

Minutes of the Hurricane City Council meeting held on May 1, 2025, 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, and Joseph Prete.

**Members Excused:** Drew Ellerman

**Also Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Public Works Director Mike Vercimak, City Planner Gary Cupp, Assistant Planner Fred Resch III, Power Director Mike Johns, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, Finance Manager Paige Chapman, and Water Superintendent Ken Richins.

## **AGENDA**

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

Fred Resch III stated that the Planning Commission has approved the final site plan for the Coral Cliffs Entertainment Center. He noted that the project was granted a height exemption, allowing the structure to reach 42 feet.

Gary Cupp announced that there will be no Planning Commission meeting next week, as members will be out of town. He noted the Commission is currently working on several code updates. He also mentioned that a local farm has been engaging in agritourism activities that have not been officially approved. While this issue is on tonight's agenda for discussion, he clarified that agritourism is already a permitted use within agricultural zones and outlined which activities fall under that category. Mayor Billings added that another farm has inquired about including vacation rentals on their property under the umbrella of agritourism. However, the Council did not support vacation rentals being considered part of agritourism. Mr. Cupp stated that a violation letter will be sent to the property owner outlining the activities that must be brought into compliance. Mayor Billings requested to review the letter before it is sent so she can be prepared to respond if the property owner contacts her.

Arthur LeBaron reported that the State Street Cleanup took place last week with an excellent turnout of volunteers. Councilman Prete noted that some local businesses contribute significantly to the litter in the area and should be encouraged to take part in keeping it clean. Mr. LeBaron also mentioned that UDOT rejected the City's proposed sign design due to its size, so a revised version is being developed and will be brought to the Council for review. He noted that the 1100 West project is nearing completion and is scheduled to be striped on May 22nd. Both the 100 North project and the Storm Drain Master Plan are progressing well. He informed the Council that UDOT will be conducting a high-accuracy traffic count in the downtown area over the next three months. Lastly, Mr. LeBaron announced that GIS Coordinator Ben Holmes has resigned and will be moving on. He praised Ben's work and expressed gratitude for his contributions. The position is now open, and the City is receiving a strong pool of applicants.

Mike Vercimak introduced the City's new Power Director, Mike Johns, noting that he brings a wealth of experience from his previous role at Rocky Mountain Power. He also reported that the downtown chip seal project has been completed, and the slurry seal work is nearly finished. Additionally, he stated that four more preconstruction meetings have been held since the last City Council meeting.

Mike Johns explained he is in the process of moving from Cedar City. He has worked for Rocky Mountain for the last fifteen years.

Paige Chapman noted that she had emailed the Council a detailed breakdown of the budget the day before and suggested they review it more thoroughly during the budget discussion. She stated that Hurricane is no longer a small town, pointing out that the City is on track to surpass a \$100 million budget next year.

Sel Lovell reported that the City is still working to fill several open positions, including the Streets Superintendent, GIS Coordinator, and Public Relations roles. He also noted that progress continues on the policy manual, with two additional chapters up for approval at tonight's meeting.

Ken Richins mentioned that a directional boring rig working near Walmart last week accidentally broke a 12-inch water line, resulting in a significant water loss. Crews responded quickly and had the line repaired by midnight. Despite the incident, he stated that all ongoing projects are progressing well. He also noted that the Dixie Springs Well project has been awarded, but the selected pump provider has a ten-week lead time. However, they are exploring an alternative provider who may be able to deliver the pump sooner.

Chief Yates reported that the department received a tip from the National Center for Missing and Exploited Children indicating a local resident was downloading child pornography. Thanks to Officer Johnson's specialized training in Internet Crimes Against Children, they were able to obtain and execute a search warrant, resulting in the seizure of numerous electronic devices. An arrest is anticipated as the investigation progresses. Chief Yates noted that this type of crime is becoming increasingly prevalent and is a growing focus of their investigative efforts. He also shared that both officers who recently attended SWAT School successfully passed. Regarding upcoming events, he mentioned that the Ironman competition is scheduled for May 10th, with no changes to the route, and the Hurricane portion is expected to conclude by 11 a.m. Additionally, the department served a search warrant on a local massage spa following multiple tips alleging inappropriate activity beyond standard massage services. An arrest was made during the operation, and further investigation is ongoing.

Larry Palmer stated the City has issued permits for ten single-family homes and three townhomes. Final inspections have been completed for four commercial buildings, three units at Dixie Man Caves, fourteen single-family homes, and seven townhomes.

#### **6:00 p.m. - Call to Order –**

Mayor Billings welcomed everyone and called the meeting to order.

Prayer: Camryn Andra

Thought and Pledge: Mayor Billings

Recognition of the HHS Girls Lacrosse team for winning the regional championship

Coach Oliphant introduced the varsity girl's lacrosse team stating they are 23-0 for the last two years within their region. They were undefeated last year. He congratulated them on a phenomenal two years. He encouraged everyone to come support them in their last game of the year tomorrow. Mayor Billings presented each of the players with a Hurricane City pin and thanked them for representing Hurricane so well.

Declaration of any conflicts of interest

None declared.

### **Public Forum – Comments From Public**

No comments.

Mayor Billings took new business item 1 out of order and addressed it next. These minutes are in the order of the agenda.

### **PUBLIC HEARING**

Dayton Hall explained that the property referenced in the Public Hearing Item 1 was originally gifted by Loren Lowe, prior to selling the surrounding land, with the intent of developing a well site. However, after conducting a test well, the location was found to be unsuitable due to poor water production. As a result, the City engaged with a different landowner and reached an agreement to exchange the original parcel for a more viable well site. This agreement outlines the rationale for the exchange and includes the transfer of both property and necessary easements. Since the transaction involves the disposal of City-owned property, a public hearing is required.

Kevin Thomas motioned to go into a Public Hearing. Seconded by Joseph Prete. Motion carried unanimously.

### **PUBLIC HEARING**

1. Public comment on a potential Real Estate and Easement Exchange Agreement with Urban Investments, LLC, which includes the disposal of City-owned parcel number H-3404-A located south of the Sky Ranch area in exchange for a replacement parcel in the same vicinity

No comments.

2. Public Hearing to take comments on 2025-2026 Preliminary Budget

No comments.

Kevin Thomas motioned to go out of a Public Hearing. Seconded by Clark Fawcett. Motion carried unanimously.

### **OLD BUSINESS**

1. Consideration and possible approval of Ordinance 2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee for Power on Development

Mayor Billings stated that tonight's meeting is a good opportunity to discuss this item further, noting that while there have been ongoing conversations, not all updates have been made yet. She provided the Council with the letter from Southern Utah Home Builders (SUBA) and the responses from ICPE, and added that it is also the Power Director's first week. Mike Johns shared that he has reviewed the original study and found the concerns raised to be very valid. He explained that the study projects a growth of approximately 40 megawatts and detailed how the calculations reduced the proposed impact fee by about 25%. He also presented a map outlining the overall plan and reviewed the proposed projects included in the study. Staci Young from SUBA requested a meeting with the Power Director and thanked the Council for addressing their questions.

Joseph Prete motioned to continue Ordinance 2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee for Power on Development for two weeks. Seconded by Kevin Thomas. Motion carried unanimously.

### **NEW BUSINESS**

1. Consideration and possible approval of waiver of power impact fees for Washington County's Purgatory Expansion

Sheriff Nate Brooksby explained that from 1995 to 1998, the old jail beneath the Fifth District Court provided about forty beds. In 1998, construction began on the Purgatory Jail, which increased capacity to approximately 550 beds. However, due to the need to separate certain inmates, buffer spaces are required to safely house everyone. The jail also has a responsibility to meet inmates' needs, including quarantining those who are ill. He shared that this new project, which has been in the works for about four years, aims to accommodate these special bed requirements, expand office space, and introduce new programming. The Sheriff requested that the City waive power impact fees for this facility. Kaden DeMille added that historically, the City has granted similar waivers for other government agencies.

Kevin Thomas motioned to waive the power impact fees for Washington County's Purgatory Expansion. Seconded by David Hirschi. Motion carried unanimously.

2. Consideration and possible approval of Restaurant-Full Liquor License for Slot Canyon Eatery

Mayor Billings explained this is for the new restaurant that will be going into the old Eagles building. Chief Yates confirmed there are no concerns with staff and clarified that the establishment will be a restaurant not a bar. Clint Hancock explained they have hired an engineer to start on the remodel design.

Kevin Thomas motioned to approve the restaurant-full liquor license for Slot Canyon Eatery. Seconded by Joseph Prete. Motion carried unanimously.

**3. Consideration and possible approval of a Real Estate and Easement Exchange Agreement with Urban Investments, LLC -Dayton Hall**

Mayor Billings stated this is the land exchange for the well site. Councilman Prete confirmed the exchange of land is for the same amount.

Joseph Prete motioned the real estate and easement exchange agreement with Urban Investments. Seconded by Clark Fawcett. Motion carried unanimously.

**4. Discussion regarding the City Civic Center**

Mayor Billings explained that this has been an ongoing project. Last year, an architect laid out a plan for the property, and Zion's Bank proposed a funding strategy involving leasing the land. Additionally, the City's code was updated to permit public facility buildings within the zone. She shared that the Council and Planning Commission developed survey questions that have been distributed to all residents, with QR codes placed around town to encourage participation. The survey will close on May 15th, after which the Council will review and discuss the results during their first meeting in June. Gary Cupp added that there is a dedicated page on the City website explaining the project, along with a QR code for easy access. Councilman Thomas remarked that when the project was first presented, he assumed the workforce housing would comply with the RM-3 density allowance. However, the planned development is denser than he expected. He shared several ideas on social media, explaining that any reductions in units would require compensating revenue elsewhere. He estimated that each housing unit generates approximately \$12,000 in revenue. If the workforce housing were built under RM-3 zoning, the number of units would drop from about 180 to 60, but he believes the City could still cover its costs. He suggested that if the City sold the land currently designated for housing, the proceeds could be used to fund the police station. He also noted that residents prefer zone changes to be made in phases rather than all at once. Therefore, he recommended zoning the area along 1150 West as R1-4, the workforce housing as RM-3, the public buildings and park as public facility, and the remaining land as commercial. Kaden DeMille explained that the financial calculations only cover a 20-year period and believes the City would generate more revenue through leasing the land than from selling it outright. However, he acknowledged that concerns about the housing density are the main issue for residents. Councilman Thomas added that this approach would still allow the City to lease commercial areas with the option for future expansion.

Councilman Prete asked for a clear definition of workforce housing, noting that RM-3 zoning does not necessarily guarantee affordability. Councilman Thomas responded that affordability could be ensured through deed restrictions included in the land sale. Councilman Prete pointed out that reducing the density to around 60 units would result in only about a third of the affordable housing originally proposed. Councilman Fawcett expressed a preference for individual lots rather than multifamily units, but Councilman Thomas cautioned that pricing would likely increase with individual lots. Mr. DeMille acknowledged that the 180-unit figure was surprising to many and was simply the consultants' recommendation based on maximizing the property's potential. He noted that there are many options to consider and that staff needs more specific direction from the Council on which approaches to explore. Councilman Hirschi stated he is not in favor of raising taxes or increasing housing density and requested that staff develop an alternative plan similar to what Councilman Thomas suggested. Mr. DeMille noted that the budget for next year includes funds to begin building a reserve for this project's payment, and that staff will continue to analyze different financing options. Councilman Thomas expressed interest in seeing what development requirements and outcomes would look like if only the RM-3 portion were built. Councilman Fawcett also requested that trails be incorporated throughout the project area.

Mayor Billings presented the community service award to Mac Hall and read a thank you to him for everything that he has done.

Mac Hall stated that at the last meeting there was a strong emphasis on not raising taxes. He expressed that while this development is intended to benefit the entire city, it will have a negative impact on his property. He believes that if the project benefits everyone, it shouldn't impose such a significant burden on the surrounding property owners. He appreciates the Council's willingness to explore alternative options to lessen the impact on nearby residents.

Mayor Billings took new business item 8 out of order and addressed it next. These minutes are in order of the agenda.

**5. Consideration and possible approval of Ordinance 2025-09 creating term limits for elected municipal officers -Mayor Billings**

Mayor Billings asked the Council if this was a code update they were interested in pursuing. She explained that she had submitted a ballot initiative on the matter but did not gather enough signatures before the deadline. Dayton Hall clarified that 11.5% of registered voters needed to sign the initiative for it to qualify for the ballot. Councilman Prete pointed out that if approved through a ballot initiative, removing the measure would also require another ballot initiative. He acknowledged the value of term limits but also recognized the importance of experience, suggesting a balance of three terms instead of two. Councilman Thomas noted that in smaller communities, term limits can make it difficult for locals to continue serving on boards, which often leads to new residents influencing policy changes. Councilman Fawcett expressed that term limits are more of a concern at the national or state level. While he supports term limits,

he questioned how much impact they would have locally. Mayor Billings commented that as Hurricane grows, politicians tend to stay longer in office, and she believes fresh perspectives are important. Councilman Prete responded that municipal elections are held every two years, providing regular opportunities for new candidates. Mayor Billings then read through the proposed ordinance. The Council agreed to take more time to consider the issue before making a decision. Mr. Hall explained that if the ballot initiative had gathered enough signatures, the Council would have had three options: 1) not support it but refer it to the ballot, 2) approve it as an ordinance, or 3) support placing it on the ballot. He added that if the ordinance were approved, it would take effect in January 2026.

Kevin Thomas motioned to table Ordinance 2205-09 creating term limits for elected municipal officers. Seconded by Clark Fawcett. Motion failed with Kevin Thomas and Clark Fawcett voting aye. David Hirschi, Joseph Prete, and Nanette Billings voted nay.

David Hirschi motioned to continue Ordinance 2205-09 creating term limits for elected municipal officers. Seconded by Joseph Prete. Motion carried unanimously.

**6. Consideration and possible adoption of Chapters 4 and 5 of the Hurricane City Employee Policy Manual -Selwin Lovell**

Sel Lovell explained that Chapter 4 addresses the proper use and care of City-owned equipment, including computers, vehicles, and AI tools, outlining employee responsibilities in these areas. He added that Chapter 5 covers the management and maintenance of personnel records.

Joseph Prete motioned to approve the adoption of Chapters 4 and 5 of the Hurricane City Employee Policy Manual. Seconded by Clark Fawcett. Motion carried unanimously.

**7. Consideration and possible approval of Resolution 2025-21 approving the 25-26 Preliminary Budget**

Paige Chapman explained that the preliminary budget reflects the recommendations submitted by each department. She noted that she and Kaden DeMille have not yet had the opportunity to review and provide their own recommendations. The Council scheduled a budget work session for June 5, 2025.

David Hirschi motioned to approve Resolution 2025-21 approving the 25-26 Preliminary Budget. Seconded by Clark Fawcett. Motion carried unanimously.

**8. Consideration and possible approval of Ordinance 2025-08 amending Title 10, Chapters 3, 7, 12, and 14 regarding farm stands; LUCA25-03; Hurricane City, Applicant**



Mayor Billings explained that the item was reviewed by the Planning Commission, which recommended not requiring a minimum lot size. However, staff recommended setting a minimum of five acres. Gary Cupp added that the current ordinance permits farm stands but prohibits the sale of commercially packaged products. The proposed changes would allow these sales through a conditional use permit, subject to specific conditions. He reviewed the criteria that must be met for the conditional use permit to be granted, noting that staff recommends the five-acre minimum because smaller residential lots tend to look more like residential areas than agricultural land. The goal is to avoid having convenience store–style operations in front of every home. Councilman Prete clarified that commercially packaged items and home-processed food products are distinct categories. The proposed changes require that at least 50% of the products sold be produced on the property. He expressed support for promoting farm products but emphasized the importance of preventing misuse and ensuring that only genuine farm-related items are sold.

Jon Garner shared that they operate a farm store on about three acres south of Sand Hollow, and the proposed changes would greatly benefit their ability to distribute products while providing healthier food options to the community. He highlighted that Utah currently produces only about four percent of its food, making it his passion to increase local food production. Mayor Billings pointed out that if a five-acre minimum is required, their farm store would not qualify. Councilman Prete expressed continued discomfort with the 50/50 product ratio requirement, as he is uncertain what constitutes the non-agricultural half. Councilman Fawcett added that someone could own more agricultural land within the City but under the current wording, products grown elsewhere would count toward the commercial portion rather than agriculture. He suggested allowing products grown elsewhere to count as part of the agricultural percentage and asked whether such uses could be prohibited within recorded subdivisions. The Council discussed allowing farm stands on one-acre lots but restricting them from recorded subdivisions. Sherry Tate voiced her support, stating that most farm stands focus on genuine farm products and that this adds value to the community. Gary Cupp agreed but warned that allowing commercial products could lead to abuse in the future. Dayton Hall confirmed the Council's interest in counting products grown in the area as part of the agricultural portion. Mr. Cupp clarified that the intent is to maintain the operation as a farm stand rather than a farm store, with non-local products pushing it toward the latter. Mr. Hall also confirmed the Council's desire to prohibit these uses in recorded subdivisions and consider a minimum acreage requirement of one or two acres. Mr. Cupp confirmed that the percentage requirements would remain unchanged. Councilman Fawcett expressed a preference for allowing farm produce to be sold regardless of where it is grown. Mr. Hall suggested language specifying that the sales area should be primarily devoted to accessory items. Mr. Garner stated that the 50% requirement would work for their operation and expressed support for the proposed ordinance.

Kevin Thomas motioned to continue Ordinance 2025-08 amending Title 10, Chapters 3, 7, 12, and 14 regarding farm stands for two weeks. Motion died for lack of second.



Council made changes to the proposed ordinance by allowing them on a lot that has a minimum of one acre and the area of the structure shall be primarily devoted to the sale of agriculture items. In order to capture all the changes correctly, it was decided that continuing it would be a better solution.

Joseph Prete motioned to continue Ordinance 2025-08 amending Title 10, Chapters 3, 7, 12, and 14 regarding farm stands for two weeks. Seconded by Kevin Thomas. Motion carried unanimously.

9. Consideration and possible approval of amendment to Resolution 2025-22, appointing Michael Johns as the representative to Utah Associated Municipal Power Systems (UAMPS) Board of Directors

Councilman Prete confirmed Mr. Johns had not served on the UAMPS board before, but he had worked with them on other projects. Mayor Billings added that Mike Ramirez and Brian Anderson are alternates on the board, but they are not able to vote.

Joseph Prete motioned to approve Resolution 2025-22 appointing Michael Johns as the representative to Utah Associated Municipal Power Systems (UAMPS) Board of Directors. Seconded by Kevin Thomas. Motion carried unanimously.

10. Mayor, Council, and staff reports  
None.

11. Continued training for municipal officials  
No training was held.

12. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request  
David Hirschi motioned to go into a closed session to discuss the purchase of private property and water. Seconded by Joseph Prete. Motion carried unanimously.

**Adjournment:** Clark Fawcett motioned to adjourn at 9:30 p.m. Seconded by David Hirschi. Motion carried unanimously.