

Minutes of the Hurricane City Council meeting held on June 6, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 2:30 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas, Drew Ellerman, and Joseph Prete.

Members Excused: Clark Fawcett

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Public Works Director Mike Vercimak, City Planner Gary Cupp, Assistant Planner Fred Resch III, Street Superintendent Weston Walker, Power Superintendent Scott Hughes, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, Water Superintendent Ken Richins, and City Recorder Cindy Beteag.

AGENDA

2:30 p.m. Combined Field Trip with the Planning Commission

1. Tour of Zion Tiny Homes development in Apple Valley, Utah

Mayor, Council, Planning Commission, and staff went to Apple Valley, Utah to tour the Zion Tiny Homes development. They returned to the City Administration building around 4:00 p.m.

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

Dayton Hall mentioned an email that was received today concerning an allegation of negligence by the City, which was sent by an attorney. He advised the Council not to respond to the email, as he will handle any response. Mr. Hall noted that it is best for him to address any legal allegations against the City.

Mayor Billings thanked Fred Resch III for how he handled a complaint on 650 South. Mr. Resch III stated he spoke with the people who dumped in Confluence Park and it will be cleaned up soon.

Gary Cupp reported that routine ordinance updates are progressing and that work on some General Plan updates will begin in the new fiscal year. He mentioned that the Planning Commission remains busy and presented Chapter 5 of the General Plan, which focuses on the Economic Element. The goal is to create a resilient economy for the City, and he outlined the plan to achieve this. He attended the Southern Utah Task Force Meeting, where they discussed the idea of formulating a regional standardized code for the area. This proposal aims to have uniform standards while still allowing each city to tailor the code to their specific needs, benefiting builders by providing consistent standards across different locations. The main goal of this proposal is to demonstrate to the State Legislature that efforts are being made to address affordable housing. Drew Ellerman highlighted the importance of maintaining each city's uniqueness and expressed concerns that having the same code for every city would make

them indistinguishable. He suggested that streamlining affordable housing could be beneficial, but other areas should remain distinct.

Arthur LeBaron shared updates on several ongoing studies. One project with UDOT, the SR-9 Solutions Development Study, has had a few meetings and will soon hold a stakeholder meeting. Another study, Safe Streets for All, is examining a high injury network, including two segments of SR-9. By 2050, they aim to find solutions to accommodate more traffic on SR-9. The Northern Corridor study is also in progress, and public comments are still being accepted. He emphasized the importance of this effort and noted that the City needs to submit a substantial letter as no traffic study was provided. Additionally, the pipeline project on Quail Lake Road has been completed up to the north end of the park. However, after the 4th of July, work will begin on the Hurricane side, resulting in a complete road closure for a few months.

Weston Walker provided an update on their activities, mentioning that they have been engaged in extensive weed spraying and mowing. He noted that the big sweeper has been out of service for a couple of weeks and, despite efforts to repair it today, additional parts are still needed. A new hire started on Monday. He will try to introduce him to the Council soon. They are also continuing efforts to clean up tumbleweeds.

Mike Vercimak shared that the staff is excited about getting Jellystone open and a small development in the south that took three years to get started. They recently purchased a small broom truck off auction for the airport, which runs and works well. He noted that this will be a great benefit for them, especially since it also has a small blade on the front if needed.

Sel Lovell announced that tomorrow is the employee corn hole tournament. Departments will remain open, and the Council is invited to join them for lunch and watch the championship. He noted that this event is a great morale builder. Additionally, the health challenge for June is to encourage employees to drink more water, with a collective goal of reaching 1,000 gallons as a group.

Chief Excell mentioned that tomorrow is National Doughnut Day and they are hosting "Coffee with a Cop" at the Community Center from 8-10 a.m., with doughnuts provided. He stated that tomorrow is Dan Raddatz's last day working for the City, noting that his departure leaves big shoes to fill. Chief Excell warned that frauds are increasing in the community, with credit card fraud being the most prevalent, and advised residents to monitor their bank accounts closely. He also highlighted that Red Rock Media produced twenty-two public service announcements for the 4th of July Firework show, which will be a tribute to first responders. He praised their excellent work on the show.

Larry Palmer reported that since the last Council meeting fifteen single family, ten townhomes, and three industrial buildings have been submitted. He did the final inspection for the Food Pantry building today and they are good to open.

Ken Richins provided updates on the irrigation expansion project, noting that it has been advertised, with a mandatory pre-bid meeting scheduled for June 18th and the bid opening on June 27th. Additionally, the settling pond portion of the project will be advertised on June 16th,

with the bid opening set for July 11th. He mentioned ongoing activities with test wells, highlighting challenges faced at Sky Ranch due to hard ground and a deep static water level. The Gould's Wash Well was completed, but tests revealed hard water; efforts are underway to test it at different elevations to improve water quality.

Scott Hughes stated the testing at Three Falls was completed today and load was placed on it yesterday. Due to increased demand, emergency switching procedures were implemented to manage the load. Despite it being June, peak loads usually seen in July and August were already reached. Natural gas and power prices have risen significantly, prompting all generators to be operational. The Council will receive an email regarding the UAMPS conference in August, scheduled to be held in Midway. David Hirschi stated he has received requests to move bleachers from the old rodeo ground to the new Equestrian Park for the Peach Days Rodeo, There are also requests from the School District for the bleachers. Council will need to have further discussions on the expenses involved in moving them for both Peach Days and the school, as well as for the new skate park. Mr. Hughes will assess the feasibility of moving the bleachers.

Cindy Beteag mentioned an email from the lobbyist in Salt Lake City. She has also called her a few times to see if the Council would meet with them. Mayor Billings has reached out to her multiple times and provided available dates. She will try contacting her again.

David Hirschi brought up an incident that occurred earlier in the day involving inmates taking a break at the splash pad in the park, which prompted a complaint from a citizen. He promptly contacted Chief Excell, and the group was relocated to another area of the park. Chief Excell agreed that it would be wise to establish rules prohibiting inmates from being at the splash pad during lunchtime. He acknowledged that it was an oversight by the superintendent and assured that measures would be taken to prevent it from happening again. Additionally, Mr. Hirschi expressed concern about the presence of dogs in parks and suggested increasing signage to ensure people are aware of the rules.

6:00 p.m. - Call to Order –

Prayer, Thought, and Pledge led by David Hirschi.

Mayor Billings provided an update on the fundraising efforts for Veterans Memorial Park. She mentioned a successful and enjoyable event held last night. A general contractor has agreed to donate their time, along with three electricians, four plumbers, and several other contractors who are willing to contribute materials and services such as concrete, landscaping, monuments, and trusses. She expressed her gratitude to the community for their generous support in raising funds.

Mayor Billings took the Quilt Guild and Recognition of Trig-Star winners out of order and addressed them next. These minutes are in the order of the agenda instead of the order they were addressed by the Council.

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for April 4, 2024, May 2, 2024, May 16, 2024, and special meeting May 7, 2024.

David Hirschi motioned to approve all minutes as written. Seconded by Kevin Thomas. Motion carried unanimously.

Award to the HHS Trig-Star Winners, Corban Beutler, Elijah Patterson, and Davis Henderson, at State Competition

Arthur LeBaron explained that the Hurricane High School Math Department invites him to discuss engineering and surveying each year. He also promotes the Trig-Star contest to them. This contest offers local and state prizes, with state winners advancing to compete nationally. Hurricane High School achieved an impressive feat by securing first, second, and third places at the state level. The average score was 61 points among all winners. However, each of the school's representatives scored over 90 points, showcasing their exceptional performance. He commended their courage in participating in such a challenging test and congratulated them for their outstanding achievements. He also noted Corban Beutler's participation in the national-level test, which he completed successfully.

Zion Piecemakers Quilt Guild - Donation Quilt for Shop with a Cop Program. Presentation of quilt for Rec to collect funds for raffle. A second quilt is donated by Anita Lowe Eaton for the Veterans Memorial Park fundraiser

Anita Lowe Eaton introduced herself as the president of the Quilt Guild, emphasizing her strong ties to Hurricane despite not being a native. She shared that the Guild, established over two decades ago, aims to promote the art of quilting through education and charitable endeavors. Ms. Eaton showcased a quilt she is donating as a fundraiser for the park. Additionally, she mentioned their annual quilt show during Peach Days, which serves as another fundraiser for their initiatives. She presented a second quilt to Chief Excell and Tiffani Wright for the Shop with Cop fundraiser and extended an open invitation for anyone interested to join the Guild.

Public Forum – Comments From Public

Bruce Jensen, an avid pickleball player, addressed several issues regarding the current pickleball courts and proposed solutions for improvement. He noted a recent survey that offered limited options—either removing trees or installing sports courts—criticizing the durability issues associated with plastic courts. He emphasized the importance of preserving the existing trees while advocating for upgrading to post-tension courts to enhance safety. He highlighted a recent incident where a woman tripped on uneven ground, resulting in a broken hip, underscoring the need for better court conditions. He expressed his belief in the growing popularity of pickleball and the insufficient capacity of the current courts, suggesting relocating

them away from problematic areas and potentially expanding to meet increasing demand. He also raised concerns about court cleanliness and suggested more frequent maintenance as essential improvements.

Mayor Billings clarified that the current challenge revolves around funding. Kaden DeMille explained that there is currently \$334,000 allocated in the budget for this project, but it falls short of what's needed for post-tension concrete. The Council still needs to finalize the general plan for this area and decide on the optimal location for the courts. He mentioned that bids for the four-court gym will be issued next week, which will provide a clearer picture of the remaining funds available for other projects.

John Bramall and Fred Hernandez addressed the council on behalf of the veterans at the cemetery. They emphasized the importance of allocating funds in the budget for Wreaths Across America. Each wreath costs \$17, and there are approximately 570 veterans, with another 40 veterans being verified. The American Legion has additional numbers that they are cross-checking. Fred Hernandez requested assistance with covering the costs of the wreaths. In response, Kaden DeMille informed them that there is currently \$3,000 budgeted for the upcoming fiscal year.

OLD BUSINESS

- 1. Consideration and possible approval of Ordinance 2024-06 amending Title 5, Chapter 2 and Title 10 Chapter 3, 7, 13, 14, 15, 16 and 34 Animal Control and residential and commercial kennel standards - Gary Cupp / Lynn Excell**

Gary Cupp reported that the staff had followed the Council's previous directive to examine the number of dogs allowed per density. After meetings and discussions among staff, they explored various options, taking into consideration enforcement perspectives from law enforcement officers. Staff concluded that implementing changes would overly complicate matters and potentially require involvement from other departments, making it cumbersome. Staff remains in favor of maintaining the allowance of four dogs per household, noting that most residents already comply with this limit without issues or concerns. Chief Excell added that in multifamily complexes, rules are typically enforced internally, resulting in minimal calls for service. He expressed confidence that the proposed ordinance has enforceable provisions to address any issues that may arise, highlighting the considerable effort put into its development. Dayton Hall noted that Hurricane City already permits residents to own up to four dogs per household through an established process. He expressed concern about potential legal issues if this allowance were reduced. Therefore, he advocated for maintaining the current policy of allowing up to four dogs per household, stating it as the most sensible approach.

Kevin Thomas motioned to approve Ordinance 2024-06 as presented. Seconded by Drew Ellerman. Motion carried unanimously.

2. Consideration and possible approval of Ordinance 2024-08 increasing the Parks, Trails, and Recreation Impact Fee

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet: “On May 2, 2024, the Council adopted the Parks, Trails, and Recreation Master Plan. However, at that meeting, the Council declined to adopt a new impact fee based on the new plan. This agenda item is to consider the adoption of a new impact fee by ordinance. There was some confusion at the May 2, 2024, meeting regarding the current impact fee. Currently, the impact fee for parks and recreation is \$3,109 per residential unit. Under the newly adopted plan, which now includes trails as well, the maximum allowable impact fee is \$5,023.06 per equivalent residential connection, which is calculated based on the estimated costs of future improvements and the existing level of service. The Council needs to decide whether to adopt the full impact fee of \$5,023.06 or some lesser amount.”

Kevin Thomas expressed concern about the proposed increase, viewing it as placing a social program burden on individuals for the benefit of everyone. Mayor Billings noted the impact of new development on current residents, highlighting increased park usage without a corresponding rise in city employees over the years. She questioned whether parks fall under government responsibility and suggested funding expansions through development fees rather than taxes. David Hirschi, echoing Councilman Fawcett's viewpoint, acknowledged the need for an increase but voiced apprehension about its steepness. He argued that new growth should fund its impact without resorting to tax hikes. Dayton Hall explained that impact fee amounts must be justified based on calculated impacts. The consultants used water meter size to gauge impacts. Drew Ellerman stressed the fairness of impact fees across sectors and cautioned against falling behind without adjustments. Gary Cupp underscored parks' role in enhancing community life and supported staying current. Joseph Prete emphasized a proactive approach to improving Hurricane, valuing parks, beauty, and open spaces as crucial to community well-being.

Joby Venuti mentioned the trails donated to the City from his development, underscoring their importance. He suggested a revision to the standards for arterial roads: placing trails on one side and omitting sidewalks on the other, which would increase developer contributions. Mr. Prete stressed the importance of trail interconnectivity, noting that much of the trail funding comes from grants requiring city matching funds. Kaden DeMille mentioned the ongoing efforts to complete ball fields due to funding constraints and escalating costs. Mr. Hirschi asked about approving the impact fee at 50% of the recommended amount. Mr. DeMille clarified that a study had already been conducted, allowing for potential future increases based on need without requiring a new study unless exceeding the recommended amount.

David Hirschi made a motion to increase the parks, trails, and recreation impact fee by 50% which would make the total \$4663.50 per equivalent residential connection. Seconded by

Joseph Prete. Motion carried with David Hirschi, Drew Ellerman, and Joseph Prete voting aye. Kevin Thomas voted nay.

3. Consideration and possible approval of Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50 to add a new zoning classification R1-4, residential one unit per 4,000 square feet. Hurricane City, Applicant

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet: “This proposed new zone was discussed on May 2, 2024, and the item was continued. On May 2, 2024, the Council discussed concerns about the size of the lots that would be permitted in the proposed new zone. Staff also raised concerns regarding the front yard setback, including: (1) a minimum 20' setback is required to satisfy the National Electric Code where 'switches' are installed in the public utility easement, making the 15' setback inadequate; (2) a 20' setback in front of garages is inadequate to accommodate driveway parking, which will push pedestrians into the roadway and set up future residents to violate Hurricane City Code 7-1-6, which prohibits parking on sidewalks. It appears that a front yard setback of 20 feet for living areas and 25 feet for garages would resolve the setback concerns raised by the various departments. Councilman Thomas has met with the Planning Department to discuss some of the items raised in the May 2nd meeting. Staff is awaiting direction from the Council.”

Kevin Thomas recommended postponing the vote to allow a further review. He shared photos of a proposed subdivision with a 20-foot setback to the garage face, which he opposed. He suggested alternative ideas with a 25-foot setback and a minimum lot size of 4,000 square feet. He presented a floor plan based on this footprint, which he believes addresses the affordable housing issue, expressing concern that the middle class might disappear. However, he admitted uncertainty about potential unknown consequences. He also questioned whether the City could require enough space for two cars to park in the driveway and if they could mandate the amount of concrete used. Mayor Billings asked if the City could impose such requirements. Dayton Hall clarified that while the City cannot restrict house materials, it might explore regulating landscaping. Drew Ellerman noted they could set a minimum driveway width of 18 feet. He expressed excitement for what this zone could offer developers to provide something affordable. Gary Cupp stated that they had just received the drawings that morning and needed more time to review them.

Joby Venuti commented that the Canyons development lots, which are 35 x 70, are too small to fit a garage as they were designed for park models. He has a development that he wants to rezone to this proposed zone and suggested leaving flexibility for developers to lay out the lots. He mentioned that this size of house is what's currently missing and that parking often becomes an issue, proposing 3 and 12-foot setbacks. Kevin Thomas added that setbacks on corner lots also need to be addressed. Joseph Prete inquired if this type of zoning has been implemented elsewhere in the state. Drew Ellerman confirmed that while he has seen 4,000 and 4,500 square foot lots, they are not common in Southern Utah. Mr. Venuti stated that

there are such developments in Desert Canyons in St. George. Joseph Prete pointed out that PDO is very different from straight zoning and that anyone could request this zoning. Mr. Ellerman explained that five-foot setbacks are in line with building codes and suggested maintaining them. Mr. Thomas then showed a video of the proposed development site for this zoning change. Mr. Ellerman explained that the General Plan would need to be amended to allow for this, and they could limit where it is permitted. Mayor Billings suggested integrating the General Plan update with this zoning change.

Keivn Thomas motioned to continue Ordinance 2024-07 until August 15th. Seconded by David Hirschi. Motion carried unanimously.

Mayor Billings took new business 3 and 4 out of order and addressed them next. These minutes are in the order of the agenda instead of the order they were addressed by the Council.

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

Mayor Billings stated many cities have a motto, but if the Council doesn't feel like it is a priority, then they can table the discussion for future consideration. Joseph Prete proposed consolidating options to a concise four to seven-word motto that captures their vision. Kevin Thomas feels it is important to keep it short. David Hirschi expressed interest but hasn't found one that resonates yet. Drew Ellerman concurred. Mayor Billings suggested tabling the item until a suitable motto is proposed for further discussion.

5. Consideration and possible approval of a mural at the Community Center - Youth City Council

Mayor Billings introduced a proposal from the Youth City Council, which aims to include animals, plants, and native elements of Hurricane such as Desert Sage, Desert Tortoise, Brigham Tea, Gila Monster, and Mollies Nipple. Kevin Thomas asked if permitting the Youth City Council to paint a mural necessitates allowing other artists to also paint murals in town, or if the City Council can selectively decide which murals are allowed and their locations. Dayton Hall feels that the risk is minimal. The City has the right to express itself under the First Amendment. While there could be an argument against selective approval, it does potentially open the City to such claims. Joseph Prete stated quality control is important. He suggested having the high school art teacher oversee it. Mayor Billings suggested having the Recreation Director oversee it. David Hirschi wants to see a rendering first of what it will exactly look like.

Kevin Thomas motioned to approve the mural subject to the Youth putting their name at bottom of it. Mr. Prete noted the importance of quality control and establishing a clear timeline. Dayton Hall proposed that the authorization to paint the mural be limited to a one-time painting under the supervision of the Recreation Director. Kevin Thomas mentioned

Melanie Wright who is a local artist that may oversee and help with the mural. Seconded by Drew Ellerman. Mr. Prete stated they have to look out for the whole community not just the Youth City Council. It will be offensive to the Youth Council if they take it down. Mr. Thomas amended his motion to approve a onetime mural at the Community Center based on the image provided in the packet. The Youth City Council must seek guidance from a local artist to oversee the work and it has to be done by Peach Days. Seconded by Drew Ellerman. Motion carried with David Hirschi, Kevin Thomas, and Drew Ellerman voting aye. Joseph Prete voted nay.

NEW BUSINESS

1. Consideration and possible approval of the assignment of the airport lease for the hangar pad at 5 South from Richard L. Frost to Ray Schureman. -Dave Houston/Mike Vercimak

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. “This agenda item is to consider approving the assignment of a hangar lease to a new tenant. The current tenant is Richard L. Frost, who holds a Hurricane Airport Land Lease for the hangar located at 5 South in the City Airport. The lease is dated September 1, 2018, and provides that the ‘Lessee shall not at any time assign its rights under this agreement or any part thereof without the prior written approval of the Lessor...’ The lease also states that: ‘In the event of a sale by the Lessee, the Lessor agrees to extend to the purchaser the terms and provisions of the unused years of the original lease, or the new Lessee may negotiate a new twenty year lease.’ The lease is for a ‘private aircraft hangar.’ Mr. Frost desires to assign the remaining term of the lease to Ray Schureman, who desires to assume the lease. The Airport Board met on May 21, 2024, and recommended unanimously to approve the assignment of the lease to Mr. Schureman. The lease to be assigned to Mr. Schureman is included in the Council's packet.”

Dave Houston mentioned that there is a standalone T-hangar at the location, with the lease extending until 2038. The original 20-year lease was signed in 2018. Mayor Billings inquired whether the lease terms would change based on the new rates. Dayton Hall clarified that the rates remain unchanged because it is an existing lease approved by the City Council in 2018, with a rate schedule that gradually increases over time according to the terms agreed upon in the original contract. The lease extension involves a new lessee taking over the existing lease.

Kevin Thomas motioned to approve the assignment of airport lease for the hangar pad at 5 South. Seconded by David Hirschi. Motion carried unanimously.

2. Presentation of survey results on the City Civic Master Plan by FFKR and Desert Edge-David, Jessica, Susie, and Scott Gilbert

David Giles provided an update on the progress of their work. They are finalizing their efforts after meeting with various city departments to understand their space needs. Public outreach

results have been incorporated into their documentation. They are consulting with a local commercial broker on sustainable additional uses for the property, such as commercial, retail, offices, hospitality, and housing. A funding analysis has begun with assistance from Susie Becker of Zions Bank, focusing on capital investment paths to minimize costs outside of the tax base. Discussions with local construction firm Jacobson Construction are ongoing to establish an overall construction budget by the end of next week. Mr. Giles emphasized the need to integrate all gathered information into a comprehensive masterplan for the property.

Abram Nielsen discussed their recent efforts focused on conceptual planning for a development project situated away from the main strip but surrounded by existing residential areas and varying topography. They explored multiple iterations—approximately 12 versions—aiming to define the layout in terms of square footage, massing, and the integration of different uses such as civic, retail, commercial, housing, and mixed-use. The process involved horizontal and vertical integration to optimize space utilization. Despite numerous tests, they have narrowed down to a few conceptual options that they are considering for further development. He explained the color-coded plan, highlighting commercial and retail areas in red and pink, civic uses in purple (like police stations and city hall), and residential areas in orange and yellow for single-family and multifamily housing. The design aims for a highly walkable community feel, emphasizing a central, well-lit intersection for access and a welcoming arrival experience. Cost considerations prioritize surface parking for now, with plans for future expansion and flexibility as the community grows. Three design options were considered, with a preference for one that best integrates these principles and aesthetics. Mr. Nielsen explained the decision to retain the existing administration building due to its structural integrity and cost-effectiveness rather than demolishing it. The plan includes repurposing this building for courts, alongside a proposed police station highlighted in darker purple. Leveraging the natural slope of the terrain, they aim to integrate the building harmoniously into the hillside, providing both upper and lower access points. This approach facilitates connectivity with the future City Hall located centrally, optimizing the site's functionality. The design also ensures a clear separation between public and private areas, accommodating secure facilities like Sally ports and emergency vehicle access while maintaining public accessibility on the other side. Mr. Nielsen mentioned the opportunity to utilize the slope of the hillside for an amphitheater, allowing for concerts and large events. This could be part of a linear park system connecting the entire east to west corridor of the development, fostering a walkable urban environment for residents. He discussed the possibility of incorporating historical elements like canal systems and water features into the park and open spaces to enhance the urban feel and context of the area.

Mayor Billings expressed a preference for having a road next to the single-family development to provide access to the park areas and desired better access to the administration building. Drew Ellerman favored Option 1 but suggested opening up the entrance between the commercial area and the admin building, noting that this would enhance the commercial space. Mr. Giles agreed, stating it would help liven up the commercial area and mentioned there are

many tweaks they could introduce. David Hirschi liked the single housing with the cul-de-sac in the middle. The plan is to send a packet to the Council for feedback before starting the architectural design. Mr. Giles stated that Ms. Becker will have draft content to review, as she is experienced in funding such projects. They will return with all the information for the Council to explore. Kaden DeMille noted that staff preferred Option 1 and asked for Council feedback sooner rather than later, mentioning interest in the current police building. Joseph Prete inquired about the possibility of only having a city campus. Mr. DeMille questioned where the funding would come from to pay for it all, suggesting a bond for the remaining amount and emphasizing the need to keep costs down for citizens. They plan to present again at the second meeting in July.

Chief Excell mentioned that they are under significant time pressure and need to have everything cleared from the property to the west by August. He noted that access in and out from 700 West is coming through their property, emphasizing that time is of the essence.

3. Consideration and possible approval of Resolution 2024-23 approving an increase in Hurricane City's billing rates for water usage-Ken Richins

Mayor Billings read the following summary written by Ken Richins that was provided in the packet: "The Washington County Water Conservancy District is increasing its wholesale water rate by \$0.13 per thousand gallons. Hurricane City buys a portion of the water it supplies to its residents from the District at the wholesale rate. This agenda item is to consider increasing Hurricane City's retail rate by \$0.13 per thousand gallons to match the increase by the District. The Water Board discussed this item on May 28, 2024, and unanimously recommended that the City Council increase the City's rates by \$0.13 per thousand gallons."

Karry Rathje from the Washington County Water Conservancy District clarified for the record that the rate increase is a one-time fee of 13 cents per 1,000 gallons, in addition to the current charge of \$1.64. The district will review its costs and rates again in January, providing municipalities with advance notice of any future rate increases. By January 2025, municipalities will be informed of anticipated rates for the 2025 year. Drew Ellerman explained, "To put it simply, if we don't raise the rate by 13 cents, the City will have to cover that cost, and ultimately, we're all part of the City, so it would have to come from somewhere else." Ken Richins added that the City currently buys 40% of its water from the District, but this percentage will decrease as more wells become active.

David Hirschi motioned to approve Resolution 2024-23 increasing the water rates. Seconded by Drew Ellerman. Motion carried unanimously by a roll call vote.

4. Consideration and possible approval of Resolution 2024-27 Approving the Excess Water Use Surcharge Fees recommended by the Washington County Water Conservancy District.

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. “This item is on the agenda at the request of the Council. In December of 2021 and December of 2022, the WCWCD Board passed resolutions authorizing a surcharge for water use over certain thresholds. The WCWCD requested that all cities and towns that were parties to the Regional Water Supply Agreement adopt the surcharge and pass those funds on to the WCWCD to be used for water conservation projects within the County. After much deliberation, the Hurricane City Council adopted its own variation of the WCWCD's surcharge, with the funds remaining within Hurricane City to be used for conservation. At a work meeting held with Zach Renstrom of the WCWCD on May 2, 2024, Mr. Renstrom requested that the City adopt the surcharge and pass the funds on to the WCWCD as other cities have done. The Council directed that this item be placed back on its agenda for further consideration. Because it deals with the City's water, the proposal was placed on the agenda for the City's Water Board. On May 28, 2024, the Water Board unanimously recommended that the City Council adopt the surcharge as requested by the WCWCD. The key differences between the City's current surcharge and the proposed surcharge are: (1) For new connections (post January 1, 2023), the surcharge for excess use will increase from \$5 to \$10; (2) for prior connections (pre-January 1, 2023), the threshold will be 36,000 gallons each month, instead of the bell curve approach currently adopted; and (3) the collected funds will be passed on to the WCWCD, with the city retaining 10% to cover administrative costs.”

Kevin Thomas questioned the consequences if Hurricane City doesn't pass the water rate resolution. David Hirschi highlighted concerns about the city appearing uncooperative. Karry Rathje detailed potential remedies under the regional water supply agreement, including contract renegotiation, reduced water delivery, or increased wholesale rates. She suggested consulting legal counsel for clarity. Joseph Prete distinguished between alleged remedies asserted by the Water District that would need to be proven and the broader ramifications of the impacts on relationships and mutual cooperation. He questioned whether passing the resolution was necessary to comply with the terms of the regional water supply agreement. Mr. Thomas expressed skepticism about the rate increase, viewing it as a punitive measure for excessive water use. He pondered the long-term impact of water conservation efforts and the rationale behind the surcharge. Ms. Rathje clarified that the surcharge aims to manage rising costs and expand water capacity to support community growth, emphasizing collaboration with Hurricane City.

Ms. Rathje explained that the 36,000-gallon threshold applies to customers connected before December 31, 2022, at a rate of \$1 per 1,000 gallons with no seasonal variations. The new excess water use surcharge of \$10 per 1,000 gallons, implemented in January 2023, includes seasonal thresholds. This difference aims to be fair and equitable. The impact fee was reduced to allocate less water to new connections due to approved development plans, decreasing from 0.89 to 0.59 acre feet per year per residential connection. The state authorized this reduction because of the new surcharge, ensuring enough water supply. Mr. Ellerman added that the

state's actions necessitated these measures. Ken Richins added that newer homes are designed to use less water.

David Hirschi motioned to approve Resolution 2024-27 approving the excess water use surcharge fees recommended by the Washington County Water Conservancy District. Seconded by Drew Ellerman. Joseph Prete raised concerns about the implications of the water rate resolution, emphasizing the shift in control to the district. He sought clarification on what specific control aspects the city would relinquish by approving it. Mayor Billings responded that the funds collected from the resolution wouldn't remain within the city's control but would instead be utilized by the district for conservation efforts. Karry Rathje elaborated that the intention behind the resolution is to allocate funds towards increasing water system capacity, benefiting municipalities by supporting ongoing community growth. She noted that a portion of these funds has already been redistributed to municipalities to offset related fees. Dayton Hall explained that the central issue is how the funds collected from the surcharge will be managed. This resolution is presented to the council to authorize the district-recommended surcharge assessment. Motion carried unanimously by a roll call vote.

5. Consideration and possible approval of the revocation of the business license for Rafa Academy LLC - Cindy Beteag

Cindy Beteag explained that Rafa Academy LLC had been issued a business license with the condition that they provide their state license within 60 days, or the license would be revoked. After staff contacted them, Rafa Academy stated they are not moving forward. A new business license application has been received for a different business at the same location. Joseph Prete confirmed that Rafa Academy has no objections to the license revocation. Ms. Beteag clarified that since a license had been issued, they are now following the necessary process to revoke it. Dayton Hall noted that Rafa Academy was given notice and is not present at the meeting.

Joseph Prete motioned to revoke license for Rafa Academy LLC based on the owners were provided notice of the revocation hearing and they are not here. Seconded Kevin Thomas. Motion carried unanimously.

6. Mayor, Council, and Staff reports

None.

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

David Hirschi motioned to go into a closed meeting to discuss a potential development agreement. Seconded by Kevin Thomas. Motion carried unanimously.

Adjournment: Drew Ellerman motioned to go out of closed meeting and adjourn the meeting at 9:54 p.m. Seconded by David Hirschi. Motion carried unanimously.