, despite some controversy. He noted that crosswalks were striped, and RFBs were installed early the previous week. Road patching for chip sealing is underway, with plans to begin chip sealing on April 15, earlier than expected. Prep work for chip sealing on 1380 West is progressing well. He mentioned incidents of driver feedback signs being shot with paintballs but assured the Council that there was no damage. He also discussed efforts to fill open positions within the department and the completion of fencing setup for the car show.

Arthur LeBaron addressed the agenda item regarding the Northern Corridor and highlighted the recent issuance of a draft supplemental environmental impact statement (SEIS) by the BLM. He expressed concern about the limited timeframe given to review the document, which spanned over 100 pages. In contrast, he mentioned the comparatively longer review period for other

environmental impact statement, such as the one for the Gould Wash detention basin project. He also provided updates on the progress of right-of-way acquisition for 1100 West and expressed optimism despite some remaining challenges. He provided updates on various projects, including work on a grant for off-highway vehicle funds led by Dorela, the creation of maps with assistance from GIS and Jeremy. He explained the grant is for the interchange at 3200 West on Southern Parkway and a new entrance station into Sand Hollow State Park. He expressed hope for approval of their application, highlighting the collaborative efforts with various agencies. He mentioned working with JUB engineers on the storm drain master plan scope and the MS4 notification from the State of Utah, which may require additional funding.

Gary Cupp noted they have had a downturn in applications over the last few weeks. There are only two items on next week's Planning Commission. However, the downturn gives them time to work on updates to Title 10 including animal control, daycare definitions, and the mixed-use chapter. He met with the Parks and Rec consultants today and they have a draft ready that they will present to the Council at the May 2nd meeting.

Fred Resch III presented an overview of changes at the State regarding land use, based on a presentation prepared by the League of Cities and Towns. Approximately 600 bills were passed during the legislative session, with a significant focus on housing and land use. He highlighted several bills, including the Home and Investment Zone Act, which provides tax increment financing tools for affordable housing, and HB 13, which established infrastructure financing districts similar to PIDs but with key differences regarding city approval and property tax levies. Another bill addressed modular unit inspection and approval, aiming to streamline the process for affordable housing. He also discussed the Home Ownership Prosperity Zone, offering tax increment financing and specific requirements for unit sale prices and owner occupancy. He explained HB 476 addresses development agreements and clarifies language for city attorneys. He provided further details on changes to landscaping requirements, highlighting that the state now allows cities to require sellers to inform buyers about waterwise landscaping ordinances. The city will explore implementing this requirement and may need to adjust procedures regarding sidewalk completion before issuing certificates of occupancy. Additionally, there were clarifications regarding subdivision code, particularly regarding the submission of subdivision improvement plans with preliminary or final plats, rather than both. The city will need to update its code accordingly to align with these changes.

6:00 p.m. - Call to Order –

Prayer, Thought and Pledge led by Scott Hughes.

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for March 7, 2024, March 21, 2024, and special meeting March 25, 2024

Kevin Thomas motioned to approve the March 7th, March 21st, and March 25th minutes as written. Seconded by David Hirschi. Motion carried unanimously.

Public Forum – Comments From Public

Maggie Maxfield, representing a group of moms from the Ivy Wood neighborhood, addressed the council regarding concerns about road safety in their area. She asserted the need for a four-way stop and crossing guard at the intersection of 400 North and 700 West, especially with the increasing number of children walking to school. She mentioned the success of a previous crosswalk installation on 870 West and emphasized the importance of additional safety measures due to the growing residential development in the area. Lily McIntyre's concerns were also shared, expressing worries about speeding cars and the lack of adequate safety measures for children crossing the road. Visibility issues and inconsistent adherence to traffic signs were highlighted as well. Jessica Carsten and Chris Carter, residents living near the intersection, have been providing help to children crossing the road. Ms. Maxfield urged the council to consider their concerns during the traffic study.

Jessica Carsten, a resident living on the corner of 400 North and 680 West, shared her concerns about road safety in the area. She highlighted the significant number of children in the neighborhood, especially those walking to school or waiting for the bus. She expressed her observations of children crossing the road without caution and the challenges she faced as a makeshift crossing guard. She stated her opinion that there was a need for additional safety measures, such as a four-way stop and a crossing guard, to protect the children in the community. Ms. Carsten appealed to the Council to prioritize the safety of children over the convenience of drivers and urged them to take action to address the issue.

Chris Carter, another resident residing in the self-help homes area off 680 West, echoed the concerns raised by previous speakers. She recounted the initial lack of safety measures when the road was opened and described the efforts she and Jessica had made to educate and protect the children in the neighborhood. She expressed frustration over the perceived lack of response from the City and highlighted recent incidents where children were put in danger due to speeding cars. Ms. Carter stated there is an urgent need for a four-way stop or a crossing guard to ensure the safety of the children, especially with the expected increase in traffic from upcoming home constructions in the area. She thanked the council for their attention to the matter.

Mayor Billing acknowledged the concerns and explained the need for studies. She stated there is nowhere else in the City that has crossing guards other than next to a school. Arthur LeBaron explained that a traffic study and pedestrian study will be conducted soon to assess the situation. He stated it is important to adhere to state regulations and warrants for measures such as installing a crossing guard or implementing a four-way stop. He clarified that while the City is committed to child safety, certain criteria must be met for these measures to be considered. He stated the decision-making process is guided by established regulations outlined in the Manual on Uniform Traffic Control Devices. He expressed gratitude for the community's proactive involvement in addressing safety concerns.

Mayor Billings expressed appreciation for the community's efforts in teaching children about road safety. She acknowledged Weston's involvement in installing new lights and painting the crosswalk to enhance safety measures. She indicated that the next steps would involve conducting the traffic and pedestrian study and considering the regulations outlined in state statutes to determine the appropriate course of action moving forward. David Hirschi expressed thanks to the mothers for their concern.

OLD BUSINESS

1. 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.

Colt Stratton stated they hadn't updated anything from two weeks ago. The item was continued to allow staff time to review the updates. He noted the only major change from before is to lots 15 and 16. Previously there were four lots were 15 and 16 are now showing but they couldn't make that layout work. He stated the only right of way they would need to acquire is the City's. They are not building the south end until the City builds the road. The rest of the road is on his property. Mayor Billings stated in the new staff report it states it is still an incomplete application. Mr. Stratton agreed it was incomplete but only because they didn't show the top portion of the parcel on the plat connecting to 659 South—not because of the right of way. Arthur LeBaron voiced concern that the utility right of ways are not part of the road. He explained if power and gas wasn't put in the easement then it wouldn't be in standard location. It needs to have a right of way shown on the plat to accommodate the utilities. Sewer and water would go in the road. Drew Ellerman clarified the issue is lots 19 and 20 are dependent on other property owners to provide rights-of-way for access and utility service extensions. Mayor Billings commented they could approve everything but exclude those two lots.

Mr. Stratton stated they could do that but there needs to be a clear understanding regarding the alignment of the road for future development plans. He stated they don't plan on doing improvements there ever. The City will have to take responsibility. He stated if they are dedicating this plat, the road will be dedicated to the City after lot 16 so he doesn't want the road alignment to change in the future. Mr. LeBaron referred to past instances where road dedication and easements were negotiated with developers. He acknowledged the complexity of the current situation concerning the alignment of 1100 West, expressing hesitation due to the ongoing design process and elevations challenges. He is confident in the horizontal alignment, but has some reservations about the vertical alignment.

Mr. Stratton voiced concern about potential challenges associated with building the road, particularly regarding elevation differences. He explained there would be difficulty in constructing retaining walls to accommodate an eight-foot fill. He also voiced apprehension about committing to installing curb and gutter prematurely, fearing that any changes to the

road alignment could result in wasted effort and resources. Mr. LeBaron stated if everything but those two lots were approved then they could work together on a slope easement that they could dedicate along the road. Mr. Stratton elaborated on the proposed retaining walls, indicating their placement both in front of and behind the houses based on profiles provided by Alpha Engineering. He emphasized the potential elevation relief if a six-foot cut at the bottom end could be avoided, which would reduce the amount of excavation needed on their property. Drew Ellerman pointed out the Council could approve all twenty lots with a condition that lots 19 and 20 can't be final platted until access is decided. Mr. Stratton was agreeable either way. Dayton Hall stated a slope easement will need to be granted to address the elevation issues on lots 15 and 16.

Drew Ellerman motioned to approve the preliminary plat and sensitive lands application for Kolob Views as outlined excluding lots 19 & 20 with a condition that a slope easement is granted with the plat in a form acceptable to the City on lots 15 and 16. Seconded by Joseph Prete. Motion carried unanimously.

Mayor Billings took New Business Items 1 and 2 out of order and addressed them next. These minutes are in order of the agenda instead of the order they were addressed by the Council.

2. Consideration and possible approval of an updated preliminary plat for Peregrine Pointe West Phases 1-4 amended, located at 600 N and 3100 West - Perry Development Applicant, Greg Sant Agent

Mayor Billings read the following summary provided by City Attorney Dayton Hall.

This agenda item is to retroactively approve a subdivision a portion of which has been constructed without formal City Council approval. This subdivision approval is being heard by the Council because it was filed prior to the new state law prohibiting City Council approval of plats. The property, called Peregrine Point West, was granted a zone change from M-1 (light industrial) to R1-6 (6000 sq ft lots) on February 18, 2021. Because the property is adjacent to an active gravel pit, a 300 foot strip adjacent to most of the gravel pit was not rezoned to R1-6, but remained M-1. However, property on the south end of the property near 600 North and adjacent to a Washington County Water Conservancy District hydro plant was rezoned to R1-6. The City Council minutes indicate that a concern was raised about this southern property near the hydro plant being zoned residential, that the applicant made a statement that disclosures would be made to buyers and language would be recorded on the plat, and that the Council approved the zone change as proposed on a map in the Council's packet. On April 1, 2021, the City Council approved a preliminary plat for Peregrine Point West. This approved plat did not include the property adjacent to the hydro plant. In 2022, the developer applied for an amended preliminary plat that included six residential lots adjacent to the hydro plant. On January 13, 2022, the Planning Commission unanimously recommended approval of the amended preliminary plat, subject to staff and JUC comments and subject to the power

transmission line easement and property boundary line being resolved. The application was heard and continued by the Council on January 20, 2022 and February 3, 2022. Apparently due to an oversight, neither the applicant nor the City placed the pending application back on a City Council agenda--until now. So, the City has not yet approved the amended plat. Despite the lack of an approved amended plat, the applicant submitted amended construction drawings for the unapproved preliminary plat and those construction drawings were approved by the City. The subdivision infrastructure has now been constructed and the applicant is awaiting City approval to record the final plat, a copy of which is attached to the agenda packet to serve as the amended preliminary plat for this action. The lack of an approved amended plat surfaced during the City Attorney's review of the procedural requirements necessary to record a plat. Staff makes the following findings for the Council's consideration and potential adoption:

- The proposed amended plat is consistent with the zone granted by the Council on February 18, 2021.
- The proposed amended plat is consistent with City standards, and the City's Joint Utility Committee has approved construction drawings that incorporate the proposed amended plat.
- Based on representations made by the applicant, and due to the proximity of the proposed residential properties to an active gravel pit and a WCWCD hydro plant, it is necessary in order to protect the health, safety, and welfare of City residents to place a note on the final plat notifying potential purchasers of the nearby activities.

Greg Sant agreed with adding language to the plat regarding noise from the hydro plant. Dayton Hall stated they can work on refining the language to ensure potential property buyers are aware of the noise issue. Kevin Thomas inquired about the possibility of the City imposing a requirement for a sound wall or a row of trees as a condition of approval. Mr. Sant noted space limitations, but he is not opposed to adding a side wall to lots 61 and 62 as part of the sale in addition to the customary back wall that they normally do. Drew Ellerman raised the question of permitting a variance for a taller sound wall than what the code allows.

Mr. Sant stated they will put a note on the plat, and they will give people the option of 8-foot sound wall if they choose. It is hard for them to do something more than that after everything has been signed off and installed. Councilman Thomas pointed out the problem he has is even if it's on the plat future buyers won't be aware of it. Mr. Sant stated the noise from the plant never came up until three weeks ago when the Water Conservancy District sent out a letter to nearby property owners.

Mr. Hall stated this is a unique situation. The City's Joint Utility Committee did sign the construction drawings, and the subdivision improvements have been built. The Council's options are limited. He is comfortable with requiring the notice language on the plat, but approvals have already been given and development has happened based on those approvals.

Council Ellerman brought up the idea of sound barrier walls again. Mr. Sant agreed to them but asked if they could be completed with the building permit rather than the subdivision.

Councilman Thomas pointed out lot 61 is a corner lot so a wall couldn't go to the front of the

property. He doesn't want to see a tall wall next to the road. Mr. Hall pointed out no one will use this road other than those homes and Interstate Rock. He estimated the distance between the future homes and the hydro plant is 100-150 feet.

Drew Ellerman motioned to approve the preliminary plat for Peregrine Pointe West Phases 1-4 as designed based on the following findings: the proposed amended plat is consistent with the zone granted by the Council on February 18, 2021, the proposed amended plat is consistent with City standards, and the City's Joint Utility Committee has approved construction drawings that incorporate the proposed amended plat. The motion is also based on representations made by the applicant. The motion is also based on the finding that due to the proximity of the proposed residential properties to an active gravel pit and a WCWCD hydro plant, it is necessary in order to protect the health, safety, and welfare of City residents to place a note on the final plat notifying potential purchasers of the nearby activities. The motion to approve is subject to a condition of an 8' wall from back of property to front of house on lots 61 & 62 that has to be completed by certificate of occupancy. Seconded by Clark Fawcett. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete voted nay.

3. Discussion about our City Vision, Mission Statement, and Motto.

Mayor Billings asked each Council member to pick one motto they like the most and submit it to make it easier to narrow it down further. She asked Cindy Beteag to email out the list to the Council and have them respond with one they like or one of their own. Motto only.

NEW BUSINESS

1. Consideration and possible approval of local consent for five events held at Sand Hollow Resort - Cassandra de St. Jeor

Mayor Billings stated there have been no issues or concerns from law enforcement. She read the date and time for each proposed event.

Kevin Thomas motioned to approve local consent for five events held at Sand Hollow Resort. Seconded by Joseph Prete. Motion carried unanimously.

2. Discussion regarding transportation within Washington County - Commissioner Adam Snow and County Attorney Eric Clarke

Commissioner Adam Snow introduced the presentation on the Northern Corridor, emphasizing its significance for the county and its impact on local cities, including Hurricane, the third-largest city. He highlighted the challenges posed by population growth, visitor influx to state parks, and the need for efficient transportation to accommodate residents and visitors moving east and west. Commissioner Snow explained the geographical layout shaped by the desert

tortoise habitat conservation plan and the resulting transportation bottleneck. He outlined collaborative efforts between the county, cities, and federal delegation to address these issues. The goal of the presentation is to ensure a clear understanding of the current situation and future plans regarding the Northern Corridor. He then passed the floor to Eric Clark, the county attorney, for further details and historical context.

Eric Clark provided historical context beginning with an anecdote from the 1990s involving construction halting on Tuachan due to a protected desert tortoise being ran over during construction. He explained how this incident spurred the development of a plan to manage the desert tortoise habitat, leading to the creation of the desert reserve in 1996. Mr. Clark highlighted the need for a bypass road to alleviate traffic congestion. He mentioned collaboration with transportation planners and emphasized the importance of addressing the increasing traffic challenges. In the mid-2000s, Congress passed a law creating the National Conservation Area, which included provisions for the Northern Corridor. He presented language from this law, outlining plans for the authorization of the Northern Corridor by the Bureau of Land Management (BLM).

Mr. Clark elaborated on the development of the Northern Corridor, noting that despite a law mandating a plan by 2012, it had not materialized. However, during the previous administration, the county and state collaborated to file an application for a road route. He presented various studied road routes, highlighting the middle purple route as the approved option. He outlined a plan involving renewing tortoise permits, committing to conservation efforts, and constructing a road through the southern end of the reserve. Additionally, a new part of the reserve, Zone 6, would be established, encompassing popular recreational areas and tortoise habitats. He emphasized the community's support for this plan and its benefits for both conservation and development. SITLA agreed to partner by contributing to the reserve, mindful of the financial benefits for school funding. However, environmental groups filed a lawsuit against the plan, leading to a settlement agreement under the Biden administration. This agreement prompted a reconsideration of the decision, leading to a supplemental environmental impact statement. The ongoing process involves reanalyzing various road alternatives, including roadway number two and roadway number three, to address transportation needs while minimizing impacts on the reserve. Alternate four was considered to address traffic needs by tracing the reserve boundary closely while allowing for efficient traffic flow. However, it was found that this option could potentially worsen the traffic issue by diverting vehicles onto Cottonwood Road, leading to concerns. Alternates five and six raised significant concerns. Alternate five proposed turning Red Hills Parkway into an expressway, requiring extensive modifications to accommodate on-off ramps, which could disrupt businesses and involve substantial costs. Alternate six, likened to the 500-600 South Salt Lake option, suggested transforming Boulevard and 100 South into one-way streets, affecting various community facilities and housing projects in the area.

Mr. Clark highlighted the importance of choosing sensible options for the road alignment, noting the potential drawbacks of alternatives such as alternate six. He underscored the need to adhere to the directives outlined by Congress for the National Conservation Area, which permits the construction of a road through the reserve. They are supposed to have a decision

by November 2024, but the failure to establish a road through the reserve could jeopardize the protections afforded to zone six, potentially leading to development by SITLA. Mr. Clark expressed hope for the council's support for options two or three, aligning with broader goals of balanced development, recreation, transportation, and school trust lands management. He extended an offer to provide further information and assistance to the council and the community on this matter. He highlighted the adverse consequences of losing zone six, which could lead to challenges in zoning and development management. Stressing the importance of supporting the proposed road options, he mentioned the upcoming opportunity for official comment on the draft plans. Mr. Clark asked the Council for public support on their plans for the Northern Corridor.

3. Consideration and possible decision regarding an appeal of a City administrative decision denying Cordero's request for reimbursement. -River Valley Development, LLC

Mayor Billings read the following summary that was provided in the packet.

The City Council is acting as the appeal authority for this agenda item. River Valley Development, LLC, the original developer of the 200 acre Cordero development, has requested that the City reimburse River Valley Development for certain offsite improvements it has installed to serve the development. City staff have reviewed the request and determined that no reimbursement is warranted because the improvements will not create excess capacity beyond the proportionate share necessary to serve the development. City staff have determined that the subject improvements are simply what is necessary for the development to meet minimum State and City standards--and are therefore not appropriate for reimbursement.

Following the procedure outlined in the City Code, the City Engineer issued a four-page Administrative Decision denying the request for reimbursement and setting forth the grounds for the denial. The Council should carefully review the Administrative Decision, which is the first document in the Council's packet for this agenda item. As permitted by the City Code, River Valley Development, LLC has appealed the Administrative Decision to the City Council, which is the final appeal authority for this matter. The Council should carefully review River Valley Development's appeal letter, which starts on the 35th page in the Council's packet for this agenda item. -Dayton Hall

The City staff have made the following findings, as stated in the Administrative Decision:

1. Each category of improvements constructed by Developer is what is necessary to serve the proposed 200-acre, 700 unit development at adopted levels of service.
2. The construction of each category of improvements constructed by Developer does not create additional or excess beyond the Developer's proportionate share necessary to serve the proposed development.

City Attorney Opinion:

1. The improvements required by the City to serve the Cordero development do not violate Utah Code section 10-9a-508(1), which is the State Code governing exactions.
2. The improvements required by the City to serve the Cordero development do not violate the United States Constitution or the Utah Constitution.

The City staff recommend that the Council uphold the Administrative Decision denying River Valley Development, LLC's reimbursement request based on the findings and analysis contained in the Administrative Decision.

Kyle Fielding, the attorney representing River Valley development, thanked the council for the opportunity to discuss exactions, a complex legal topic. He outlined the history of the River Valley project, including the development agreement signed in 2021, which granted density approval for up to 700 residential units. However, the current phase involves just 39 lots, and the infrastructure required exceeds what is necessary for this phase alone. Mr. Fielding explained that under state law, the correct application of exactions analysis should be to the pending land use application, not the entire master project. He emphasized that River Valley took the risk and invested millions to bring infrastructure to the area and is now seeking fair reimbursement for the excess capacity serving the entire 700 units. Mr. Fielding concluded by introducing Brant Tuttle from Northern Engineering, who would provide a summary of the infrastructure items and the reimbursement amounts requested. Mr. Tuttle provided details on the infrastructure required for the initial 39 lots of the River Valley project. This included extending water lines along 2100 West, creating a loop system, and installing various sizes of water lines to meet city requirements. He outlined the differences in costs between the infrastructure originally installed and what could have been done with smaller lines.

Additionally, he mentioned the paving of 2100 West, which required a wider asphalt due to its designation as a collector road. He concluded by reiterating that all these costs were associated with the first phase of the project. Mr. Fielding discussed the challenges surrounding exactions, emphasizing the need for proportionality between requirements and the impact of development. He stated they have sought an advisory opinion from the Utah State Property Rights Ombudsman's office to avoid formal disputes. However, due to a backlog, a decision is expected to take several months. Therefore, Mr. Fielding requested a postponement of the decision on the appeal until the advisory opinion is received.

Drew Ellerman pointed out this discussion pertains to a 200-acre, 700-unit development, not just a 39-lot subdivision. He stated the decision was to design the water model for 700 units, which is an indication of the expectation for a full-scale development. Mr. Ellerman highlighted the concept of proportionality and fairness, noting that master-planned communities typically require all necessary systems to be put in place. He expressed concern about deviating from the original plan for 700 units and suggested that the developer should have already factored in the infrastructure costs when selling off portions of the land. Mr. Fielding commented that the development agreement for the project in question was not structured like a typical master-

planned community agreement. Unlike traditional master-planned communities, this agreement was high-level and lacked specific requirements for infrastructure. He mentioned that Utah law dictates that exactions analysis should be based on the current land use application, which in this case is a phase one plat. Mr. Ellerman pointed out that the approved plan for the development included infrastructure for 700 units, not just the initial 39 units. He stressed the impracticality of installing smaller water lines to serve only a fraction of the approved units, highlighting that cities typically don't install infrastructure in such piecemeal fashion. He stated River Valley chose to sell off portions of the development, emphasizing that the decision to divide the project was theirs alone. Since River Valley initially sought approval for a 700-unit development, the infrastructure planning should have been based on that scale. Mayor Billings stated the water model was designed for 700 units based on the approved densities, not just for the 39 units. She commented that the infrastructure needs were assessed for the entire development, not just a small portion of it. She anticipates the Ombudsman office will view the situation similarly, focusing on the initial proposal for 700 units.

Mr. Fielding pointed out an inconsistency regarding the requirement to post a cash bond for the waterline on 3000 South. He explained that River Valley Development, despite being considered the developer of the 700-unit project, was not allowed to post a line of credit for a portion of the development called Cordero phase three. Mayor Billings explained they sold the property, so they are no longer the owner. Clark Fawcett questioned whether River Valley Development had increased the value of phase three when it was sold, considering the presence of utilities and improvements. He expressed concern that asking for reimbursement would essentially require the new owners to pay twice: once for their portion of the impact fee to the city and again for the infrastructure costs already paid to River Valley Development. Joseph Prete expressed skepticism regarding River Valley Development's reimbursement request. He highlighted concerns about the timing and concept of the request, likening it to pioneering agreements where all parties share costs and benefits upfront. He stated River Valley chose to bear the risk and make calculated business decisions without a pioneering agreement. Mr. Vercimak mentioned the City did accept the bond on 3000 S from River Valley. Dayton Hall clarified the distinction between two issues discussed by Mr. Vercimak and Mr. Fielding. Mr. Vercimak referred to River Valley Development currently upgrading 3000 South to accommodate Cordero Phase Three's fire flow requirements, necessitating an irrevocable letter of credit before commencing construction. Mr. Fielding, on the other hand, highlighted the water department's requirement for a cash bond or escrow deposit before granting approval for Phase Three. This precaution arose from the reliance of two developers on each other's commitments in order to obtain entitlements, prompting the city to ensure financial security for the necessary infrastructure improvements. Mr. Fawcett pointed out that the engineers hired by River Valley designed the water model for 700 units, not just the 39 lots currently under discussion. He is willing to postpone the decision until the Ombudsman office has responded. Kevin Thomas doesn't feel like they need to postpone it. It seems pretty clear to him.

Clark Fawcett motioned to continue the appeal hearing, based on the applicant's request, until the Ombudsman office has responded or six months whichever happens first. Seconded by Drew Ellerman. Motion failed with David Hirschi, Kevin Thomas, and Joseph Prete voting nay. Clark Fawcett and Drew Ellerman voted aye.

Joseph Prete motioned to deny the appeal based on the reasons stated in the administrative denial letter. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas and Joseph Prete voting aye. Clark Fawcett and Drew Ellerman voted nay.

4. Consideration and possible approval of Resolution 2024-17 Supporting Confluence Park Easement Grant and Partial Release to add 20.7 acres to a conservation easement and remove from the conservation easement 1.46 acres adjacent to 100 West Street.

Joseph Prete was excused at 8:53 p.m.

Dayton Hall clarified the ownership structure of the parcels involved in the proposed easement swap. Referring to a labeled map in the Council's packet, he explained that while the county currently holds ownership of parcels one, two, and three, this arrangement was made to facilitate a deal with the Utah Division of Wildlife for an easement swap. Trade parcel one has been owned by the county for some time, while parcels two and three are owned by JB Holdings under contract. The proposal suggests transferring full ownership of parcels two and three to the county, with parcel one being deeded to JB Holdings. Additionally, the conservation easement currently on parcel one would be removed and placed on parcels two and three, pending approval from the Utah Division of Wildlife. The county attorney's office sought the city's support for this proposal, prompting Mr. Hall to present it to the City Council for consideration. Clark Fawcett stated this has been a long time coming and he is in full support of it. Mayor Billings questioned if parcel 2 should be deeded to the City for a park or something to ensure there is access to this area. However, this item is just to show the City's support for this trade.

Clark Fawcett motioned to approve Resolution 2024-17 Supporting Confluence Park Easement Grant and Partial Release. Seconded by David Hirschi. Arthur LeBaron suggested adding that the City expects a new parking area as good or better than what we currently have. Mayor Billings added a request that the City would like an easement to parcel 2 to ensure access. Mr. Fawcett added both items to his motion. Motion carried with David Hirschi, Clark Fawcett, and Drew Ellerman voting aye. Kevin Thomas voted nay.

5. Discussion and possible approval of resurfacing the pickleball courts with sports court material

Mayor Billings explained that the discussion about pickleball courts arose during a budget meeting due to numerous complaints about the courts' condition, with some residents

advocating for improvements while others expressed opposition to sports courts altogether. Darren Barney added that he had contacted four cities across the state, most of which had either decided against using sport court material due to playability issues or had received complaints about it. Local pickleball players also tested one sport court at Dixie Springs and reported that serious players would likely dislike it, a sentiment detailed in the packet provided to the council. Kevin Thomas stated it is his understanding that if they did post tension concrete on the courts by the Community Center then the trees would have to be removed. He doesn't want to see that property without the trees. Mr. Barney stated he doesn't know if they would have to be moved but ideally, they would. He recommended planting more trees to the south and getting them growing before the other ones are removed. Tiffani Wright shared that she had sent out a picture of graphs to the pickleball league members first, receiving overwhelming support for post-tensioned concrete. However, after the survey was posted on Facebook, the focus shifted more towards preserving the trees, with many expressing a preference for any surface as long as the trees remained untouched. She also mentioned meeting with a representative from the sports court company, who indicated that the tree roots would likely still cause issues even with a sport court, as they would continue to lift the surface.

Shayden Hinton presented on behalf of the pickleball community, addressing the importance of considering tournament potential and player preferences in court renovations. He highlighted the surge in pickleball popularity since 2020 and emphasized the potential for revenue generation through tournaments. Shayden advocated for cement courts over sport courts, citing increased appeal to competitive players and potential for hosting tournaments. He provided a breakdown of potential revenue based on team entry fees and outlined the skill levels within the pickleball community. He stated if the Council goes with the sports court, then they will lose all the competitive players. However, he did acknowledge that even with sport courts or indoor gym facilities, there would still be interest from players.

Clark Fawcett stated that while some players may not mind playing in various weather conditions, the presence of the trees adds to the beauty of the area, especially during events like Peach Days and the Easter Car Show. He liked the idea of a compromise where some trees could be retained while new ones are planted further back. However, he expressed skepticism about the sport court option. Mayor Billings pointed out the big pickle ballers don't play in Hurricane anyway. David Hirschi questioned if they are going to do all this work, should the courts just be moved to a different location. Kevin Thomas agreed. He pointed out they haven't finalized the downtown master plan for this property. He thinks it is too much money to put in post tension now. His recommendation is to put in a sports court so the courts can be used now until something is decided. Drew Ellerman clarified the courts haven't been resurfaced since they were installed.

Kevin Thomas motioned to put sports court on all courts. Kaden DeMille stated there is \$334,000 that is earmarked for this which isn't enough to cover all courts. Clark Fawcett suggested putting it in Sky Ridge to see how it goes. He is not in favor of putting it downtown.

Motion died for lack of second. Mr. Hinton suggested waiting until the City has the funds to make the improvements. There are no safety issues other than the cracks.

David Hirschi motioned to continue this discussion until the City has the money or something better comes along. Seconded by Drew Ellerman. Motion carried with David Hirschi, Clark Fawcett, and Drew Ellerman voting aye. Kevin Thomas voted nay.

6. Consideration and possible approval of Resolution 2024-18 updating the theater ticket prices

Tiffani Wright explained every level would increase two dollars except for Hurricane City residents.

David Hirschi motioned to approve Resolution 2024-18 updating theater ticket prices. Seconded by Clark Fawcett. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye.

7. Consideration and possible approval of the Introduction, Preface, and Chapter 1 of the new employee policy manual - Sel Lovell

Sel Lovell handed out an update to what was provided in the packet. Kaden DeMille explained there has been an employee policy manual in place for years. A group started a new one a few years ago and had just finished it about the time Mr. Lovell was hired. He wanted more eyes on it. Mayor Billings noted today's consideration is about 170 pages. They will bring each chapter to the Council for approval one at a time. Clark Fawcett would like more time to review it in the future. Dayton Hall explained the manual is already in place, but the new version references sections that haven't been adopted yet. He recommended accepting them when ready, with all sections going into effect simultaneously. Mr. DeMille stated they plan to do training with department heads once the manual is fully rolled out. Mr. Hall suggested language that states the Council accepts Chapter 1 as drafted to be implemented at the same time we accept all the chapters.

Clark Fawcett motioned to continue the Introduction, Preface, and Chapter 1 of the new employee policy manual until the next meeting. Seconded by Kevin Thomas. Motion carried unanimously.

8. Mayor, Council, and Staff reports

Clark Fawcett stated at the Fire District meeting they started the discussion on truth in taxation. One member proposed eliminating taxes and implementing a fee on new builds, which Clark disagreed with. Mayor Billings stated EMS is doing good. The tax discussion is just for fire. David Hirschi stressed the need for equal representation on the water district board.

Drew Ellerman mentioned the Beautification Committee met on Monday. April 25th and 26th will be trash clean up on SR9. He gave the times and places to meet. The inmate crew will cover from 5300 West to I-15.

Council discussed if they should cancel the April 18th meeting. The Power Department has a resolution that is due on May 3rd and Arthur LeBaron has an item for the storm drain. Council decided to cancel the meeting on the 18th but schedule a short meeting online on the 17th @ 4.

9. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request
No closed meeting was held.

Adjournment: 10:20 p.m.