

Minutes of the Hurricane City Council meeting held on July 3, 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, Drew Ellerman, and Joseph Prete.

**Also Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Assistant Public Works Director Weston Walker, City Planner Gary Cupp, Assistant Planner Fred Resch III, Power Director Mike Johns, City Engineer Arthur LeBaron, HR Director Sel Lovell, Recreation Director Tiffani Wright, Water Supervisor Kory Wright, Public Relations Millie Anderson, and City Recorder Cindy Beteag.

## AGENDA

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

Millie Anderson introduced herself as the City's new Public Relations representative and shared that she is becoming acquainted with current processes. She is working to transition the City's newsletter to an electronic format for all residents who have signed up for notifications, replacing the current method of distribution with paper utility bills.

Chief Yates reported that Brittany Wright has transitioned into the Victim Advocate position, where she will support victims of domestic violence and assist with compassionate services. He noted that recent underage alcohol compliance checks at all local stores resulted in no violations. Testing for new officers is scheduled for Tuesday, and the department still has three open positions, including one for a records clerk.

Tiffani Wright reminded everyone of the upcoming 4<sup>th</sup> of July events: the pancake breakfast in the morning, followed by the parade, activities, free swimming at the pool, a softball game, and fireworks at Sand Hollow. She encouraged everyone to attend. She reported that the four-court gym remains on track to open at the end of October. The Lichfield Gym has been booking more events, though open gym attendance has been low, so she has allowed both sides to be reserved on weekends. She asked the Council to inform her if they receive any complaints. She stated they met with the County last week regarding pool funding; while no funding was available for the pool, the County did commit some funding for trails. She announced that *The Prince of Egypt* will be the next theater production, and sign-ups for fall programs open next week. A wage increase has been approved for referees and coaches, and the department plans to implement resident and nonresident rates for sports to help cover the increase. Currently, about 30% of participants are nonresidents. Mayor Billings noted that the fee changes will need Council approval by resolution.

Kory Wright reported that the west well is back in operation. The Dixie Springs wellhead is expected to arrive next week. The Goulds Wash Well is now upright, and drilling is anticipated to begin next week. Work is progressing toward building the Sky Ranch Well, and they are seeking permission to run water to it. He noted that 1300 South is mostly paved, and pipe

installation on 840 West is complete. The crew expects to finish the project within two weeks before moving on to 920 West. Leak season continues to keep the team busy. Earlier today, there was an accident involving a backhoe and a motorcycle on 600 North; the City was not at fault. The employee involved is unharmed, but the motorcyclist was transported by ambulance. Mayor Billings added that the “big, beautiful bill” passed today, making additional funding available.

Sel Lovell reported that he has been focused on filling open positions and initiating training for the City’s new commitment with the Trust. He noted that the training will soon be sent to department heads, who will be responsible for ensuring their crews complete it.

Mike Johns reported that two generators experienced issues but are now back in operation. He added that work is underway on an amendment to the impact fee study to account for upcoming capital projects.

Weston Walker stated that the streets crew has been preparing for the 4th of July and is on track to meet the goals for the new MS4 program. The final step is adopting an ordinance, which should be ready to bring to the Council soon. Storm drain inlet boxes have been painted with “No Dumping” signs. He announced that Hayden Roberts has been hired as the new Streets Superintendent, effective next week, and that Tate Wilkinson will be taking over the locator position, creating multiple new openings. JUC activity has been quieter, but efforts are underway to implement electronic plan approvals, and SWIP will be added to City Inspect. He noted that work on 100 North is progressing, with completion expected in November. The State is also updating ADA ramps at the 300 West intersection. Arthur LeBaron explained that if the road profile is changed by more than  $\frac{1}{2}$  inch, ADA ramps and thermoplastic pavement markings must be redone. Councilman Ellerman also reported a traffic light issue at the intersection, which staff will investigate.

Arthur LeBaron reported that several design projects have been advertised, including the Sand Hollow access off SR-7. He has also been coordinating logistics for the 4th of July. The Frog Hollow Dam project is progressing well and remains on schedule. Work is underway to refine the school zone on 870 West. He noted that they have partnered with LaVerkin on a grant application for the proposed Pah Tempe River Trail, which would extend upriver. They were awarded a grant covering 100% of the feasibility study costs. The District is also involved in the project, as the trail would be located on its property.

Gary Cupp reported that next week’s Planning Commission agenda will be brief. A public hearing has been noticed for a public facility zone change, which has generated significant public feedback. He explained that the application aligns with the Council-approved master plan. He then addressed a situation involving a Dixie Springs resident who built a commercial kitchen in their home to operate a business. When they applied for a City business license, staff could not issue it because they lacked the proper state license. The applicants have since obtained a state-issued commercial kitchen license, but City code does not currently allow commercial kitchens producing non-shelf-stable foods as home-based businesses. If the Council wants to accommodate this use, the code will need to be amended. Mayor Billings

noted that Trent Stagg contacted her after being approached by the owners. Councilman Fawcett expressed concerns about delivery trucks and frequent customer pickups disturbing neighbors. Councilman Hirschi said he is open to considering the change. Mayor Billings directed staff to review the proposal with the Planning Commission, noting that the business would still need to comply with all home-based business regulations, including no on-site employees or customers and meeting parking requirements. Councilman Ellerman cautioned that recent similar requests, such as a home salon, could set a precedent and lead to more exceptions. Dayton Hall clarified that the state classifies the operation as a commercial kitchen because of the salsa's limited shelf life. He suggested having Mr. Cupp provide the Council with a summary of state licensing distinctions and possible code amendment options via email for further consideration.

Fred Resch reported that at the last Planning Commission meeting, three preliminary plats were approved: the next phase of Black Ridge, the final phase of Fire Rock, and Oasis at Red Cliffs. He also noted that violation letters for short-term rentals will be sent out soon.

**6:00 p.m. - Call to Order –**

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Arthur LeBaron

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for May 1, 2025

Clark Fawcett motioned to approve the May 1, 2025, minutes as written. Seconded by Drew Ellerman. Motion carried unanimously.

Recognition of the HHS Girls Soccer Team

Mayor Billings introduced the HHS Girls varsity soccer team. They have worked hard over the last few years. This year they were undefeated at camp. They represent Hurricane with honor, respect, and dignity.

**Public Forum – Comments From Public**

None

**OLD BUSINESS**

1. Consideration and possible approval of Ordinance 2025-12 amending Title 10, Chapter 43 regarding site-built dwelling units in platted RV parks; Land Use Code Amendment No. LUCA25-04; Western CRE-Joby Venuti, Applicant; Rosenberg & Associates, Agent

Mayor Billings explained that this item was previously discussed on June 19<sup>th</sup>, but the applicant requested further consideration. Joby Venuti stated that he is seeking a change from 900-

square-foot stick-built homes to a 900-square-foot footprint, which would allow for larger homes of approximately 1,200 square feet. He noted that the homes already built in the area are of higher quality and explained that he purchased the undeveloped portion, which has been platted since the 1980s. He also requested a maximum height of 25 feet, noting that cottage-style homes would likely be taller than modern-style homes. Councilman Thomas expressed doubt that the homes would exceed 35 feet and questioned whether a height restriction is necessary. Gary Cupp confirmed that the current height limit is 15 feet. Councilman Fawcett pointed out that the height restriction is not formally listed in the ordinance. Dayton Hall clarified that a previous Council had included the height restriction in the approval motion, but it was never codified. Nonetheless, staff has continued enforcing the 15-foot limit in accordance with the original approval.

Kevin Thomas motioned to approve Ordinance 2025-12 amending Title 10, Chapter 43 with max height of 25'. Councilman Ellerman feels this just keeps coming back and the Council makes concessions. This is an RV Park. It is not made for two stories. Councilman Thomas stated that because of the history he thinks the applicant is trying to solve a problem. It makes sense to him. Motion died for lack of second.

Councilman Ellerman noted that the area is zoned for RVs and expressed concern about allowing two-story stick-built homes, though he could see single-story homes fitting in. He stated that the proposed changes do not align with the original plat and expressed frustration that this item continues to return for modifications. Councilman Prete shared similar concerns, citing height, parking, and overall viability, and said he is undecided on how to proceed. Mr. Venuti noted that each home would include two to three parking spaces in the driveway and garage. Mayor Billings added that larger homes could increase parking demands. Councilman Ellerman suggested meeting with the applicant and the Planning Department to explore alternative ideas.

Clark Fawcett motioned to continue Ordinance 2025-12 amending Title 10, Chapter 43 to August 7, 2025 to give the applicant time to meet with Councilman Ellerman and staff. Seconded by Joseph Prete. Motion carried with David Hirschi, Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. Kevin Thomas voted nay.

2. Reconsideration of Ordinance ZC24-06 and PSP24-09, a Zone Change Amendment and a Preliminary Site Plan request located at approximately 5210 W 2250 S from A-5 (Agricultural, one unit per 5 acres) to RR (Recreation Resort) affecting parcel numbers H-4138-A, H-4138-G, and H-4-2-15-112.

Mayor Billings read the following summary that was provided in the packet written by Dayton Hall. "This item is for the rezoning of 3.37 acres to Recreation Resort in Pecan Valley, with the site plan showing 17 Recreation Resort units on the 3.37 acres. It was approved on February 6, 2025, and the City Attorney was authorized to amend the existing development agreement

consistent with the Council's approval. However, the City Attorney and the applicant disagree on the density transfer approved by the Council, so the item is back on the agenda for the Council's reconsideration. This item was added to the agenda after the cutoff deadline, which was approved by three Council members as required by the Council's rules of procedure. A short history of the resort will be helpful to understand the issue. The initial portions of the resort (on the north side) were approved without a development agreement. Unless modified by a site plan or a development agreement, Recreational Resort zoning is allowed densities of 15 units per acre. Based on approved construction drawings and preliminary plats, the number of units in the initial north end of the resort is expected to be 208 units. In 2022, the Council approved rezoning an additional 18.09 acres (on the south side) to a combination of Recreation Resort Zoning and long-term housing within a PDO, and the 2022 approval was conditioned on a development agreement that limited the number of Recreational Resort units to 236. The initial resort area on the north side is not subject to the 2022 development agreement, so the total Recreation Resort units is expected to be a total of 444 (208 on the north side and 236 on the south side under the development agreement). When the Council discussed the requested zone change on February 6, 2025, it was presented as a "transfer" of units from other areas of the resort, so it would not result in an increase in density. Also, the City Attorney was directed to amend the existing development agreement, meaning that the transfer of units would come from the 236 units allowed under the development agreement for the resort area on the south end. Consistent with the Council's approval and the discussion, the City Attorney prepared an amendment to the development agreement that incorporates the 3.37 acres into the Recreation Resort area, but states that all unit counts and caps in the development agreement will remain the same, meaning there is no density increase. The applicant has refused to sign the amendment to the development agreement. The north side of the resort was formerly granted a preliminary plat application for 222 units, but the development has been amended now so that only 208 units are expected. The applicant's request is that the "unused" density on the north side of the resort (14 units) should be available to go towards the additional 17 units planned on the 3.37 acres to be rezoned to Recreation Resort. The applicant argues that the increased density is justified because (1) some units initially separately platted were combined into larger units; (2) some units were removed to accommodate parking needs; and (3) the applicant was required to dedicate portions of planned roadways. In response, City staff note (1) that combining multi-unit buildings into one large building will reduce the unit count but may not reduce the impact; (2) that accommodating parking needs is the obligation of the developer—not the City; and (3) that dedicating planned roadways as part of development does not normally justify an increase in density. The Council has two general options: (1) add the 3.37 acres to the development agreement property as Recreation Resort, but keep the overall cap for the property at 236 units. This option will maintain current approved densities. (2) add the 3.37 acres and the original resort property on the north side to the development agreement and cap the total number of Recreation Resort units at 458 (222+236). This option will result in a net increase of 14 Recreation Resort units. Recommendation: Provide clear direction regarding the permitted densities of Recreation Resort units related to adding the 3.37 acres to the Recreation Resort zoning of the Pecan Valley Project."

Chris Wyler stated that he supports the development agreement but sought clarification, as it indicates that the number of units would not increase. He explained that he had previously informed the Council he would be giving up three and a half acres and asked that this be taken into consideration. He noted that the additional parking included in the plan was not required, and a few units had to be removed to accommodate it. Additionally, five-unit buildings were changed to four-unit buildings in six of the proposed structures, reducing his total by six units. Dayton Hall clarified that there is no development agreement for the first 222 units, which were amended down to 208 units. Mr. Wyler would like to apply the difference from those units toward the three and a half acres rather than reducing units in the area covered by the development agreement. He explained that the applicant and himself could not reach an agreement on the original intent. The options are to either shift units from one phase to another or allow the unused units from the first phase to be applied to this phase, which would provide Mr. Wyler with 14 additional units beyond what he can currently build.

Councilman Ellerman referenced a development in Washington that can be divided into three units or used as one larger unit, but he clarified that in this case, the units are separate and cannot be combined. Councilman Prete confirmed that the original approval included six buildings with five units each, which was later changed to six buildings with four units.

Mr. Wyler added that additional units were removed in Phase 3 to accommodate parking, and the project also gave up three and a half acres along the east side for a bike path. They are purchasing the property to the east for a future connector road. They are currently connected to city water while working to connect to the wells. He expressed a desire to include the 208 units on the north side that were originally approved, noting that this is fewer than what would have been allowed on fifty acres. Dayton Hall confirmed the correct number is 208 units, not 222. He stated that including the three and a half acres should remain consistent with the Council's original approval and suggested combining all units to establish a cap of 444 units. Mr. Wyler confirmed he is agreeable to this approach.

Drew Ellerman motioned to approve reconsideration of Ordinance ZC24-06 and PSP24-09 subject to adding the 3.37 acres and the original resort property on the north side to the development agreement and cap the total number of Recreation Resort units at 444 with breakdown of 208 and 236. Seconded by Clark Fawcett. Motion carried unanimously.

Mayor Billings inquired about the parking lot and access. Dayton Hall explained that when the agreement was initially approved, Councilman Ellerman emphasized finalizing the agreement before vertical construction began. Beyond zoning, other factors are involved. The Fire District is concerned about the number of units served by only one access point and will not approve additional units until a second access is provided. Staff is also cautious about approving public parking with only one access. Mr. Wyler stated that an agreement was reached this week with the other developers but noted that delays on already approved items are causing significant financial stress. He mentioned that the temporary parking currently provides more spaces than

the permanent lot. Mayor Billings explained that the concern is increased traffic due to the parking lot and noted that bonding must be completed before construction of any buildings. Mr. Wyler responded that while traffic may increase initially, the permanent parking lot will replace the temporary one, so it should not create additional traffic. Mr. Hall noted that construction drawings for parking lots and building permits involve multiple entities beyond the City. Weston Walker added that the City wants to safeguard its practices by requiring signatures on three sets of construction drawings. He stated that they are close to an agreement to move forward with development once funds are in escrow. Bonding is already in place for the road, and construction can proceed while design work continues, though a cap may be enforced if completion is delayed. He explained that he has not signed the construction drawings because this issue needed a resolution first.

#### **NEW BUSINESS**

1. Consideration and possible approval of a Proclamation declaring August 3-9, 2025, as Hurricane City Farmers Market Week - Annie Spendlove

Mayor Billings read the following summary provided in packet written by Cindy Beteag. "August 3-9 marks National Farmers Market Week and also coincides with the 5th anniversary of the Hurricane Farmers Market. In recognition of this milestone, representatives from the market have requested that the City Council consider a proclamation declaring August 3-9 as "Hurricane City Farmers Market Week."

Annie Spendlove expressed her appreciation for the City's support and read the proposed proclamation. Councilman Prete asked if additional activities were planned for the week. Mrs. Spendlove shared that they received a sponsorship from Nessie's Sweet and Savory for a foam dance party and are working on other events to celebrate. She noted that weekly surveys at the markets track attendance, origin of visitors, frequency, and spending, and that this market consistently reports higher sales numbers. Councilman Prete commented that Peach Days has lost some of its agricultural focus and suggested that approving the weeklong proclamation could provide an opportunity to incorporate more agricultural activities. Mrs. Spendlove responded that she will try to schedule farm-related events with other local farms during the week.

David Hirschi motioned to approve the Proclamation declaring August 3-9, 2025, as Hurricane City Farmers Market Week. Seconded by Drew Ellerman. Motion carried unanimously.

2. Consideration and possible approval of Ordinance 2025-15 amending Title 10, Chapters 12-17, regarding allowed-use table updates; Land Use Code Amendment No. LUCA25-07; Hurricane City, applicant. -Gary Cupp

Mayor Billings read the following summary provided in the packet written by Gary Cupp. "Planning staff proposes updates to the use tables in Chapters 12 through 17 of Title 10 for the

purpose of updating and standardizing the use tables for the various zoning districts. The use tables listed in the current City Code are inconsistent and differ appreciably among the various zoning districts, which is confusing to the public and presents the possibility for legal challenges to staff decisions and interpretations regarding allowed uses. Key changes in the proposed code update include: Providing the same master list of uses for each zoning district; Allowing self-storage facilities in industrial zones only; and Prohibiting takeoff and landing of aircraft in all zones (hospitals excluded). Planning Commission Meeting - A public hearing on the item was held at the June 26, 2025, planning commission meeting and no public comments or objections were received. The planning commissioners discussed the item and agreed with standardizing the use tables to create consistency in the various zoning districts. The Planning Commission unanimously recommended approval of the proposed code update.”

Gary Cupp explained this is also adding farm stands into the table. It is a basic house cleaning item.

Drew Ellerman motioned to approve Ordinance 2025-15 amending Title 10, Chapters 12-17, regarding allowed-use table updates. Seconded by Joseph Prete. Motion carried unanimously.

3. Consideration and possible approval of Ordinance 2025-16 amending Title 10, Chapter 43 regarding approval authority for site plans for Mobile Home/Recreational Vehicle parks; Land Use Code Amendment No. LUCA25-08; Hurricane City, applicant. -Gary Cupp

Mayor Billings read the following summary provided in the packet written by Gary Cupp. “Planning staff was given direction from the City Council to amend Title 10, Chapter 43, Section 10-43-5 to allow approval of manufactured home and recreational vehicle parks by the Planning Commission. Currently, such developments require approval by the City Council. Manufactured home and recreational vehicle parks are already allowed uses in certain zones by the City Code, and, therefore, do not require a legislative decision by the City Council. Planning Commission Meeting - A public hearing on the item was held at the June 26, 2025, planning commission meeting and no public comments or objections were received. The planning commissioners discussed the item and agreed that site plans for manufactured homes and recreational vehicle parks should be considered and reviewed under the same process as other site plans. The Planning Commission unanimously recommended approval of the proposed code update.”

Councilman Prete noted that he discussed this matter with the City Attorney to understand why the Council has historically maintained oversight. He suggested that it may be due to the complexity and potential issues involved, but ultimately believes the Planning Commissioners are capable of administering it. Councilman Thomas added that the Planning Commissioners have expressed support for this approach.

Joseph Prete motioned to approve Ordinance 2025-16 amending Title 10, Chapter 43 regarding approval authority for site plans for Mobile Home/Recreational Vehicle parks. Seconded by Drew Ellerman. Motion carried unanimously.

**4. Mayor, Council, and staff reports**

Dayton Hall reported that the City has received an Infrastructure Financing District (IFD) application for Kachina Ridge. He explained that an IFD allows the property to be leveraged to obtain better financing, functioning as an assessment to fund the development. Unlike a PID, the Council does not approve an IFD. However, the City is responsible for enforcing the district and the owners cannot extend the debt beyond the issuance of the certificate of occupancy.

Mayor Billings shared that she can confirm the commercial store previously discussed at the economic development meeting is similar to Bass Pro Shop. They are planning a meeting to review bids for economic development consulting. She noted that St. George offered incentives for Costco to build a second location there instead of Washington. Councilman Hirschi commented that this is an excellent location for this type of development. Mayor Billings added that the next step is to obtain consultant bids and determine whether to move forward with hiring them.

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

A closed meeting was not held.

**Adjournment:** Joseph Prete motioned to adjourn at 7:35 p.m. Seconded by David Hirschi. Motion carried unanimously.