

Minutes of the Hurricane City Council meeting held on August 15, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, 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, Building Official Larry Palmer, Water Superintendent Ken Richins, Parks Superintendent Darren Barney, HR Director Sel Lovell, and City Recorder Cindy Beteag.

AGENDA

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

Nick Wright with the Fire District reported that they had 571 service calls in July. He gave detailed numbers for each station. The month saw a high volume of firework-related calls, resulting in one citation. The Kolob Terrace fire, which burned over 600 acres, is now under control, though some smoke may still be visible.

Ken Richins mentioned that the Sky Ranch Well has reached 790 feet and will hit 800 feet today, allowing for water samples to be taken soon. He also noted that the Water Department has experienced numerous breaks, with crews performing excellently. Drew Ellerman added that recent earthquakes have contributed to the water line breaks.

Larry Palmer stated that since the last meeting, 23 single-family home permits, 5 industrial permits, and 10 townhome permits have been issued. Comparing year-to-date figures, 404 permits were issued by the end of June 2023, while 412 permits have been issued by the same time in 2024. Although the number of home permits is lower this year, valuations are higher.

Darren Barney reported that the Veterans Memorial Park is progressing well and expressed gratitude to Mayor Billings for leading the project. Mayor Billings requested assistance with masonry work and encouraged anyone who can help to contact her. She acknowledged Dennett Construction for their contributions to the earthwork and reviewed the various donations and volunteer efforts supporting the project. Mr. Barney highlighted how remarkable it is to see the project come together through volunteer work, mentioning that the engineering services were also donated. Additionally, crews have begun moving bleachers to the new rodeo grounds, with concrete pouring starting yesterday. The team is extremely busy preparing for Peach Days.

Scott Hughes stated that the Peach Days banners are now up, and the power crews are preparing for the event. He noted that the generators are starting to slow down, requiring some maintenance and repairs this year. Additionally, there were a few outages due to the heat. He also mentioned that the UAMPS conference is scheduled for next week.

Tiffani Wright reported that the hoops are scheduled to be installed on Monday, with flooring installation set for the Tuesday after Labor Day. Some of the flooring was damaged in the flooding, but the extent of the damage won't be known until the pallet is unloaded. They are aiming for a grand opening in September. She also mentioned that the pool is now closed for the summer, only operating on weekends. A new boiler has been ordered for the pool and should arrive before the cold weather sets in. The *Beauty and the Beast* production is going and doing well, and fall programs began this week. Their department remains very busy.

Sel Lovell stated that the wage study is nearly complete but not yet finalized. They are still working on filling a few positions. He mentioned that the employee golf tournament is scheduled for September, and the Council is invited to participate.

Mike Vercimak acknowledged Mr. Barney's mention of the bleachers being torn down and moved, expressing gratitude to the Water, Power, Streets, and Parks Departments for their hard work. He praised the collaboration, noting that when a project like this arises, all departments step up to get it done. He also mentioned that the development pipeline remains full at all stages.

Weston Walker introduced the Streets Department's newest employee, Tate Wilkinson, who started this week and is doing great. He mentioned that paving near Harrisburg is scheduled for Monday or Tuesday. The City portion of the road from north of the boat ramp to Old Hwy 91 remains closed, with a tentative reopening in mid to late October. The 100 North project is nearing the bid stage. He inquired if the Council still supported diagonal parking along Pioneer Park. Councilmember David Hirschi suggested extending diagonal parking from State Street to 300 North, and the Council agreed. Mr. Walker also noted the ongoing work on school zone striping and plans to relocate a crosswalk light on 700 West. He assured the Council that the gutters would be cleaned and cross walks re-striped before Peach Days and agreed to check the weeds near the park at 300 West and 300 South.

Gary Cupp noted that the planning department is experiencing increased activity, with fuller Planning Commission agendas and a rise in applications. They are working on long-term projects, including updating the land use map of the General Plan. A proposal has been made to change the designation of the Bench Lake area from single-family to rural residential, due to concerns about the compatibility of single-family zoning with the area. Dayton Hall explained that applications for single-family zones have been denied in this area because they are not in harmony with the surrounding properties, but the General Plan designates the area as a single family zoned area. If the denial of applications for single family zoning in this area is the prevailing sentiment, the General Plan needs to be updated to accurately reflect the desired land use, ensuring that future zone changes align with the updated plan. Drew Ellerman suggested implementing the new R1-4 zone in appropriate areas, and Mr. Cupp agreed, stating the need to correct known inconsistencies in the General Plan during this process. Mayor Billings highlighted the need for more industrial and commercial areas, and she would like the Council to discuss infill the downtown areas. She scheduled a work meeting on September 19th at 3:30 – 5 p.m. to discuss the future land use map.

Fred Resch III reported that he recently sent out another batch of enforcement letters to vacation rentals. The main challenge is tracking down owners of vacation rentals in resort areas to ensure they are properly licensed. Liberty Village received final site approval last week and has already submitted their building permits, but these permits cannot be issued until access issues are resolved. He mentioned the City ordinance does not address engine braking along SR-9 and asked if the Council would like to add this provision. The Council indicated they are not in favor of making this change unless there are significant complaints.

6:00 p.m. - Call to Order –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, thought, and Pledge led by Erroleen Scholzen

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for August 1, 2024

Kevin Thomas motioned to approve the August 1, 2024, minutes as written. Seconded by Clark Fawcett. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete abstained.

Presentation of a 3D rendering of the four-court gym - Desert Edge

Scott Gilberg from Desert Edge provided the Council with an update on the four-court gym project. He introduced Garrett, who presented a 3D rendering of the facility. Garrett walked the Council through the design, highlighting the different offices, courts, mezzanine, pathways, bleacher locations, restrooms, track, meeting room, concession area, and elevator shaft. The gym will feature twenty-four hoops spread across the four courts. Multiple charging stations for phones are also planned throughout the facility. Additionally, the design includes supports within the metal building to accommodate curtains for separating the gym floors. The exterior height peaks at the 35-foot limit. They hope to begin the permitting process by the end of September.

Public Forum – Comments From Public

OLD BUSINESS

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

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. “The Council has discussed this item at the previous two meetings. At the last meeting, the Council considered allowing alcohol only in the restaurant portion of the resort and not around any other amenities. However, staff was uncertain if local consent could include such restrictions. They were directed to contact the Department of Alcoholic Beverage Services

(DABS) to determine if parameters could be placed on local consent and who would enforce these rules. Staff contacted DABS, which confirmed that parameters could be placed on local consent and regulated through the local liquor license to ensure compliance. DABS also stated that the parameters of local consent would be attached to the State license and that DABS would support and help enforce the parameters identified with the local consent. Based on this information, staff has prepared a local consent with the condition that alcohol can only be served on the first floor of the restaurant. “

Chris Wyler described a food and beverage area on the top level that overlooks the surf machine and mentioned their desire to include this area in their plans. Kevin Thomas clarified that if they grant local consent for the main floor now, they can revisit and consider other areas later. Mr. Wyler further explained that there’s a cabana area on the second level where food and beverages will be served, with seating along the roofline for guests to watch the surfers. Mr. Thomas noted the mixed use of the space with hot tubs on the roof. Mr. Wyler clarified they are only requesting alcohol service on the upper left side. When asked about separating alcohol from the hot tub areas, Mr. Wyler explained that state law mandates alcohol preparation and taps be in the bar area, but drinks can be served elsewhere if customers order food with it. Drew Ellerman suggested placing a gate on the top level to restrict access to those under 21, which Mr. Wyler liked, though he preferred using vegetation as a more visually appealing separation. Joseph Prete asked if there was a concern about alcohol being taken into the hot tubs. Mr. Wyler clarified that alcohol isn’t allowed in the hot tubs. Mr. Ellerman supported the idea of a barrier separating designated areas from the rest of the building, with signage indicating that alcohol must remain at the tables. He emphasized that staff will need to be trained to monitor patrons and ensure they follow the rules. Dayton Hall added that when staff consulted with DABS, they were told that the Council can set specific parameters, but these must be clearly defined so they can be enforced. If the Council decides to expand the alcohol-permitted area to the second level, Mr. Hall recommended continuing the discussion to allow staff time to prepare a detailed map that outlines all the agreed-upon parameters. Mr. Ellerman emphasized that this approval is for a restaurant, not a drink lounge, and that food requirements must still be met. Mr. Thomas expressed comfort with granting local consent for the main floor now, with the option to revisit the second level later.

Kevin Thomas motioned to approve local consent for a full-service liquor restaurant license at PV Resort limited to the main level of the restaurant but with the understanding the Council may reconsider extending approval to the second floor at future date. Seconded by Joseph Prete. Motion carried unanimously.

2. Discussion regarding public infrastructure and possible approval to move forward with a power line extension to the area south of Sky Ranch - Mike Vercimak and Scott Hughes

Mayor Billings explained that the couple from Kanab who requested this item has asked for a continuance as they are currently out of town. However, items 10-14 involve a similar

discussion, so staff felt it would be best to address them all at the same time. She recommended that the Council have a discussion. If the Council is inclined to approve the request, they can move forward with approval. However, if they are not ready to make a decision, she suggested continuing the item to allow the couple to be present and speak on the matter.

Mayor Billings moved this item before new business 10. These minutes are in the order of the agenda instead of the order they were addressed by the Council.

Dayton Hall explained that the City ordinance requires any power line extension to a new area to be reviewed by the Power Board for a recommendation. The board has recommended moving forward with this extension. However, approving this could create an expectation that other infrastructure will soon follow. He clarified that this approval does not give developers the green light to build the line immediately. If the Council supports the extension, a detailed plan must be presented on how it will be constructed. Mayor Billings added that the Power Board is in favor of returning with a comprehensive plan.

Mike Vercimak explained that after the last meeting, staff discussed key issues regarding the development. The main questions were the timeline and who would cover the costs. He focused on the four essential utilities: roads, power, water, and sewer. The consensus was that a two-year timeline seemed reasonable. A significant concern is that the area is currently only accessible via 1100 West, which is a substandard road. This road was inherited in its current state through the City's annexation of the area, and improvements could be made as development progresses, funded by impact fees. He believes that within two years, the area could have the necessary infrastructure, although connecting the western and northern areas through 2200 West may take longer.

Ultimately, the goal is to establish a solid road network, water and power loops, and proper infrastructure. He feels confident that the City can proceed in an orderly manner. However, Joseph Prete raised concerns about the Sky Ranch well, noting that while drilling is underway, the water quality is still undetermined. Ken Richins responded that, regardless of water quality, additional storage capacity is needed for fire flow. Mr. Prete expressed that he would be more comfortable moving forward if the well and water quality were confirmed. Mr. Vercimak acknowledged that each department faces different challenges, and many details will need to be handled on a case-by-case basis. Mr. Prete asked when the water quality results would be available, and Mr. Richins estimated within a month. Drew Ellerman confirmed that only zone changes have been approved thus far for the properties that are requesting this line extension.

Scott Hughes explained that the power staff and Power Board have spent the last couple of years trying to resolve the issue of power capacity, and they believe they have addressed it through the Three Falls Substation. This substation provides the necessary capacity to support new developments. However, the problem arises when developments are approved and reserve a large portion of that capacity, but they aren't utilizing it immediately. As a result, the infrastructure is in place, and capacity is allocated, but it's essentially tied up for future use by

these developments. Meanwhile, new developments are coming in, requesting additional capacity. To accommodate these new demands, more distribution lines need to be built. However, the Power Department doesn't require these additional lines; the need is driven by the demands of new development, and the associated costs would fall on the developers.

Clark Fawcett expressed his primary concern about approving subdivisions without the necessary infrastructure in place. He mentioned that while he is open to creating a plan for this situation, it's important to set clear expectations for the development of other infrastructure as well. Mayor Billings agreed with these points and noted that she believes Mr. Hughes effectively addressed similar concerns with the previous eight developments. She read the following summary written by Mr. Hughes that was provided in the packet: "The Power Board recommended preliminary approval for these extensions to the City Council to give the Power Dept. staff direction to proceed with working in partnership with the developers to determine all of the designs, details and responsibilities of the developers to accomplish the necessary improvements and upgrades to deliver these extensions. Once the details are determined, the applications would be returned to the City Council for a final approval to proceed with the projects."

Joseph Prete highlighted that expansion impacts not just utilities but also services like police and fire. Mayor Billings mentioned that Copper Rock has land designated for these services, but it isn't ready for construction. Mr. Prete expressed hesitation to move forward until the quality of water in the well is determined, and Mr. Thomas agreed. Ken Richins emphasized that the project is necessary regardless of the water quality, adding that if they opt for a booster station instead of a well, less power would be needed. However, they must plan for the future, with a two-year timeline for completing these projects. Mr. Thomas clarified that whether the water quality is good or bad, the water will be available in the end. Clark Fawcett acknowledged the need for the water tank to support other areas of the city but pointed out that if the well fails, the City may need to purchase additional water from the Water District. He suggested that waiting another month to assess the water quality shouldn't cause significant delays.

Kaden DeMille expressed concern about the current shortage of resources, advising against approving any projects until there is a clearer understanding of the well's production capacity. Ken Richins mentioned the possibility of boosting the water supply from the Dixie Springs well, but Clark Fawcett reminded everyone that this well needs to be fixed first. Kevin Thomas voiced his concern that this single issue has been under discussion for a while, and now there are six related items on the agenda, which could set a precedent. Mike Vercimak acknowledged the confusion but clarified that three of the projects will be served by the same line. He also noted that one application is for a county project and that Bramall Ridge should be given special consideration since it operates independently.

Mayor Billings mentioned that grants have been applied for to help fund the extension of power lines along SR-7. Scott Hughes added that they are currently handling various applications, each with unique aspects, as they navigate this new process. He agreed that three

of the projects could be grouped together to share costs, while Bramall Ridge could be grouped with the five projects that have already been approved. He recommended that the Council take the opportunity to ask questions to the developers who are present tonight.

Karl Rasmussen expressed frustration, stating that they have been working extensively with numerous developments in the area, with PDOs approved and development agreements in place. He mentioned that it feels like a wrench has been thrown into the process by requiring these matters to come back to the Council for approval. He added that a lot of work and money have already been invested, and he's confused by this new process. Clark Fawcett responded, explaining that it doesn't make sense to extend just one utility at a time. He emphasized that if one utility is going to be extended, all utilities should be considered together. Since the proper process wasn't followed initially, the Council didn't have the chance to ensure all utilities were accounted for. He stated that this is the correct process so everything can be reviewed at once. Mr. Rasmussen expressed concern, saying that if approval isn't granted tonight, they are unsure of how to proceed.

Brett Beazer from Alpha Engineering, representing Copper Sky, explained that this development is located in the County. The owner is currently going through the zone change process with county authorities. One of the requirements for approval is to obtain "will serve" letters, which confirm that utilities will be provided. He mentioned that they are nearly complete with the other necessary approvals and now need power to finalize the process.

Rick Richardson explained that his group was part of the initial efforts to extend power lines to their development, contributing financially to the project. He emphasized that many of the developments in the area already have access to other utilities, such as water and sewer, and they are all willing to collaborate to bring power to the region. The issue isn't a lack of power itself but rather a bottleneck created by other developments needing these utilities. The situation is being held up by the assumption that every approved project will be fully built, which isn't necessarily the case.

Mr. Vercimak expressed confidence in recommending that the Council approve the preliminary authorization for staff to continue working out the details, noting that many details still need to be addressed. Mayor Billings suggested using the language provided in the packet for the approval if the Council is inclined to proceed. Mr. Hughes mentioned that the alignment west of SR-7 has been in development for years, and the Capital Facilities Plan, which is nearing completion, will confirm the need for this line. Since the developments also require this line, it presents a beneficial partnership to help fund it. Mr. Fawcett emphasized the importance of understanding how each development will integrate with other utilities. Mr. Ellerman proposed that old business item 2 should be considered separately from new business items 10-14 due to their differing nature.

Drew Ellerman motioned to continue this item until September 19th. Seconded by Kevin Thomas. Motion carried unanimously.

3. Consideration and possible approval of a memorandum of understanding (MOU) with Liberty Village. -Mayor Billings

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet: “At the last meeting, the Council and the City Attorney expressed reservations about authorizing a third party to utilize the City logo on its materials. Liberty Village has now proposed an alternative, which is that the City will approve any materials on which Liberty Village wants to place the City logo. This is the same approach accepted by Washington County in a similar MOU. Paragraph 1 has been updated to require prior written approval of the City Manager before the City's logo is used.”

Dayton Hall mentioned that Liberty Village requested language stating that the City's consent couldn't be unreasonably withheld. He feels that the City should simply have the ability to say no. The Council agreed.

Joseph Prete motioned to approve the memorandum of understanding (MOU) with Liberty Village. Seconded by Kevin Thomas. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of a bid to construct phase 1 of the City's irrigation expansion project - Ken Richins

Mayor Billings read the following summary written by Ken Richins that was provided in packet. “On June 27th, 2024, the Water Department held a bid opening for the phase 1 irrigation project. Five qualified contractors placed bids. The winning bid was Interstate Rock Products for \$7,859,191.00. Bowen and Collins Engineering the engineers over this project recommend to the City Council to award the project to Interstate Rock. The Water Board discussed this on July 30,2024, and there was a consensus that the bid be awarded to the low bidder Interstate Rock.”

Kevin Thomas remarked that given the earlier discussion, there might be no reason not to simply continue the matter. The Council agreed to meet on August 22nd from 3-4 p.m. Drew Ellerman then clarified that the bid had come in lower than the engineer's estimate.

Kevin Thomas motioned to continue the approval of a bid to construct phase 1 of the City's irrigation expansion project to August 22nd. Seconded by David Hirschi. Motion carried unanimously.

2. Consideration and possible approval of a bid to construct the irrigation pond, filters, and booster station for the irrigation expansion project - Ken Richins

Mayor Billings read the following summary written by Ken Richins that was provided in packet. “On July 16,2024, the Water Department held a bid opening for the irrigation ponds, filter and pump station. The winning bid was Interstate Rock for\$ 7,960,938.50. Alpha Engineering the engineer for this project recommend to the city council to award the project to Interstate Rock. The water board discussed this on July 30, 2024, and there was a consensus that the bid be awarded to the low bidder Interstate Rock.”

Kevin Thomas motioned to continue the approval of a bid to construct phase 1 of the City’s irrigation expansion project to August 22nd. Seconded by Clark Fawcett. Motion carried unanimously.

3. Consideration and possible approval of a MOU with Washington County School District regarding the use of facilities - Kaden DeMille

Kaden DeMille explained that a few weeks ago, a school representative reached out to him regarding the use of facilities. They believed they were operating under a Memorandum of Understanding (MOU), but it turns out no such agreement exists. The item was placed on the agenda due to upcoming events that require an MOU, but since he hasn’t been able to connect with the school, it will need to be tabled until further contact is made. Joseph Prete reached out to Bryce King, who sent the policy but not an MOU. When he contacted Darin Thomas, he was informed that no MOU existed. Mr. Prete expressed hope that, whether through an MOU, City policy, or both, they can facilitate the necessary training to build up sports teams, emphasizing that fee schedules are an important part of that process.

Clark Fawcett motioned to table approval of a MOU with Washington County School District. Seconded by Kevin Thomas. Motion carried unanimously.

4. Consideration and possible approval of a reimbursement agreement arising from the Buck's Ace Hardware development

Mayor Billings read the following summary written by Arthur LeBaron that was provided in packet. “With the approval and construction of the Ace Hardware project at 1400 West State Street, Ace Hardware was required as part of their approval to construct a portion of 1400 West and 150 South according to the City's Transportation Master Plan. The Ace Hardware team has submitted a request for reimbursement for the cost of system improvements and this agenda item is an attempt to satisfy this request. The City Engineer is tasked with determining the cost of system improvements that are eligible for reimbursement. The follow explains the rationale that was used to make that determination: Ace Hardware's project would have required the construction of an access from State Street to their site, which is a project improvement. The construction of additional roadway is considered a system improvement. However, frontage improvements such as curb, gutter, and sidewalks are considered project improvements when they are required for site development along master planned roadways. After reviewing project costs submitted by Ace Hardware, the cost of all asphalt paving has been added up, minus the

cost of paving required for an access from State Street. These costs are summarized in the attached spreadsheet, and is the basis for the reimbursement value recommendation. It is the finding of the City Engineer that Ace Hardware should be reimbursed a total of \$102,640.37. It is important to note that the same rationale that was applied to reimbursement to the RV Park to the west of Ace Hardware has been applied to this project. The RV Park constructed their portion of 150 South along their frontage.”

Clark Fawcett mentioned that Buck had spoken to him a few weeks ago and had expectations regarding the amount they would receive. He inquired if the proposed figure aligns with what they anticipated. Kaden DeMille added that the owners had visited him a week ago, sharing their costs, but since they aren't present tonight, he wondered if they are aware of the proposed amount and whether they are okay with it.

Joseph Prete brought up a previous issue in the area where people from the commercial development were entering residential neighborhoods. He asked if a wall would be built on the south end to prevent similar problems. Mr. LeBaron stated that, to his knowledge, no wall was planned. Mr. Prete emphasized the importance of having a wall between commercial and residential areas. Mayor Billings noted that the City couldn't enforce such a requirement unless it was stipulated in the ordinance. Drew Ellerman, drawing from his professional experience, recommended putting that requirement in the code.

Mr. LeBaron explained that he hadn't discussed the proposed figure with Ace beyond asking for their costs and outlined how the reimbursement figure was calculated, noting that his recommendation wouldn't change as the City standards dictate how it is calculated. Kevin Thomas suggested continuing the matter, as the submitted number was higher and the owners were not present to discuss it. Mr. DeMille clarified that the entryways would be the owners' responsibility, while the spine portion of the road would fall to the City, but this had not yet been communicated to Ace. Mr. Fawcett believed the owners were aware they wouldn't receive the full amount refunded. Dayton Hall mentioned that they had reached the point where they could subdivide.

Joseph Prete motioned to approve the reimbursement agreement with Buck's Ace Hardware in the amount of \$102,640.37. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

5. Consideration and possible approval of a proclamation designating September 17 through 23 as Constitution Week - Karen Shuman, Daughters of American Revolution

Mayor Billings read the following summary written by Cindy Beteag that was provided in packet. “The Daughters of the American Revolution honor Constitution Week by requesting the mayors of various cities in Washington County to sign a proclamation. Each August, they present this proclamation to the Council. If approved, it will designate September 17 through 23 as Constitution Week.” Dayton Hall read the proposed proclamation.

David Hirschi motioned to approve the proclamation designating September 17 through September 23 as Constitution Week. Seconded by Joseph Prete. Kevin Thomas stated the sentence before “in witness whereof” doesn’t make sense. He recommended removing “had”. David Hirschi amended his motion to include the recommendation. Seconded by Joseph Prete. Motion carried unanimously.

6. Consideration and possible approval of Ordinance 2024-10 Amending Title 7, Chapter 5, Section 13 regarding the placement of markers at the Hurricane City Cemetery - Kevin Thomas

Mayor Billings read the following summary written by Kevin Thomas that was provided in the packet. “Our ordinance never excluded benches with backs historically. Then about 2 years ago, the parks department wanted to update the ordinance for a variety of reasons because it was very outdated. When they gave the council the updated ordinance, they gave us the full, entire ordinance, on a busy night with a long agenda. A brief summary of the changes that were included was given to the council by both Darren Barney and Dayton Hall. Neither of their summaries included the fact that the new ordinance would forbid benches with backs on them. It was a simple half-sentence that was missed by everyone, except for Darren, who had written that into the ordinance but didn't mention it in his summary of the changes. Not realizing that this was part of the new ordinance, I made the motion to pass the changes requested. Over a year later, it came to my attention that a person wanting to install a bench with a back in it, was told by the cemetery staff that the back was forbidden. The monument company who built the bench said they believed that there had been a mistake because he had built the bench for my son's grave, which had a back on it. The monument company was directed to talk to Kathy Excell who told them that I had made the motion to pass the new ordinance. I had the ordinance put back on the agenda to fix this. During that discussion, there was some disagreement on the part of the council and Joseph Prete made a motion to remove the prohibition of the backs with the provision that it would again become prohibited after a certain time period. His motion passed 3 to 2. That is the way the ordinance is currently written. We now have a new council and I would like to revisit the ordinance to see if we can remove the sunset clause from the ordinance.”

Mr. Thomas proposed removing the restriction that backs on benches aren’t allowed. Darren Barney explained that the original reason for the restriction was due to the increased difficulty in moving headstones with more pieces, which raises the risk of breakage and liability for the City. Without the back, it is easier to move them. He noted that the issue is whether the City wants to take on that additional risk and the extra staff time involved. He also mentioned that other monuments are becoming more complicated with multiple pieces. Mayor Billings observed that benches are being used frequently, and Mr. Barney acknowledged that while they have had to repair a few markers and replace one, the purchase of a mini excavator last year has significantly helped with digging graves and reducing the need to move headstones. Mr. Thomas pointed out that it’s typically the family members of the deceased who use the

benches, and Mr. Barney agreed, noting that benches are becoming increasingly popular in the cemetery. Mr. Thomas added that designing and building a monument is a two-and-a-half-year process.

Kevin Thomas motioned to approve Ordinance 2024-10 amending Title 7, Chapter 5, Section 13 regarding the placement of markers at the Hurricane City Cemetery as written. Seconded by Joseph Prete. Motion carried unanimously.

7. Discussion regarding the cemetery plot rates for resident versus nonresident at the Hurricane City Cemetery - Mayor Billings

Mayor Billings reported that several individuals, originally from Hurricane but now living elsewhere, questioned why they were charged a higher fee for cemetery plots as non-residents. She pointed out that other cities have different fees and provided Washington City's fee schedule as an example. Cindy Beteag mentioned that Hurricane's fees are currently \$550 for residents and \$750 for non-residents. Staff noted that people sometimes choose Hurricane for burial because it is less expensive, though it does not cost the City more for non-residents. Drew Ellerman explained that Washington City's significant fee difference arose because people began choosing it for burial due to lower costs, and space became limited. Clark Fawcett highlighted that residents contribute through taxes, which justifies a lower fee. Kevin Thomas expressed that while he doesn't find the current rates unreasonable, he prefers not to increase them. Joseph Prete inquired about future space availability as the City grows, to which Mr. Fawcett confirmed there are areas for future expansion.

Mayor Billings sought guidance on defining residency. While some individuals own property and grew up in Hurricane but now live elsewhere, Clark Fawcett and Drew Ellerman agreed that residency should be based on current place of residence. The Council decided to maintain the current fee structure but directed staff to investigate if non-residents have purchased a significant number of plots in the past year compared to residents and whether they are buying multiple plots at a time.

8. Consideration and possible approval of Ordinance 2024-11 amending Title 10 Chapter 6 and Chapter 39 regarding subdivisions LUCA24-03. - Gary Cupp

Gary Cupp explained that last year the City adopted changes to the subdivision ordinance as mandated by the State, which required construction drawings to be submitted with the preliminary plat application. The current change proposes reverting this requirement to the final plat submittal. Additionally, updates were made to Chapter 6 regarding the Planning Commission's powers and duties, reflecting that certain matters no longer require Council approval.

Kevin Thomas motioned to approve Ordinance 2024-11 amending Title 10, Chapter 6 and Chapter 39 regarding subdivisions. Seconded by Drew Ellerman. Motion carried unanimously.

9. Consideration and possible approval of Ordinance 2024-12 amending Title 10, Chapter 3, 12, 13, 14, 15, and 16 regarding child care centers, licensed family child care, and residential certificate child care LUCA24-04. - Gary Cupp

Gary Cupp reviewed the following summary that was provided in the packet: “In 2017, the City adopted updated definitions and classifications of child care centers and daycare uses in the Hurricane City Code. It was recently noticed that the use tables in the zoning code were not updated with the corresponding new terminology, but are still showing the old terms. This ordinance will update the land use tables with the terminology adopted in 2017. The tables will be updated to reflect the following terms:

- *Child care center* (currently listed as “Family childcare center”)
- *Licensed family child care* (currently listed as “Family child daycare facility”)
- *Residential certificate child care* (currently listed as “Family child residential certificate care facility”)
- The term "*Family child group daycare facility*" is no longer applicable and is being removed from all use tables.

The Planning Commission heard this item on August 8, 2024, and unanimously recommended that the proposed land use code amendments be approved. Staff recommends that City Council approve the proposed land use code amendments to Title 10, Chapters 3 and 12 through 16, as outlined in the discussion above and as presented in the documents attached to the August 15th, 2024, agenda packet.”

Kevin Thomas motioned to approve Ordinance 2024-12 amending Title 10, Chapters 3 and 12-16 regarding childcare centers, licensed family child care, and residential certificate child care. Seconded by Joseph Prete. Motion carried unanimously.

10. Consideration and possible approval of a power line extension request for Copper Sky Estates - Scott Hughes

Steve Nation mentioned it was brought to his attention that the properties listed in the packet show they are part of Sky Ranch, but they are not. They want to make sure the Council is clear that they are not.

Drew Ellerman stated he doesn't like between a rock and hard place development, but he sees where everyone is. David Hirschi added that there are developers that are only looking out for their own interest. Then they put pressure on the City when they get in between the rock and hard place. He recommended they look out for the City, too.

Drew Ellerman motioned for a limited and preliminary approval to continue exploring the powerline extension for Copper Sky Estates. Seconded by Kevin Thomas. Motion carried unanimously.

11. Consideration and possible approval of a power line extension request for Sand Hollow Mesa Neighborhood 6 - Scott Hughes

Kevin Thomas motioned for a limited and preliminary approval to continue exploring the powerline extension for Sand Hollow Mesa Neighborhood 6. Seconded by Drew Ellerman. Motion carried unanimously.

12. Consideration and possible approval of a power line extension request for Balance of Nature Phase 2B and Phase 3 - Scott Hughes

David Hirschi motioned for a limited and preliminary approval to continue exploring the powerline extension for Balance of Nature Phase 2B and Phase 3. Seconded by Clark Fawcett. Motion carried unanimously.

13. Consideration and possible approval of a power line extension request for Hurricane Paradise - Scott Hughes

Drew Ellerman motioned for a limited and preliminary approval to continue exploring the powerline extension for Hurricane Paradise. Seconded by Kevin Thomas. Fred Resch III mentioned the second access still needs to be determined. Motion carried unanimously.

14. Consideration and possible approval of a power line extension request for Bramall Ridge - Scott Hughes

David Hirschi motioned for a limited and preliminary approval to continue exploring the powerline extension for Bramall Ridge. Seconded by Kevin Thomas. Motion carried unanimously.

15. Mayor, Council, and staff reports

Drew Ellerman mentioned he had a meeting with the beautification committee, and they are trying to change the sign at SR-7 sign for something bigger. They will help with the just serve project on the September 11th.

Mayor Billings announced that the Health Committee will host a mental health awareness clinic on September 9th at 6 p.m. on the splash pad lawn. The event is open to everyone and encourages community participation. She also distributed Copper Rock's magazine, which promotes the City. On September 11th, a Just Serve project will take place. If the Veterans

Memorial is ready, volunteers will assist with laying landscape rock; otherwise, they will work at the Equestrian Park to remove dead grass. The event will feature speakers from the Police, Fire, and Military, followed by a flag ceremony. Mayor Billings addressed an issue with a flag given to the City: the pole was damaged, and it is missing pieces. S&S Steel has offered to repair and weld the flagpole, but it requires engineering certification. The cost for the concrete work is estimated at \$20,000, and replacing the flag every six months would cost around \$3,000. Due to these expenses, the decision has been made to replace the large flag with a monument instead. The Council will review proposed ideas for the monument.

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

Drew Ellerman motioned to go into a closed session to discuss the character, professional competence or physical or mental health of an individual. Seconded by Kevin Thomas. Motion carried unanimously.

David Hirschi motioned to go out of closed session at 9:21 p.m. Seconded by Kevin Thomas. Motion carried unanimously.

David Stirland provided an update on the upcoming Peach Days celebration. The events kick off with a golf tournament at Sky Mountain on Tuesday, followed by a concert in the park on Wednesday. Food vendor spots are fully booked, and there will be rodeo performances on three nights. He thanked the Council for their assistance in securing additional bleachers for the event. He also raised the issue of the easement from the rodeo grounds to 1100 West, which has not yet been secured. This year's festivities will feature live entertainment and two Grand Marshals. He requested improvements to 100 South, which serves as the parade route. David Hirschi confirmed that this improvement has been prioritized. New this year is an international corner behind Tom's old shop. Mr. Stirland expressed his gratitude for the committee's support and emphasized the importance of preserving the area. Mr. Hirschi mentioned that the grass on the northwest lawn is dying, and Mr. Ellerman suggested testing the soil to identify the issue.

Adjournment: David Hirschi motioned to adjourn the meeting at 9:35 p.m. Seconded by Kevin Thomas. Motion carried unanimously.