

Minutes of the Hurricane City Council meeting held on August 1, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** Kevin Thomas, Clark Fawcett, and Drew Ellerman.

Members Excused: David Hirschi and Joseph Prete.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Power Superintendent Scott Hughes, City Planner Gary Cupp, Assistant Planner Fred Resch III, Public Works Director Mike Vercimak, Police Chief Lynn Excell, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Water Superintendent Ken Richins, and City Recorder Cindy Beteag.

AGENDA

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

Fred Resch III reported that he has no updates on code enforcement. However, he did submit the moderate housing report to the State yesterday. The report included six strategies that Hurricane City committed to work on, and he hopes that at least three will be accepted, as required.

Gary Cupp presented the next element of the General Plan. Open Space, Trails, and Resources. It identifies view sheds, open space, trails, water supply, agriculture, and dark sky conditions. He went over the goals, policies, and strategies on how we plan on achieving them.

Arthur LeBaron stated they have been working diligently on plan reviews and right of way acquisitions. He expressed appreciation to Dayton Hall, Mayor Billings, and the agent helping with the acquisitions. They just finalized the last easement needed for the irrigation expansion project. The 100 North project is nearing the advertising stage and is currently in the public involvement phase. The Frog Hollow Dam project is moving forward, with the old dam completely removed and an upstream cofferdam constructed to prevent flooding during construction. With Peach Days only four weeks away, the focus will shift to traffic control for the parade, making 100 South a one-way street during the event. Parade route roads, including 400 South, will be closed off during the parade.

Scott Hughes explained that last week's power outage was caused by lightning striking the line. He noted that power prices have been high, which is typical for the summer months, and mentioned that they are running natural gas daily. Unfortunately, they lost an employee that hired as temporary but had just turned full-time. The Three Falls Substation is performing well, but some of the generators have been experiencing issues with their couplers. He also mentioned that they hope to start the 920 West project soon.

Tiffani Wright explained they are considering updating the rental fee for the auditorium. Currently, it is \$100 per hour with a cap at \$400. They are looking to raise the price, particularly

because dance companies often rent it for the entire day. She asked the Council if they wanted to be involved in setting the rental price. She noted that the High School charges \$100 per hour with a cap at \$1500. Mayor Billings expressed concern about pricing dance companies out of performing for their families but emphasized the need to cover costs. Drew Ellerman suggested evaluating the City's costs before making a decision. Kaden DeMille mentioned they are trying to raise wages for positions like referees and need to ensure programs can cover these costs. He asked if the Council wanted to be involved in these discussions or leave it to the administration. Clark Fawcett indicated he would like to review the fees. Mrs. Wright will bring this item back to the Council for further discussion. She stated that Calvary Chapel rents a room from the Community Center on a weekly basis and they have been paying \$12,000 annually. They have inquired about potential rent increases due to rising utility costs. She emphasized they are great renters, and she doesn't want to lose them, but she wanted the Council's input on whether the rental price should be adjusted. Mayor Billings asked staff to review the power usage on those days to determine if a rent increase is necessary to cover utility costs. Mrs. Wright also mentioned that the LPGA tour has approached her about using the new gymnasium for a women's luncheon next May. She asked if the Council was open to renting out the space for conferences, weddings, and similar events, even though street shoes would be worn on the floors. The Council directed staff to look into options for floor protection that could be rolled out and reused, as well as the associated costs. They decided that if the space is rented out, the other party should be responsible for renting tables and chairs from elsewhere. Additionally, Mrs. Wright stated that the Rotary Club wants to paint and freshen up the north side of the Community Center and asked if the Council wanted to have input on this. The Council expressed comfort with staff handling it. She informed them that hoops for the new gym will be delivered on Monday, installed within a week, and then the flooring will go down. She invited everyone to come to the Beauty and the Beast performance.

Ken Richins announced that there will be an open house for the irrigation expansion project on August 7th at 6 p.m. at the Fine Arts building. Letters have been sent out to property owners in the proposed area. The plan includes incorporating the Gould's Wash area into the expansion project. He stated the Sky Ranch well is still being drilled. They have reached a depth of 500 feet and aim to reach 800 feet. They hope to complete the drilling within a week or two to begin collecting samples.

Chief Excell expressed his gratitude to the Power and Streets Departments for their assistance in removing the connex boxes from the property behind the Police Station. He announced that this Saturday morning they will be holding the "Back to School Shop with a Cop" event at Kohl's in Washington. He stated there was a significant breakthrough in the golf pro shop break-in case from last year, revealing that the perpetrator was located and prosecuted. During the bust, they also recovered equipment from Spanish Fork. He elaborated on their tracking process, emphasizing the importance of identifying the suspect's vehicle. He is currently gathering statistics on incidents throughout the year. The speed trailer that was damaged has been repaired. He explained the data from these trailers, along with that from permanent speed signs, is used to identify areas where traffic speeding is prevalent. He noted that a fourth

officer has left, leaving the department severely short-handed. Due to the staffing shortage, they will have to limit their activities but will continue to perform VIN inspections at the office. Out of 41 applicants, only two are being interviewed for the open positions.

6:00 p.m. - Call to Order –

Prayer, Thought, and Pledge led by Kitty Hirschi.

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for July 18, 2024

Kevin Thomas motioned to approve the July 18, 2024, minutes as written. Seconded by Clark Fawcett. Motion carried unanimously.

Annual update from Intermountain Health

Meg Church, Natalie Ashby, and Cyndi Gilbert from Intermountain Health presented an overview of their ongoing projects and initiatives. They showcased a video highlighting their ambition to be the model healthcare system by promoting better health at lower costs while providing exceptional and compassionate care. Intermountain Health recently received the #1 ranking from Vizient. President Natalie Ashby shared updates on their expansion, noting that Intermountain Health has acquired facilities in the Peaks Region, including Colorado, Kansas, Eastern Wyoming, Montana, and New Mexico. With this expansion, they now operate in seven states, managing 34 hospitals and employing over 68,000 caregivers. She provided some impressive statistics: Intermountain Health has over 2,700 employees, handled over 10,000 emergency visits last year, has 715 medical staff members, and recorded 2,690 births last year. She introduced the leadership team and board of trustees and explained that they assess community needs every three years. Currently, their top priority is improving mental health. To address this, they will open a Youth Day Treatment Center in November, which will provide intensive treatment and support for youth with behavioral and emotional disorders. She emphasized their commitment to community support, reviewing several areas where they have made positive contributions. Additionally, she noted that they have exceeded projections for their new emergency department.

Report from the Chinese students @ HHS

McKay Campbell introduced herself as the daughter of Jason and Janna Campbell. She shared her experience of traveling to China through a program called Blue Ribbon International. McKay described it as a fantastic cultural exchange, where she stayed with host families and taught children about American culture. She detailed the various places she visited and taught in China, expressing that it was an enriching experience. She has been studying Chinese for nine years and observed that children in China have been learning English since they were toddlers. She felt warmly welcomed by everyone she met. She noted the vast population of each city, mentioning that light pollution and smog prevented her from seeing the stars. Overall, it was a wonderful opportunity that she would recommend to anyone.

Update and presentation of a donation from Tri-State ATV Poker Run

Christine Anderson and Steve Jacobs were present to discuss the success of their first poker run. Mrs. Anderson expressed their excitement about the event, which took place over Iron Man weekend but in a different area. The event attracted just under 100 machines and featured three Hurricane food trucks. Participants enjoyed the ride followed by a raffle, with six local restaurants donating gift cards for the occasion. The event also helped them gain more memberships, with over 20% coming from Washington County. She emphasized the family-friendly nature of the event and highlighted their commitment to cleanups and repairs in the area. They encourage visitors to help with these efforts. Additionally, they have a \$5,000 check to donate towards the Veterans Park and are also contributing to the Blue Ribbon Coalition. She noted that any donation received by their club is matched by the club itself.

Public Forum – Comments From Public

OLD BUSINESS

1. Consideration and possible approval on a preliminary plat for Sandwater Estates, a 153 lot single family subdivision located at 4200 W 2300 S. Richardson Brothers Custom Homes, Applicant. Karl Rasmussen, Agent.

Mayor Billings read the following summary that was provided in packet written by Gary Cupp. “The applicant is seeking preliminary plat approval for the proposed 153-lot Sandwater Estates subdivision within the Gateway to Sand Hollow PID area. On January 18, 2024, the City Council heard this item and concern was expressed about the lack of PID roads and infrastructure that are required for preliminary plat approval. The item was continued to February 1, 2024, and then tabled for an additional six months to allow the applicant time to bring forth a contract and schedule for completion of the needed roadways and infrastructure. The requested information has not yet been provided. Staff recommends that the item be tabled until the applicant either provides the requested schedule and contract or has completed the needed improvements. The City Council could also deny the project for lack of adequate public facilities, pursuant to Hurricane City Code, Sec. 10-37-4. “

Gary Cupp mentioned that he spoke with Karl Rasmussen a couple of weeks ago regarding this item being on an upcoming Council meeting. Mr. Rasmussen requested that the item be tabled as they are not ready to proceed yet.

Kevin Thomas motioned to table the preliminary plat for Sandwater Estates until the applicant requests it to come back. Seconded by Clark Fawcett. Motion carried unanimously.

2. Presentation and report on public infrastructure and consideration and possible approval of a power line extension to the area south of Sky Ranch - Mike Vercimak and Scott Hughes

Mike Vercimak explained that the report in the packet aims to provide the Council with an understanding of the development needs in that area. He sought feedback from the Joint Utility Committee (JUC), and everyone provided input on the existing utilities and the requirements for complete buildout. The report indicates that the current infrastructure is insufficient to support development in this area. Most utilities, not just power, would need around two years to get infrastructure in place. Over 3000 units have been approved for this area, but they don't have entitlements yet—only zoning approval. Mayor Billings clarified that the ask tonight is whether they can extend the power. Mr. Vercimak emphasized that if the power is extended, other infrastructure requests will soon follow. Clark Fawcett questioned the rationale for extending power if other infrastructure isn't in place, suggesting it should be a package deal. Kevin Thomas inquired about the timeline for extending power. Scott Hughes estimated that, considering various factors, it could take around two years. Mr. Vercimak highlighted the distinction between capacity and infrastructure. Drew Ellerman pointed out that it would be cheaper to undertake the project now rather than in the future, and it might be more cost-effective for the city to do it themselves.

Kaden DeMille stressed the importance of not delaying infrastructure development and keeping the process moving forward. Mayor Billings noted that the City is currently working on water infrastructure. Ken Richins added that they plan to bid out the water tank construction this fall, which will take about a year to complete. He highlighted the importance of extending power to the area to facilitate well development and staying ahead of the system needs. Mr. Vercimak mentioned a concern about the only access being 1100 West, which is not up to standards. The cost of bringing it up to standards would fall on the City. Additionally, the Fire District has expressed concerns about having only one entrance, which could necessitate another station in the area to meet the ISO rating. Mr. Richins explained that building the water tank would address the problem with the water loop and benefit the area overall.

Mr. Vercimak posed the question of whether the Council would allow the extension of the power line and, if so, who would handle the work. Mr. Fawcett expressed his reluctance to approve preliminary plats without the necessary infrastructure in place. He mentioned that once developers invest money in their projects, they expect progress, and while he has no issue with developers funding the work, the City doesn't have the budget for it, and he doesn't want to commit the City financially. Mayor Billings pointed out that infrastructure improvements typically come with development. Mr. Fawcett emphasized the need for a clear timeline outlining how and what will be done and under what conditions growth would be allowed. Mr. Thomas inquired if developers could contribute to the street improvements for 1100 West. Mr. Vercimak clarified that the funding designated for 1100 West only covers up to 3000 South, meaning any improvements beyond that point would have to be financed by the City. Mayor Billings noted the necessity of extending power within two years for the well, suggesting it would be better to initiate the process now. She asked Dayton Hall if indemnification could be considered as a part of the plan.

Dayton Hall responded he has been working through a Property Rights Ombudsman review on a similar situation. The landowner had signed an indemnification agreement as a condition of obtaining preliminary plat approval, which he believed was foolproof. However, the landowner still lodged a complaint with the Ombudsman office because the City would not approve further development until adequate public infrastructure was in place. He noted that while he can draft a contract, it won't necessarily prevent future disputes. He concurred with Mr. Fawcett, acknowledging that once developers invest in a development, they expect to see corresponding improvements to proceed with construction. Mr. Vercimak pointed out that three years ago, everyone believed the Public Infrastructure District (PID) would resolve this issue, but it has not. Although everyone is working to bring infrastructure to the area, it takes time. While the water tank doesn't require power, it might need a booster. Mr. DeMille mentioned that he thought there was sufficient capacity for the well. Mr. Hughes clarified that while there is enough capacity, the infrastructure is lacking. Mr. Fawcett emphasized the need to create a comprehensive plan. Mayor Billings questioned whether road expansion would be necessary. Mr. Vercimak suggested that while it might not be needed immediately, as more people move into the area, requests for road expansion will likely increase. Mr. Fawcett noted that drainage will be an issue with more development and still needs to be addressed. Mr. Vercimak committed to organizing a meeting with all the main departments to develop a cohesive plan.

Kevin Thomas motioned to continue to the next meeting to allow JUC time to discuss a timeline for infrastructure in this area. Seconded by Drew Ellerman. Motion carried unanimously.

3. Consideration and possible approval of local consent for an off-premises beer license at Jellystone Park - Scott Nielson

Mayor Billings stated the applicant requested to withdraw their application, so this item needs to be tabled.

Clark Fawcett motioned to table local consent for an off-premise beer license at Jellystone Park. Seconded by Kevin Thomas. Motion carried unanimously.

4. Consideration and possible approval of local consent for a full-service liquor restaurant license at PV Resort Amenities - Chris Wyler

Chris Wyler outlined the proposed areas where alcohol would be served, indicating their commitment to maintaining a family-friendly environment. Their primary goal is to offer diverse amenities, with safety being the top priority. They plan to implement rigorous training for their employees. Mayor Billings stated that the request is distinct from a restaurant setting, questioning the feasibility of keeping people in designated areas and how it would be monitored. Mr. Wyler clarified that Utah law requires patrons to remain at their tables while consuming alcohol. Kevin Thomas expressed concerns about the proximity of alcohol service areas to amenities and the potential behavior of patrons, noting that the provided map shows

alcohol allowed everywhere except in the water. He felt this situation puts undue pressure on the State to approve the request, especially since no similar precedent exists within the State. He worried about the exposure of children to drinking adults.

Mr. Wyler argued that resorts where alcohol is permitted have not seen disorderly conduct and mentioned they had received their certificate of occupancy for their clubhouse. He noted that raised areas are designated for adults only. Mr. Thomas reiterated that he finds alcohol service suitable in the restaurant area but not throughout the resort. Clark Fawcett added that it isn't considered a restaurant if people are lounging on the pool deck. Mr. Wyler then asked if the Council would grant permission for a portion of the area now to secure the license with the State, with the possibility of expanding it later. Dayton Hall noted that the Council is only granting local consent and is not approving the map, and that he isn't aware of the City ever placing limitations on local consent approval. Drew Ellerman expressed a preference for allowing alcohol in only one designated section. Mr. Hall suggested discussing with the State to determine if parameters could be set with local consent and to understand the extent of the City's control. Cindy Beteag mentioned that the applicant has requested that the amenities and restaurant be private and not open to the public. Mr. Thomas concluded by stating his reluctance to consider the amenities as private, noting that if they are not busy, they might be opened to the public.

Kevin Thomas motioned to continue for two weeks and directed staff to talk to the DABS regarding regulations on this type of license. Seconded by Drew Ellerman. Motion carried unanimously.

5. Consideration and possible approval of a Water Savings Agreement with The Nature Conservancy and the Washington County Water Conservancy District. -Dayton Hall

Dayton Hall noted that the agreement in the packet differs from the last version the Council reviewed. He provided a brief history, explaining that eight years ago, environmental studies were conducted, revealing potential water savings from the project. The NRCS wanted to evaluate the benefits, particularly how the water savings would aid both users and the agricultural community and benefit the Virgin River. They needed to see tangible benefits to the river before committing funds. The water running through the system is owned by the Canal Company, and the City has purchased shares. In 2016, the City obtained water rights from the Canal Company, which are currently in the river. The proposal is to commit to making that water available to benefit the river. Upon project completion, there will be more water available. Mr. Hall pointed out that other parties have not yet signed the agreement. Despite this, he recommended approving it due to upcoming deadlines. He included a clause stating the City is not obligated to proceed unless NRCS provides the necessary funding and the project is completed.

Kevin Thomas motioned to approve the Water Savings Agreement. Seconded by Clark Fawcett. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of Ordinance 2024-09 Amending Title 3, Chapters 1 and 2 regarding background checks in Business License regulations - Cindy Beteag

Mayor Billings read the following summary that was provided in packet written by Cindy Beteag. "The Council has discussed the proposed changes at the last two meetings. Staff was directed to update the ordinance to require annual background checks. The Council supported adding tattoo artists to the list of businesses requiring a background check but opposed adding residential hosting. Staff was also tasked with researching the practices of surrounding cities. Only three cities responded: LaVerkin conducts background checks on all businesses, Cedar City does not require them for any businesses, and St. George only mandates them for solicitors, alcohol-related businesses, and those dealing with children. Staff is still researching additional requirements and may have an updated proposal next week. During the last two discussions, it appeared the Council favored fewer restrictions on business owners. Staff has conducted additional research to determine the necessity of background checks. Consider the following: The Department of Professional Licensing (DOPL) conducts background checks on massage therapists. The Department of Alcoholic Beverage Services (DABS) performs background checks on all liquor license applicants. The Bureau of Alcohol, Tobacco, and Firearms (ATF) requires background checks for all firearms-related businesses. These checks are conducted during the initial application process and not on an annual basis, though businesses are asked to self-report at each renewal. Based on these findings, there are two options for consideration in the packet: Option 1 aligns more closely with previous discussions. Option 2 removes the requirement for businesses already regulated by another entity. Both options have been discussed internally, and staff does not have strong opinions on either. Everyone was comfortable with both options."

Cindy Beteag clarified that businesses regulated through other entities are not required to undergo annual background checks but must self-report any significant changes. Kevin Thomas expressed support for fewer restrictions. Mrs. Beteag noted that under Option 2, background checks would still be mandated for tattoo artists, businesses related to children, and businesses operating from private homes. Additionally, employees of these businesses would also be subject to background check requirements.

Drew Ellerman motioned to approve option 2 of Ordinance 2024-09 Amending Title 3, Chapters 1 and 2 regarding background checks in Business License regulations. Seconded by Kevin Thomas. Motion carried unanimously.

2. Consideration and possible approval of Assurances Relating to Real Property Acquisition for the irrigation expansion project. -Arthur LeBaron

Mayor Billings read the following summary that was provided in packet written by Dayton Hall. "The proposed document provides assurances to the Natural Resources Conservation Service that the City has acquired the necessary rights-of-ways and easement associated with the irrigation expansion project. This document is required for NRCS to issue funding for the project. There is one remaining easement that needs to be acquired on 1150 West. If the closing on that easement has not occurred by the Council meeting, this item will need to be continued."

Arthur LeBaron explained the project is being constructed mainly in existing streets. The final easement will be recorded tomorrow. Dayton Hall mentioned they have signed the purchase agreement, so he is comfortable moving forward. He has done his opinion letter.

Clark Fawcett motioned to approve Assurances Relating to Real Property Acquisition for the irrigation expansion project. Seconded by Kevin Thomas. Motion carried unanimously.

3. Consideration and possible approval of a Zone Change Amendment request located at approximately 2250 S 5140 W from A-5, agriculture one unit per 5 acres to RA-0.5, residential agriculture one unit per half acre. Parcel numbers H-4138-K-1 and H-4-2-15-112. Dylan Stratton, Applicant. Brandee Walker Civil Science, Agent.

Mayor Billings read the following summary that was provided in packet written by Gary Cupp. "This zone-change request was originally heard by the Planning Commission on May 23, 2024, but due to an illegal lot split, the Commission tabled the application to allow the land division to be corrected. Initially, the zone-change request only included one of the parcels involved in the lot split, parcel H-4138-K-1. The request was updated to include the other parcel involved, parcel H-4-2-15-112. The applicants' ultimate desire is to get a building permit for a new single-family residence, but since there is an illegal subdivision of land, the City cannot issue a building permit pursuant to HCC section 10-39-4(D). The original unsplit parent parcel and the two new parcels are too small to conform to the 5-acre minimum lot size required by the existing A-5 zoning. During discussions between staff, the city attorney, and the applicants, it was agreed that in order to legalize the lot split, both parcels would need to be rezoned to a zoning class with an appropriate minimum lot size requirement. At which point, the applicant could move forward with the process to legalize the lot split and receive a building permit. The Planning

Commission heard this application again on July 25, 2024, and unanimously recommended approval of the requested zone change to RA-0.5.”

Gary Cupp explained that the red-bordered area represents the original parcel that was split illegally. The applicant initially sought a zone change, but staff could not approve it due to the illegal lot split and advised reverting the parcel to its original state. However, one of the parcels has already been sold, making it challenging to revert. The applicant now seeks to rezone the entire area to RA-0.5 to legalize the lot split and obtain a building permit. This zone change would address the existing inconsistency in the area. Dayton Hall noted that while the City could require the applicant to merge the two illegally subdivided lots back together and then reapply, this approach is complicated by existing loans. The proposed zone change would resolve the issue by legalizing the current configuration. Mr. Cupp added that if approved, the entire area would be zoned RA-0.5, and the owner of the sold parcel, Pecan Valley, has indicated they will request a zone change as well. Drew Ellerman expressed concern about the nonconforming parcels in the A-5 zone in this area, to which Mr. Cupp responded that those parcels are already nonconforming. Mr. Hall clarified that these parcels were annexed into the City as nonconforming.

Kevin Thomas motioned to approve the Zone Change Amendment request located at approximately 2250 S. 5140 West from A-5 to RA-0.5. Seconded by Clark Fawcett. Motion carried unanimously.

4. Mayor, Council, and staff reports

Kaden DeMill reminded the Council the Utah League conference is coming up and we need to know who would like to be registered by August 15th. He stated the wage study is completed, and they should have numbers next week. They will bring it back to the Council after they have compared the numbers. Staff went out and measured at the new equestrian park for the bleachers. They identified some areas they could go but there will be an expense to get them there. It won't happen this year before Peach Days, but they will continue to work on it. He mentioned there is some settling issues under the current bleachers, and it caused some grass to die.

Mayor Billings stated she and Dayton Hall met with Liberty Village today. They asked if the Council could look at the flyer to see if they are comfortable with the City logo on it. Council needs to decide if they want to review it every time they use it. She passed it out and if they are in favor then it can be on the next agenda. Clark Fawcett suggested having staff review their advertisement. He doesn't think the Council needs to see it every time. Mr. Hall mentioned that is what the County did with their MOU. Mayor Billings stated she will put it on the next agenda for approval. She asked the Council to ride on the Peach Days float.

Cindy Beteag stated the Council needs to hold a separate meeting to meet the requirements of the Board of Water Resources. Council will meet at 4:30 p.m. on August 15th to describe the water irrigation expansion project and receive public comments and then hold their regularly scheduled meeting at 5 p.m. that day. Mayor Billings stated the first meeting in September will need to be canceled because the Council will be at the Utah League conference. Mrs. Beteag mentioned staff has organized a committee and applied to get the Healthy Utah Community designation. If the application is approved the Council will be recognized at the upcoming conference. The first event that the committee has organized is a mental health awareness clinic on September 9th @ 6 p.m. There will be twelve tables there with different resources so people are aware of what is available. She asked everyone to help advertise for it once the flyer is completed. Mayor Billings stated there is a “Just Serve” project on September 11th from 4 to 8 p.m. if the Council can help with it.

Clark Fawcett asked staff to find out why the Fire District didn’t have a notice on the property tax notice regarding the property tax increase.

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

Kevin Thomas motioned to go into a closed session to discuss the sale of real property. Seconded by Drew Ellerman. Motion carried unanimously.

Adjournment: Clark Fawcett motioned to go out of a closed meeting and adjourn the meeting at 8:45 p.m. Seconded by Kevin Thomas. Motion carried unanimously.