

Minutes of the Hurricane City Council meeting held on August 7, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3:30 p.m.

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

**Members Excused:** David Hirschi and Drew Ellerman

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

## **AGENDA**

### **3:30 p.m. Work Meeting with the County Commissioners**

Present: Commissioner Victor Iverson, Commissioner Gil Almquist, Commissioner Adam Snow, Scott Messel, Nichole Felshaw, Attorney Devin Snow. Millie Anderson, Cindy Beteag, Joe Decker, Dayton Hall, Fred Resch III, Kaden DeMille, Gary Cupp, Arthur LeBaron, Mike Vercimak, and Weston Walker.

Commissioner Iverson opened the discussion by explaining that Paul Hill was unable to attend the meeting, so he would present the request outlined in the letter included on the agenda. He explained that the proposal is to construct a Desert Research Center near the DMV and that they are seeking a letter of support from the City. He noted that while Utah State is the designated land grant university, many grant opportunities are currently being left untapped. Establishing the center would create opportunities for the University to invest in local research. The plan is to approach the Legislature to request an appropriation for the building, and once funding is secured, they would return to the City Council to request a waiver of impact fees. Mayor Billings pointed out that the email specifically requested a waiver of impact fees but noted that the current Council cannot commit future councils to that request.

Commissioner Iverson stated that Councilman Kevin Thomas had reached out to discuss the Fire District, and he felt it would be more productive to bring everyone together for the conversation. He explained that when the cities originally came together, they asked the County to form a Special Service District, which at the time had the authority to approve tax increases. However, state law has since changed, requiring that only the legislative body that created the District can approve such increases. He acknowledged Hurricane City's concern that it does not have adequate representation on the Board. Commissioner Iverson noted that a tax increase has been anticipated for more than five years and added that the City has the option to form its own fire department if desired. Mayor Billings confirmed that the City would need County approval to withdraw from the District. She also read comments from Commissioner

Hirschi, who expressed interest in having additional representation on both the sewer and fire boards and stated his opposition to the recent tax increase.

Councilman Thomas stated that his primary concern is representation, noting that smaller communities should not have the same number of votes as the largest city in the district. He also raised concerns about the budget, explaining that the City regularly makes cuts to balance its finances rather than turning to citizens to cover shortfalls. Chief Joe Decker responded that the Fire District has already made significant cuts and is currently operating at the bare minimum. The only remaining option would be to reduce staff. He explained that a property tax increase was necessary last year because funding had been depleted. While efforts are being made to scale back the budget, they are also working to maintain service levels. Councilman Thomas clarified that the property tax increase is not like a general obligation bond; instead, it is a consistent tax that remains at the same rate. Councilman Fawcett further explained that the tax rate is calculated based on assessed property values each year, and once the rate is set, it applies to new growth. Mayor Billings noted that the budget report she previously received did not reflect the increase that occurred later in the year, resulting in an inaccurate picture of available funds. Because the same incomplete information was also provided to the public, it created a perception that they were being misled. She highlighted the need for an additional fire station on 3000 South and stated that new development should bear the cost. Chief Decker added that as all the surrounding communities continue to sprawl outward, the expense of providing adequate fire service only increases.

Commissioner Almquist stated that he would prefer a tax increase over higher insurance rates. Chief Decker explained that the challenge comes from areas that have sprawled outward from the community, which impacts fire protection ratings. Those ratings, in turn, affect insurance costs and in some cases result in residents losing coverage altogether. He added that the cost of buildings and equipment has continued to rise, and the District is already operating at the minimum level required. Mayor Billings noted that the Commissioners are the taxing entity and asked the Council if they believed the City should have greater representation on the board. Commissioner Almquist questioned whether they should follow a legislative model or a senate model for representation. Commissioner Iverson stated that when Hurricane rejoined the District after Springdale and Rockville joined, the City did not regain its second seat. He said he has spoken with the District's attorney about possible options but does not believe the County can force changes to the Board's structure. Mayor Billings observed that the Board itself does not want Hurricane to have additional representation. Washington County Attorney Devin Snow suggested that one option could be adding a bylaw requiring a supermajority vote for budget matters. Commissioner Snow asked whether that decision would rest with the Commission or the Board. Mr. Snow clarified that either body could approve it. Mayor Billings added that she had attempted to involve city managers in the budget process, but the Board rejected the idea. Mr. Snow concluded by stating that while the Commission establishes the District, the Board is responsible for regulating it.

Chief Decker stated when the District was created, the purpose of the Board was to represent the whole district, not just the one community that each person is from. However, the

representatives have to show up. Hurricane's representative has only been to two meetings this year. He pointed out the Fire District has come to every staff and council meeting for Hurricane. They are making the effort to be present. Councilman Fawcett stated he was part of the budget process last year. He didn't feel like he got the information that he needed. It was lacking. The City needs to receive the budget. He can only verify things if he is able to see the budget. He stated the District also hired people that weren't part of the budget when he was told those positions weren't going to be filled. Chief Decker explained they were not adding positions but filling the ones that were open. Councilman Fawcett stated he couldn't fully support the increase because he didn't have enough information. He questioned if there would be an increase every time a station is built. He stated they need to set aside money for future buildings so that doesn't happen. Chief Decker stated they are still trying to do a sales tax. What they have done has got them even. They plan to pay for stations and new equipment with impact fees. They are currently doing an impact fee study. He wants to be a partner. Mayor Billings feels like they are a good partner, but she thinks the disconnect is no one wanted the tax increase. She appreciates the work they do. Commissioner Almquist stated they are trying to find what is just right. Hurricane is growing like crazy, so funds are always short. Councilman Fawcett stated he would feel better, and citizens would like it more if we had more representation on the Board. Commissioner Iverson agreed the budget wasn't very easy to read in the beginning, but he feels that Chief Decker and Mayor Hoster have made it better. He can appreciate why the City doesn't feel like they have the representation that they should. Mayor Billings stated she appreciates everything the District is doing. She stated the only issue is that no one wants a large tax increase. Chief Decker agreed they shouldn't have got to that large of an increase at once but that didn't happen.

Dayton Hall stated that a resolution currently identifies the board members, and that resolution could be amended to address how budget items are voted on. Devan Snow agreed, noting that the County could either amend the existing resolution or adopt a new one. Commissioner Snow questioned whether the County has the authority to make such changes and risk upsetting the smaller communities that may oppose it. Devan Snow confirmed that the County does have that authority, though he acknowledged it could create tension among the communities. Commissioner Iverson suggested having the legal teams prepare options to present to the Board. Commissioner Adams noted that while changes could be made, they might lead to widespread frustration and even prompt some communities to consider leaving the District. Councilman Thomas asked for clarification on who determines the amount if a sales tax is approved. Chief Decker explained that the proposal allows for up to a 1% sales tax, but they missed last year's deadline. As written, the new EMS tax would give the legislative body authority to impose up to one-third of a percent, while anything higher would require voter approval. He also noted that the property tax increase was approved with a provision to remove it if the sales tax is implemented. Commissioner Snow clarified that while the Commission holds final authority, the Board manages day-to-day operations. Commissioner Iverson expressed concern that 1% is too high and stated that one-third of a percent would be more reasonable, adding that care must be taken to avoid a sales tax rate that drives people to

shop elsewhere. Mayor Billings noted that even if a sales tax is approved, a truth-in-taxation should be completed.

Mayor Billings stated she also wanted to talk about RAP Tax. She asked the Commissioners if they were thinking about changing the formulas. She explained the City is planning on using these funds for the indoor pool, so they wanted to make sure they planned correctly. Devan Snow stated it is staying the same, but the County is collecting the administrative fee. Councilman Fawcett stated it has been wonderful and very helpful. Commissioner Almquist stated the Commissioners are doing things behind the scenes to keep the economy thriving. Commissioner Iverson stated he knows the City is doing a lot of good things with their theater and recreation programs. Mayor Billings stated the next topic that she wants to discuss is economic development. She stated Hurricane needs their help with moving the flyovers on SR-9 up on the priority list. She asked them to talk to the legislators. This can't wait. We are almost to failure. She asked for their help to encourage this need. Commissioners agreed. Mayor Billings asked if they are considering changing their board to five commissioners. Commissioner Adams stated no. It would cost too much and the other counties that have changed have not operated better. It is a full-time job that needs attention. Commissioner Almquist added that they thought that time might come so the new building can accommodate that if it changes in the future.

Commissioners were excused at 5:00 p.m.

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

Mayor Billings presented a St. George flyer on water usage that Hurricane's utility office has been distributing. She requested that the flyer be updated with Hurricane-specific information before being redistributed. She also introduced Utah Brown's field program, explaining its purpose and the funding opportunities available. Mayor Billings further announced that two long-time employees will soon be retiring: Merlin Spendlove, who has served with the Fire District for thirty-seven years, and Kent Abegglen, the City's Golf Pro.

Chief Yates reported that it has been a busy month, with numerous storage unit burglaries investigated. A recent search warrant uncovered a large amount of stolen property, as well as individuals living inside the units. Items recovered included drugs, stolen firearms, bicycles, and coins valued at over \$3,000. He noted that the K9 officer will be attending POST training this week. With school beginning on Monday, there will be an increased police presence to assist with traffic and safety as students and staff adjust. The Department will also be participating in the "Shop with a Cop" back-to-school shopping event this week. He stated Officer Tanner Pike will be the new traffic officer, assigned specifically to address traffic concerns. He also announced that Officer Chad Holt will be retiring at the end of the month, and that testing for new officers will take place on Wednesday.

Kory Wright stated that the department is busy addressing leaks during the peak season. He stated that the Dixie Springs Well is nearing completion and that the Sky Ranch Tank has been

excavated to the bottom and is ready for pipeline construction. He also noted that permission has been granted to run the line for the Sky Ranch Well.

Larry Palmer compared building permit numbers for the first six months of 2024 and 2025. He reported that single-family home permits increased from 130 last year to 195 this year. Townhome permits rose from 60 to 70, and condominium units increased slightly from 24 to 26. Commercial permits decreased from 35 last year to 13 this year, while there was one apartment building approved this year, comprising 16 units. Total valuation for permits was just under \$67 million in 2024 and just under \$72 million in 2025.

Sel Lovell stated they have still been working on the employee manual that will come to the Council soon.

Mike Vercimak announced that Dave Zundel is the new airport manager. A military retiree, Mr. Zundel is expected to be a valuable asset to the airport. He also stated that construction for the AWOS project is scheduled to begin in mid-October. The locator position has been filled by Tate Wilkinson. He noted that Balance of Nature is nearing the point of calling for a punch list on three roadways. Since the last council meeting, six preconstruction meetings have been held.

Weston Walker reported that the streets crews have been relocating the crosswalks on 870 West to prepare for school next week, and all crosswalks have been repainted. He also noted a new traffic pattern on 200 West, which now has a four-way stop. Although the change has generated discussion, warning signs have been posted to notify citizens. He stated that the 100 North project is nearing completion and that there is another traffic pattern change on Main Street. The irrigation project on 920 West is still ongoing. He added that the streets department has filled the supervisor position with Darin Wolsleger, who will begin next week.

Mike Johns reported that a generator went down, but they were able to relocate another unit to maintain operation of the natural gas generators. He stated that the contract for AMI meters has been signed, allowing the project to move into its next phase. The capital facilities plan is currently under review, and the new impact fee is set to go into effect next week. He also noted that the UAMPS conference will take place in two weeks at Lake Tahoe.

Arthur LeBaron reported that he is working on consultant selection for three road projects and the second access at Sand Hollow State Park. He noted that UDOT staff is exploring interim solutions for the 3400 and 3700 West intersections, which may help alleviate congestion. The PID project at Sand Hollow will construct a south leg of 3700 West with sufficient width to accommodate a turn lane. He also met with UDOT staff regarding the travel demand model for downtown. UDOT is reviewing other options and the City's master plan to identify potential changes to traffic patterns. He stated the Rainbow Canyon HOA requested that the City take over their streets. He explained that the streets are only thirty-two feet wide with no sidewalks and cannot be widened due to existing home setbacks. He told the HOA that the City would not take over the streets but offered them the option to present their request to the Council, noting he did not expect it to be approved. Council agreed with his assessment. He stated that the crosswalk relocations have been an improvement and should be beneficial. Push-button

signals will be relocated to 700 West at 300 North. He also met with the Goulds Wash EIS group, noting that the process is wrapping up, with a public comment period and a meeting scheduled for October 22 at 6 p.m. at the Community Center. Some easements will need to be acquired, but the regulated floodplain footprint will be smaller. Finally, he noted that Peach Days are approaching quickly, and staff is preparing for the event.

Tiffani Wright stated that *The Prince of Egypt* has started at the theater, and *Frozen* has been approved for this time next year. *Seven Brides for Seven Brothers* is scheduled for the spring. She noted that this is the last weekend for the summer pool season; fall swim sessions will follow, after which the pool will be open only on weekends. The City plans to go out to bid in October for construction, though work will not start until January. The gym project is expected to be completed by November, but January is a more likely timeline. She stated that several volleyball clubs are interested in using the gym space on weekends and asked whether club rates should match the hourly rental rate. Mayor Billings stated she would like the City to host tournaments. Mrs. Wright noted that the next budget includes a position to operate the gyms, which could help coordinate those events. Kaden DeMille cautioned against booking the gyms every weekend to ensure residents still have access. Councilman Prete requested further discussion on rates. Mayor Billings asked that this be added as a discussion item on the next agenda. Mrs. Wright also attended the Peach Days meeting, where attendees requested expanding the Molly's Nipple trailhead to provide more parking for the Equestrian Park. Arthur LeBaron opposed that expansion, citing prior commitments to the Canyons subdivision regarding the park's size. Mayor Billings highlighted the need to move forward with a second access through BLM land. Mrs. Wright added that additional seating will be brought in for the rodeo. She concluded by noting that fall programs start next week and that the recent rate changes for resident and nonresident registration have not caused any issues.

Gay Cupp stated the Planning Commission has a large agenda next week due to lack of meetings in July. There will be several items coming to Council.

Fred Resch III reported that he has not had time to address code enforcement issues due to the large Planning Commission agenda but plans to work on them after the packet is distributed. He stated that the Beautification Committee met and is exploring options to improve bus stop areas. He noted that the Planning Commission approved a preliminary plat for a portion of the SkyRim project, which includes 132 townhome units. Additionally, the final site plan for Calvary Chapel was approved, and construction is expected to begin as soon as possible. He added that the moderate-income housing plan has been submitted to the State, and he is confident that the City is in compliance.

#### **6:00 p.m. - Call to Order –**

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge was led by Councilman Fawcett.

Declaration of any conflicts of interest



None declared.

Minutes of the Regular City Council Meeting for May 15, 2025, June 5, 2025, June 19, 2025, and Special Meeting June 24, 2025

Kevin Thomas motioned to approve the May 15, 2025, June 5, 2025, June 19, 2025, and Special Meeting June 24, 2025, minutes as written. Seconded by Clark Fawcett. Motion carried unanimously.

Mayor Billings announced that the Hurricane High School boys football team will be running to the “H” tomorrow, followed by a breakfast on the visitor’s side near the bleachers. This year marks the 100-year anniversary of the “H,” with the theme *Loyal to the Soil*. She reminded the Council that they will ride on a float in the Peach Days parade on Saturday morning and that on Friday night, they will present the Mayor’s Awards. She reported that the pickleball courts will go out to bid after Peach Days. The State has indicated that there is insufficient data on the reliable yield of the aquifer, so additional studies are planned. The City has applied for a line extension grant to support economic development on SR-7 utilities. NRCS is still working on funding for the water projects. She handed out a flyer from Liberty Village highlighting events during Constitution Week. Mayor Billings recognized several upcoming retirements: Merlin Spendlove from the Fire District, Officer Chad Holt after twenty years of service, and Golf Pro Kent Abegglen. She noted that there will be a pancake breakfast at the Fire District in celebration of 911. She then highlighted the “One Kind Day Act” for juvenile justice youth services, including a mural unveiling event on August 26 from 11:30 a.m. to 1:30 p.m. by the DMV. Flyers promoting conversations with youth about issues such as underage drinking are being prepared for recreational areas, with a group of citizens coordinating placement. She also mentioned the “Hey Put It Down” campaign against texting and driving and asked the Council if they would like to support the initiative.

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

Jody Knowleden stated that he is new to the area and has applied for multiple positions within the City but has only received one interview. He expressed concern that he is being overlooked despite having more experience than the positions require and feels he may be facing age discrimination. He noted that each time he applies, he receives a notice that the position has been filled, only to see it reposted later. He also stated that the wages offered do not reflect his experience, and he is qualified to operate any of the City’s equipment. He reiterated that he has significantly more experience than required, is continually passed over, and believes the offered wages are insufficient. He noted that he is a resident who wants to work and urged that the situation be addressed.

Adelin Hirschi explained that she received notice that her residential hosting license could not be renewed next year due to zoning restrictions. She acknowledged that the City’s primary concern is density but noted that there have been no nuisance complaints and that sufficient

parking is available. She requested that the City consider allowing this use within their zoning, emphasizing that she has complied with all regulations. She expressed concern about the financial impact of the denial, noting that the listing for her house stated it was a permitted use when she purchased the home and that a license had previously been issued. She hopes to have the opportunity to renew the license in the future.

Dan Zaleski stated that he lives on 100 North, which has been under construction for six months. He recently learned that a stop sign will be installed on Main Street, which was not there previously, and he is concerned it will alter traffic patterns. He noted that parking is limited on 100 North, most homes have little or no parking, and speeding is an ongoing issue. He expressed concern that moving the stop sign will turn 100 North into a through street, making it difficult for residents to safely exit their properties. He requested that a four-way stop be installed at Main and 100 North and that a new traffic pattern sign be placed on Main Street. He also mentioned that stop signs on 100 North and 100 West have not yet been adjusted, and the northbound sign on 100 West is obscured by the bulb-out. Mayor Billings explained that stop signs are installed based on traffic studies and noted that the situation can be reviewed and adjusted as needed once construction on the roads is completed.

Jonathan Zieber, a resident of Painted Sands and neighbor to the previously mentioned residential hosting license, stated that the license was issued in error by City staff, as the use is not permitted in that zone. He noted that the City decided to allow the license to continue until next year to give the business time to wind down and acknowledged that the situation was not entirely the licensee's fault, citing incorrect information from the realtor and builders. He expressed concerns about the number of complaints related to short-term rentals and asked whether the City could educate realtors or perform spot checks on all licenses issued in recent years to ensure no other incorrect licenses were issued. He noted that he does not want to be kept awake at night by visitors.

## **OLD BUSINESS**

- ~~1. Consideration and possible approval of Zone Change Amendment Ordinance ZC25-11, a request for a zone change located at 2400 W and Liberty Way from Light Industrial (M-1) to Single Family Residential (R1-10/PDO) and to update the overall PDO for the Balance of Nature Gardens property; Parcel Number H 3373-NP-BL; Douglas Howard, Owner; EPS Group, Inc., Agent~~ **APPLICANT WITHDREW APPLICATION**

Clark Fawcett motioned to table the Zone Change Amendment Ordinance ZC25-11 a request for a zone change located at 2400 W and Liberty Way. Seconded by Kevin Thomas. Motion carried unanimously.

2. 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 Councilman Ellerman and staff met with the applicant; however, since Councilman Ellerman is not present, the applicant requested that the item be tabled until he's in attendance.

Kevin Thomas motioned to table Ordinance 2025-12 amending Title 10, Chapter 43 until the applicant requests it to be back on the agenda. Seconded by Joseph Prete. Motion carried unanimously.

## NEW BUSINESS

- ~~1. Consideration and possible approval of Zone Change Amendment Ordinance No. ZC25-07, a proposed zone change for portions of the future Hurricane Civic Center property, located between the current city offices and 1150 W, from Single Family Residential R1-10 and Public Facility to Single Family Residential R1-4, Public Facility, and General Commercial; Parcel Numbers H 3 1 34 4210, H 3 1 34 4320, H 3 1 34 4331, H 3 1 34 4332; Hurricane City, Applicant. Gary Cupp~~ **APPLICANT REQUESTED ITEM TO BE MOVED TO THE AUGUST 21ST AGENDA**

Mayor Billings explained that two council members are absent, and since full attendance is needed for the discussion, she requested that the item be continued to a future meeting.

Clark Fawcett motioned to continue the Zone Change Amendment Ordinance ZC25-07 a proposed zone change for portions of the future Hurricane Civic Center property to the August 21<sup>st</sup> agenda. Seconded by Kevin Thomas. Motion carried unanimously.

2. Consideration and possible approval of local consent for a beer garden for Trail Hero - Rich Klein

Rich Klein stated that this year will mark the tenth anniversary of Trail Hero. He noted that beer has been sold at the event in previous years without any issues. The primary change this year is that the event will be moved to the fairgrounds, providing a safer environment. Trail Hero is a five-day guided trail ride, and the funds raised—typically \$80,000 to \$120,000 annually—are donated to local non-profits. He highlighted his support for public land use and stated that the new location will offer a great venue for the event. Mayor Billings noted that the new access to Sand Hollow has been approved and is progressing. Chief Yates stated that staff have no concerns with issuing local consent. Mr. Klein added that the beer garden will have a larger footprint than in previous years but will operate similarly to the fair's setup.

Joseph Prete motioned to approve the local consent for a beer garden for Trail Hero. Seconded by Kevin Thomas. Motion carried unanimously.

**3. Consideration and possible approval of a letter of support for USU Desert Resource Center and Washington County - Paul Hill**

Mayor Billings explained that the Council is being asked to support the construction of a Utah State University (USU) Center at the fairgrounds, which will serve as an expansion of the Utah State Extension Office. She noted that when the request was first made, there had been discussion about waiving future impact fees, which is why the item appeared on the agenda. Dayton Hall clarified that while the applicants had requested a commitment to waive future impact fees, the current Council cannot commit a future Council to a legislative act. Councilman Prete confirmed that the immediate request is simply for a letter of support to assist in applying for grants.

Joseph Prete motioned to approve a letter of support that does not include committing to waive the impact fees for the USU Desert Resource Center. Seconded by Clark Fawcett. Motion carried unanimously.

**4. Consideration and possible approval of a Reimbursement Agreement for Cole West Cielo Subdivision repaving of Foothills Drive - Arthur LeBaron**

Arthur LeBaron explained that there is a gravel pit on State Trust Lands leased to Sunroc, where aggregate materials are mined and transported to other plants. The road used for transport has deteriorated significantly. The City recently received an application to build at this location, and during plan review, it was noted that the road's poor condition was due to the mining operations. The prospective buyer, Cole West, did not initially feel responsible for repairing the road. Staff met with the current owner and determined that, since Foothills Canyon Drive is a dedicated City road, the City has no recourse with State Trust Lands or Sunroc to require repairs. After discussions with Cole West, both the City and the buyer agreed that a good road benefits new development. Cole West has volunteered to front the cost of reconstruction, with the City agreeing to reimburse any amount over \$250,000. The City will oversee the design and construction, with the total estimated cost around \$600,000. Councilman Prete noted that the road is not currently on the City's priority list and would likely not be repaved for several years if Cole West did not fund the work. Mr. LeBaron clarified that the road will be fully repaved, not chip-sealed. Councilman Prete asked if the City could have acted differently when the mining lease was approved. Mr. LeBaron acknowledged that it could have. Mayor Billings inquired about Sunroc contributing to material costs. Mr. LeBaron responded that staff has considered the road's future, noting that mining operations will be replaced by the new development. Truck access points will be relocated, and future improvements have been factored into the agreement.

Joseph Prete motioned to approve the Reimbursement Agreement for Cole West Cielo Subdivision. Seconded by Kevin Thomas. Motion carried unanimously.

5. Discussion to consider a possible Land Use Code Update to the Home Based Business Ordinance to allow commercial kitchens in residential zones

Harry and Summer Altena explained that they built a commercial kitchen in their home. They stated that they asked staff if the use was allowed and have now spent over \$50,000 on construction. When they applied for a business license, they were informed it could not be approved. Mrs. Altena noted that a letter from the State indicated a commercial kitchen could potentially be allowed in a home if approved. They sought City guidance and were advised to obtain approval from the Fire District and Ash Creek, which they did. They also confirmed with the City that the kitchen was allowed, and the State inspected and approved it. However, the business license was ultimately denied because commercial kitchens are not permitted in residential zones. She added that a cottage license is not applicable for products such as salsa. Mayor Billings stated that Trent Staggs with the State contacted her regarding assistance to resolve the issue. She referred the matter to the Planning Commission to explore whether the City code could be updated to allow this type of business. Gary Cupp clarified that the matter has not yet been presented to the Planning Commission and that this discussion is intended to determine if the Council wants to explore permitting commercial kitchens in homes. He noted there may have been miscommunication between staff and the applicants. He reviewed the difference between a cottage kitchen and a commercial kitchen, explaining that the home-based business ordinance allows a cottage kitchen but not a commercial kitchen. Salsa does not qualify under the cottage license, and a commercial license would be required, which the City ordinance currently prohibits in residential zones. He added that a commercial license from the State would allow production of any product, potentially creating nuisances in a residential area.

Mayor Billings asked what the City would need to do to allow the Altenas' business. Gary Cupp explained that it would require a land use code update to permit a commercial kitchen in a residential zone, but cautioned that such a change could allow broader commercial production in neighborhoods. Mayor Billings asked whether restrictions could be added to prevent restaurants from being operated in a home. Mr. Altena noted that the business would still be subject to home-based business regulations. Mrs. Altena added that their current setup works, but it may not work for everyone. Mayor Billings explained that if the City allows it for one resident, it must be allowed for all if they meet the requirements. Mr. Cupp stated he could explore restrictions in the ordinance but cautioned that permitting this use could open the door to other problems. Councilman Thomas suggested considering a conditional use permit for this type of business. Councilman Fawcett raised concerns about potential waste or odor issues and recommended narrowing permitted uses to minimize nuisances and protect neighborhoods. Mr. Cupp noted that the Council would need to consider broader implications beyond chips and salsa to prevent future problems. Councilman Prete expressed concern about changing the ordinance, citing potential issues such as grease traps, sprinkler systems, and odors, and felt it would be too problematic to allow in residential areas. Councilman Thomas added that he does

not want to send the matter to the Planning Commission yet and prefers to explore other options first.

Kevin Thomas motioned to continue the Land Use Code Update discussion regarding Home Based Businesses to the next meeting as a discussion and possible recommendation. Seconded by Joseph Prete. Motion carried unanimously.

**6. Consideration and possible approval of an amendment to the Kachina Ridge Development Agreement - Kent Stephens**

Mayor Billings read the following summary that was provided in the packet written by Dayton Hall. “This item is a request by HS Properties, LLC to adjust and extend the termination date within the Kachina Ridge Development Agreement. The subject property is 75.9 acres on the Hurricane Hill north of Highway 59. The Agreement was approved by the Council on December 3, 2021, in conjunction with a zone change rezoning the property to Planned Commercial. In addition to the standard requirements that the developer bring utilities to the property, the Agreement requires that the developer design and construct intersection improvements on SR-59 to UDOT standards, including over/underpass, traffic signals, turn lanes, and other right-of-way improvements. The Agreement also states that the City Council has the option to terminate the Agreement if the final plat for the property has not been recorded by December 3, 2028. The developer has been working with UDOT to complete a design for the highway interchange, but the process has been moving slowly and has suffered some setbacks. The developer’s request is that the Agreement be amended to give the Council the option to terminate if a preliminary plat has not been approved by the City by December 3, 2028, instead of requiring the recording of a final plat before the termination option is available. This amendment would avoid the potential situation where a preliminary plat has been approved and construction has started on the development, but the final plat is not recorded by the deadline, giving the Council the contractual ability to terminate the Agreement mid-development.”

Mayor Billings explained that UDOT has changed the project scope from two lanes to four lanes, which has extended the design timeline. Kent Stephens added that they have been working with UDOT for years through regional planning and multiple traffic studies. He noted that UDOT’s long-term plan changed during this process. All work related to the development that they can complete has been done, and they now require UDOT approvals to move forward. He stated that UDOT’s slower pace has caused delays beyond their control. Mayor Billings expressed appreciation that Mr. Stephens brought the matter forward before the deadline for discussion. Dayton Hall noted that amending the development agreement would be the cleanest way for the Council to proceed if they choose to move forward. Councilman Fawcett confirmed that staff has no concerns with extending the timeline. Councilman Thomas expressed concern about constructing a large ramp if there are existing problems at the bottom of the hill. Mayor Billings clarified that the applicant’s responsibility is limited to the

interchange, and UDOT must address issues at the bottom of the hill. Councilman Thomas agreed that the applicant should not be shut down after receiving preliminary plat approval. Councilman Prete noted that when the Council originally approved the zone change, he likely voted against it due to infrastructure, traffic, and access concerns. He noted that a large development could exacerbate traffic issues at the bottom of the hill and expressed reluctance to allow the project to continue unchecked. He also noted that changes in State plat review limit the Council's oversight. Councilman Fawcett agreed that any concerns should be addressed first.

Clark Fawcett motioned to approve amending the Kachina Ridge Development Agreement to extend it to preliminary plat instead of final plat. Motion died for lack of second.

Kevin Thomas motioned to continue amending the Kachina Ridge Development Agreement to the next meeting. Seconded by Joseph Prete. Kevin Thomas and Joseph Prete voted aye. Clark Fawcett stated there needs to be more direction before it moves to the next meeting and voted nay. Motion died.

Councilman Prete stated that he would like the preliminary plat to come before the Council rather than the Planning Commission. Dayton Hall explained that this could be incorporated into the development agreement if the applicant agrees. Councilman Fawcett noted that while he understands Councilman Prete's concerns about a previous decision, the underlying zoning remains in place even if the development agreement expires. Mr. Hall clarified that if no final plat is approved, the Council has discretion to terminate the agreement, in which case the property would revert to its previous zoning.

Clark Fawcett motioned to continue amending the Kachina Ridge Development Agreement for two weeks, subject to the proposed language being sent out to the Council in advance for review. Seconded by Joseph Prete. Motion carried unanimously.

Kevin Thomas motioned to go into a public hearing at 7:57 p.m. Seconded by Joseph Prete. Motion carried unanimously.

**7. Public Hearing to take comments on the following:**

- a. A request to vacate a portion of Flora Tech Road

Mayor Billings read the following two statements that were submitted online.

"I feel that we really need to keep this road opened. It's always been a favorite. Some people are always in a hurry and drive too fast. Since the new road has been opened the traffic. On Flora Tech is a lot more quite but still very convenient to take. Hope they will reconsider keeping it opened." – Pearl Adolphson

“Due to family situations, I probably will be unable to attend. I have spoken with Brent Moser and Arthur LeBaron previously about our sign. I assume it will need to be relocated due to the impending construction and directional info on sign will need to be updated. I request assistance from developer and the City to accomplish this. Could that be a condition of the closure?” – Lea Thompson

Karl Rasmussen, representing the clients, explained that abandoning the road is urgent, as it will be a deal breaker for pending applications in the area. Dayton Hall clarified that Mr. Rasmussen represents Cypress Capital and Western Mortgage, the property owners involved, and that they are in favor of the road abandonment.

Kevin Thomas motioned to go out of public hearing at 8:02 p.m. Seconded by Joseph Prete. Motion carried unanimously.

**8. Consideration and possible approval of Resolution 2025-29 abandoning a portion of Flora Tech Road**

Mayor Billings read the following summary that was provided in the packet written by Arthur LeBaron. “Flora Tech Road is an old County Road that is a prescriptive right-of-way the City inherited as part of the 1978 Dixie Springs Addition annexation. The City has maintained the road and it is a public right-of-way by prescriptive use, which means there is no official dedication plat. With imminent development being proposed as part of the Gateway at Sand Hollow PID, the time has come to replace Flora Tech Road with a new roadway network that is in accordance with the City’s Transportation Master Plan (see attached Exhibit). In order to vacate a public right-of-way the City must follow a statutory process outlined in State Code, which requires advertisement, a public hearing, and a resolution. City Staff has reviewed the petition to vacate and recommends approval.”

Arthur LeBaron reiterated that the City’s Master Plan does not currently include Flora Tech Road in its existing configuration. He noted that development pressure in the area has prompted a proposal to replace the road. The City has not invested significant resources in the current road, understanding it is not a long-term solution. He confirmed that a workaround is available for property owners who currently access their properties from this road and that they have agreed to relocate Lea Thompson’s sign.

Kevin Thomas motioned to approve Resolution 2025-29 abandoning a portion of Flora Tech Road. Seconded by Clark Fawcett. Motion carried unanimously.

**9. Consideration and possible approval of Resolution 2025-30 Amending the Power Connection Fees - Mike Johns**



Mayor Billings read the following summary that was provided in the packet written by Crystal Wright. “We last updated our Power Connection Fees in June 2024 and established at that time we would review them annually, at a minimum, to update labor rates, material costs, and equipment costs. We will update them as needed in between those times if any material significantly increases and it’s necessary to do so. However, this is the normal annual review and update for those items. This item is on the August 6, 2025, Power Board agenda. Staff anticipates a positive recommendation.” She added that it was unanimously recommended by the Power Board. Mike Johns explained the biggest addition is the material cost on the hookup portion. The remainder is the cost difference for labor increases.

Joseph Prete motioned to approve Resolution 2025-30 Amending the Power Connection Fees. Seconded by Clark Fawcett. Motion carried unanimously.

**10. Consideration and possible approval of Resolution 2025-31 Amending the Residential Power Analog Meter Rate - Mike Johns**

Mayor Billings read the following summary that was provided in the packet written by Crystal Wright. “We have a rate for a Residential Analog Meter on our books that hasn’t been used in a very long time. The actual cost per kWh is equal to our regular Residential rate, however the Base Rate is currently \$10 higher than a regular residential customer who has their monthly reading collected by radio. This \$10 increase is not sufficient to cover the increased labor rate & truck visit, especially because we will be doing it for just a select few. We have signed the contract and are moving forward toward our AMI metering project which will eliminate radio reads almost entirely. Visually reading meters will be a very big step backward. We’ve recently had 2 residents inquire about looking into that rate and we’ve conducted a review of the cost for us to change those meters out, and updated costs to collect those reads manually each month. We would like to have this rate updated in advance of any new residents requesting that rate. There are currently no customers on this rate, with the potential to add only the 2 who are inquiring about the rate. This item is on the August 6, 2025, Power Board agenda. Staff anticipates a positive recommendation.”

Mayor Billings stated that the recommendation was also unanimously approved by the Power Board yesterday. Mike Johns explained that they have received requests to opt out of the AMI meters due to health concerns. Initially, he did not support an opt-out feature, but the proposed fee schedule will update them to cover the costs of those who choose to opt out. Councilman Fawcett confirmed that no one has opted out yet, but some may do so once the AMI meters are installed. Mr. Johns noted that the higher fee is intended to discourage opting out, as a key feature of AMI metering is anti-tampering and reducing power theft. Mayor Billings added that staff will also be able to remotely turn meters on and off for nonpayment with the AMI system.

Mr. Johns mentioned that the idea of limiting opt-outs to medically necessary cases was considered but not implemented, though it may be revisited if issues arise. Dayton Hall explained that the Power Board reviewed all options and concluded that citizens should have the ability to opt out, with the option to revisit the policy if it becomes problematic. Mr. Johns added that the cost of an opt-out meter will be slightly higher, as it will still be an AMI meter but with the radio functionality disabled.

Clark Fawcett motioned to approve Resolution 2025-31 Amending the Residential Power Analog Meter Rate. Seconded by Joseph Prete. Motion carried unanimously.

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

Cindy Beteag noted that there is one more day of early voting tomorrow at the Community Center. In-person voting will also be available on Election Day from 7 a.m. to 8 p.m. at the same location. She reminded the Council that the Utah League Conference will take place during the first week of October and asked members to confirm with Millie Anderson by August 22nd if they plan to attend. Mayor Billings stated that the regular council meeting would need to be canceled or rescheduled that week due to members being out of town. The Council decided to cancel the October 2nd meeting and reschedule it for September 29th.

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

Joseph Prete motioned to into a closed meeting at 8:25 p.m. to discuss pending litigation, a potential development agreement, and purchase of real property. Seconded Clark Fawcett. Motion carried unanimously.

**Adjournment:** Kevin Thomas motioned to go out of closed session and adjourn the meeting at 9:16 p.m. Seconded by Clark Fawcett. Motion carried unanimously.