Minutes of the Hurricane City Council meeting held on September 29, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3 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, Public Works Director Mike Vercimak, Assistant Public Works Director Weston Walker, City Planner Gary Cupp, Assistant Planner Fred Resch III, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, City Recorder Cindy Beteag. Water Superintendent Ken Richens, Finance Director Paige Chapman, Streets Superintendent Hayden Roberts, and Parks Superintendent Darren Barney.

AGENDA

3:00 p.m. Work Meeting
Discussion regarding economic development

Mayor Billings welcomed everyone and called the meeting to order. Kevin Hawkins, a developer specializing in shopping centers, discussed a proposed project on the property located across from Walmart. He explained that the property is currently under contract, and he is in the process of securing tenants. The goal is to create a distinctive development that serves as a gateway to Hurricane. Mr. Hawkins distributed concept plans for the project, which will encompass nearly forty acres. He noted that approximately eight acres along SR-9 are designated for future right-of-way that UDOT plans to purchase now but will not develop for about ten years. In the meantime, he will lease the property back until it is needed.
The concept for that area includes temporary uses such as food trucks, a pumpkin patch, farmers market, and Christmas tree sales. The main corridor through the development would feature a central water element, with surrounding areas including seating, pedestrian walkways, a splash pad, fire pits, pickleball courts, and a shopping center. Mr. Hawkins noted that the property currently generates no property tax revenue as it is classified under greenbelt status. He has been in discussions with DA Davidson about the possibility of a property tax TIF and would like to dedicate the pedestrian corridor and pickleball courts to the City. His next step is to have DA Davidson complete an analysis and then return to present the findings to the Council to determine their interest. Councilman Ellerman confirmed that the park area would be constructed prior to being dedicated to the City. Mayor Billings added that Mr. Hawkins continues to own and operate all of the shopping centers he has developed.

Mayor Billings stated she has met with Darren Prince and Todd Brightwell to discuss potential locations for future industrial areas within the City. The first area they reviewed is along SR-7, from its connection with SR-9 to 3000 South. She asked the Council what parameters should be considered to attract businesses—such as the number of jobs created, required wage levels, or other criteria. She explained the second potential area is along SR-9, from SR-7 to Sand Hollow

Road. She suggested that if a business brings something the City currently lacks—such as a home improvement store—that could be one of the qualifying factors. The third area identified is near Exit 16. She noted the need to decide whether retail uses should be allowed in these areas if they meet certain standards. Darren Prince commented that incentives are not the only option; a fast-track approval process could also be offered for businesses that meet established standards. He suggested developing an overlay zone with clear criteria. Mayor Billings mentioned that the City has never offered incentives for retail projects and asked whether the Council would consider changing that policy. Mr. Prince recommended using consultants to evaluate what would be necessary to implement incentive programs. Mayor Billings agreed that consulting expertise would be valuable but noted the importance of first identifying which areas the Council wants to designate for economic development. Councilman Hirschi pointed out that residents on the south end of town would likely appreciate additional grocery and gas options closer to their area. Councilman Fawcett expressed that incentives should not be offered for businesses already represented in the community. Councilman Thomas supported the idea of an overlay with prerequisites rather than financial incentives. Mr. Prince mentioned that a grant is available to help fund the study. Dayton Hall asked for clarification on the study's purpose, and Mr. Prince explained it would help determine economic opportunities specific to certain business types and assist in streamlining their approval process. Councilman Ellerman mentioned that businesses would still need to be properly zoned for their proposed uses. Councilman Fawcett suggested formally designating areas for particular types of development. Mac Hall added that planning should remain somewhat general, as overly specific plans often prevent projects from moving forward. He noted that concessions become less critical when developers know their proposals will be allowed and not delayed.

Mr. Prince stated that additional questions need to be addressed before deciding what types of incentives the City may offer. Considerations should include the size of the proposed building, projected revenue, employee wages, number of jobs created, and any amenities the business would provide. Mayor Billings asked the Council whether they would be interested in offering incentives for projects such as a home improvement store or developments similar to the one presented earlier in the meeting. Councilman Fawcett stated he could support incentives for businesses that bring something new to the community but felt it would be unfair to offer incentives to businesses that would directly compete with existing ones. Councilman Ellerman commented that the City should establish clear guidelines and procedures before moving forward, so staff knows exactly how to proceed when potential projects arise. Mayor Billings noted that the City currently does not have an Economic Development Director to oversee these efforts. Councilman Ellerman stated he does not believe that position is necessary at this time, as long as the process and expectations are clearly defined. Mayor Billings asked Councilman Ellerman to assist in getting that process started. Mayor Billings also mentioned that Councilman Fawcett had suggested another possible incentive — allowing developers to defer payment of impact fees until the end of construction rather than at the beginning, to reduce financing costs during the building phase. Councilman Fawcett added that businesses receiving incentives should be required to pay wages high enough for employees to afford to live locally, and if they cannot meet that standard, they should not qualify for incentives. Mayor Billings concluded by scheduling a meeting for October 14th with Kaden DeMille, Councilman Ellerman, Todd Brightwell, and Darren Prince to continue the discussion.

Mayor Billings asked for an update on the secondary water impact fee. Ken Richins reported that Alpha Engineering is close to bringing the item to the Council for discussion. Dayton Hall stated they anticipate being ready to present it at the second meeting in October, with the goal of bringing it back as an action item in November. He explained that this plan is being approached differently by dividing the City into three service areas, as each area is supplied by a different water source. The three proposed areas are the Canal Company Service Area, the Sand Hollow Basin Area, and the remaining portions of the City. As a result, there will be three separate impact fees based on location, since water costs vary and not all areas will have access to secondary water.

Mayor Billings asked whether the ordinance would need to be updated to align with the portions of the secondary system that will not be used. Mr. Richins explained that the issue is complex and that retrofitting the system would be prohibitively expensive. To accommodate such changes, the system would have to be rebuilt to an ultra-efficient standard with larger lines. Councilman Fawcett questioned why developers are required to install secondary lines in areas where they will never be used, noting the significant expense. Mr. Richins responded that there are designated areas where such lines are not required. Mac Hall added that another variable is the potential for changes in what the Water District supplies to the City, which could affect future planning. He stated that the City does not want to remove existing infrastructure only to retrofit it later. Mr. Richins concluded that much of the system's capacity depends on how the network is connected. Mr. Richins reported that concrete will be poured for the irrigation ponds next week. He noted that the NRCS has funding available to assist residents in connecting to the secondary water system. Mac Hall added that anyone within the first phase must submit an application within the next 45 days to qualify for funding. He also explained that, after applying, funds will not be available until after May, meaning the City will need to continue operating on the existing system for another year.

Mayor Billings stated she received another letter from the Catholic Church expressing frustration with the house located at the corner of Main Street and 200 South. The Church reported that a petition with numerous signatures requested that the property be cleaned up and asked whether the Fire District could investigate it for possible violations. Councilman Fawcett acknowledged the property is a concern and noted that while the nuisances could potentially be addressed, he was unsure what steps could be taken to condemn the house. Mayor Billings asked if Code Enforcement could coordinate with the Fire District to determine if any violations require action. Mayor Billings also reported that Glen Adams with the hospital submitted a PID application and inquired about its status. Cindy Beteag stated the application was received today, but staff is awaiting payment before processing can begin. Regarding old business, Mayor Billings noted that item number one had been requested to be tabled indefinitely. Dayton Hall explained that the applicant has submitted a proposal to convert the property into commercial use. A utility easement runs through the property, which will remain in place, and the applicant plans to combine all the lots into a single parcel. Mayor Billings further reported that the School District contacted her regarding a boundary adjustment between Coral Canyon Elementary and Hurricane Elementary. The boundary will be moved to 2800 West to prevent splitting a few subdivisions. She also mentioned that Red Ribbon Week is scheduled for October and that the school is seeking a service project for students. Mayor Billings asked Public Works to develop some potential project ideas. Councilman Ellerman suggested that students could assist with cleaning up the house on Main Street that received complaints. Councilman Fawcett inquired about a problematic home in Dixie Springs. Mr. Hall explained that an enforcement letter had been issued, giving the property owner 30 days to come into compliance. Finally, Councilman Ellerman asked about the pool heater. Kaden DeMille stated that construction is expected to begin in a few months, and staff is evaluating whether to connect the new heater temporarily and remove it during construction. They are still gathering cost estimates for installation and removal.

David Hirschi motioned to go into a closed session at 4:35 p.m. to discuss the potential purchase of water and an update on reasonably imminent litigation. Seconded by Clark Fawcett. Motion carried unanimously.

Councilman Prete joined meeting at 4:40 p.m.

Drew Ellerman motioned to go out of a closed session at 4:51 p.m. Seconded by Joseph Prete. Motion carried unanimously.

Councilman Prete stated he supports a proactive approach to attracting the types of businesses the City wants to see. Mayor Billings provided a brief recap of the discussion that took place during the work meeting.

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

Thomas Wilkinson introduced himself as the City's new GIS Coordinator and provided a brief overview of his work history.

Tate Wilkinson introduced himself and explained that he began working in the Streets Department in 2024 before transitioning to the Utility Locator position in July. He provided an overview of the process used to locate utilities.

Ken Richins reported that the City has experienced numerous leaks over the past few weeks. He noted that lightning issues caused disruptions with the SCADA system, but the system has since been restored and is functioning properly.

Darren Barney stated that the engineering plans for the pickleball courts are approximately 80% complete. Once the full set of plans is finalized, they will be submitted to JUC and then released for bidding. He stated that settling repairs at the Bradshaw House have been completed, and work is now underway on interior repairs. Mr. Barney noted that the splash pads will be winterized soon, but staff tries to keep them open as long as possible for public use. He explained that mowing typically continues into November before transitioning to leaf pickup. There has been no progress on Veteran's Park since the previous meeting. Mayor Billings mentioned that the high school contacted the City regarding Red Ribbon Week and a potential student service project. She asked Mr. Barney to provide some project ideas.

Larry Palmer reported that since the last meeting, sixteen single-family building permits and one commercial permit for a clubhouse at an RV Park have been issued. Over the past month, he completed final inspections for fifty-seven single-family homes and three commercial buildings. Mayor Billings asked whether the building permit fee is calculated based on the number of inspections required or the size of the home. Mr. Palmer confirmed that permits requiring only one or two inspections are lower in cost than those needing more inspections. He added that he would like to present an updated method for calculating permit fees to the Council, as current valuations are considered too low.

Sel Lovell reviewed current open positions and reported that the Facilities Maintenance position has been filled.

Mike Vercimak reported that the department is averaging one preconstruction meeting per week and currently has five projects undergoing one-year reviews. He stated that staff is also working on master plans and attending ongoing construction meetings.

Hayden Roberts reported that recent rainfall has caused a few flooding events and there was a fallen tree on 400 South, which staff has been addressing. He stated that interviews for an open position are scheduled for tomorrow. Staff is also reviewing schedules for slurry seal and chip seal projects. Mr. Roberts noted that paving on 100 North was planned for today but ran into complications. Councilman Ellerman asked for an update on why 1760 West remains closed. Mike Vercimak explained that an inspector spoke with the contractor, who indicated the work would take ten days to two weeks. Since that timeframe has passed, he will follow up tomorrow and provide an update to the Council. Mayor Billings inquired about work on 100 South. Arthur LeBaron explained that crews are performing boring for a geotechnical investigation. Mr. Vercimak added that a communication provider may also be conducting boring in the area and stated he will provide the Council with an update.

Weston Walker explained that paving on 100 North was scheduled for today but was delayed due to issues at the plant. He expects the work to be completed before Halloween. Councilman Prete noted that 2300 South near 1100 West is deteriorating and asked if it could be repaired.

Mr. Roberts stated that the repairs were completed last week. Mr. Walker also reported that the City is now accepting electronic plans for JUC projects and hopes the process will be similar to that used in Washington and St. George.

Arthur LeBaron mentioned that he and Councilman Hirschi had met regarding the stop signs on Main Street and stated the plan is to make it a four-way stop. He has also reviewed the proposed locations for the crosswalks. Councilman Hirschi reviewed the historical width of the road compared to its current width and expressed support for a four-way stop but recommended returning it to its previous configuration, noting that he does not recall many accidents at the intersection over the past twenty years. He observed that north-south traffic is busier than east-west traffic. Mr. LeBaron explained that the traffic study indicated the opposite, which was the rationale for changing the intersection. Councilman Hirschi added that visibility is limited for north-south traffic and reiterated his preference for returning to the previous layout. Mayor Billings cautioned that deviating from the study could increase the City's liability if an accident occurs. Councilman Thomas agreed with Councilman Hirschi, citing higher north-south traffic. Councilman Prete noted that disregarding traffic studies could set a precedent. Councilman Fawcett asked about potential liability if the intersection were changed back. Councilman Prete questioned whether modifying the intersection to achieve a desired traffic pattern could be justified. Dayton Hall stated that the greatest risk comes from changing the intersection multiple times and highlighted that any deviation from the study must be justifiable. He noted that claims would be difficult if warning signs are present. Councilman Fawcett expressed concern that changing a configuration that has been in place for 100 years could increase liability. Mayor Billings added that UDOT is seeking to divert traffic off SR-9 and that corridors like this can be used to achieve that goal. Councilman Hirschi noted that the current issue primarily affects local residents. Councilman Thomas asked whether the study might have been directed to focus on removing traffic from SR-9. Mr. LeBaron confirmed the study only considered existing traffic volumes. Councilman Ellerman added that traffic counts are not fully representative until construction is completed and that peak times should be analyzed. The study showed counts of 600 north-south and 400 east-west. Councilman Fawcett suggested that additional sampling is needed, as the study was too small. Mr. LeBaron concluded that while it is not typical for these discussions to occur at the Council level, he believes the four-way stop is defensible. He stated that he is willing to follow the Council's direction but noted that the decision should be final and not changed repeatedly.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Councilman Hirschi

Declaration of any conflicts of interest
None declared.

Minutes of the Special City Council Meeting August 26, 2025, Regular City Council Meeting August 21, 2025, and September 4, 2025

Drew Ellerman motioned to approve the August 26, August 21, and September 4, 2025, minutes as written. Seconded by Clark Fawcett. Motion carried unanimously.

Public Forum – Comments From Public

Joseph Roberts addressed the Council and stated that he and a group of residents feel that youth ages 12–16 are underserved and lack recreational opportunities. He urged the City to expedite construction of the skate park, noting several benefits such a facility would provide. He explained that a skate park would help reduce youth boredom, provide a safe area for recreation, encourage engagement, and help decrease crime and vandalism by offering positive activities. He added that it could also boost the local economy, promote community events, attract talent, support health and development, and help youth build problem-solving and social skills. Mr. Roberts stated that a location for the skate park has already been identified and that several local businesses have expressed interest in donating to the project. He cited St. George's new skate park as an example, noting that it drew nearly 200 visitors on its opening day. He encouraged the Council to move the project forward quickly to provide local youth with a much-needed recreational option.

Mayor Billings asked the Recreation Director and Parks Superintendent to address the skate park request. She confirmed that a location for the skate park is included in the City's master plan; however, it has not yet been engineered or designed. She stated that if donations can be secured, the project could potentially move forward sooner. Mayor Billings expressed support for the idea, noting that she wants to see youth engaged in outdoor activities. She added that other recreation priorities have taken precedence, but if funding can be raised, she would support advancing the skate park project. Recreation Director Tiffani Wright stated that the location has been identified and there is interest in the project, but other priorities have delayed the progress. She mentioned that grant opportunities are available, though they would require a City match. City Manager Kaden DeMille confirmed there is currently no cost estimate or design. Parks Superintendent Darren Barney explained the planned location and noted that the area has significant elevation changes, so careful engineering will be needed. He stated that the first step would be to complete the engineering work for that section of the park and highlighted the importance of securing the site to prevent vandalism. Councilman Fawcett expressed support for youth recreation opportunities but recalled that the previous pump track had to be removed due to vandalism, bullying, and drug-related issues. Mayor Billings asked Mr. Roberts if he had a contact willing to donate engineering services. Mr. Roberts responded that the vandalism referenced occurred more than twelve years ago, and that times have changed—youth are now more supervised, and parents are better able to track their children through cell phones.

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 stated the applicant asked for this item to be tabled.

Joseph Prete motioned to table Ordinance 2025-12 amending Title 10, Chapter 43 regarding site-built dwelling units in platted RV parks. Seconded by Kevin Thomas. Motion carried unanimously.

2. Consideration and possible approval of Zone Change Amendment Ordinance No. ZC25-12, a proposed zone change located at 184 N State Street from Single Family Residential R1-10 to Multiple Family RM-3; parcel H-178; White Glove Construction - Kevin Hanson, Applicant.

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "This item was continued at the September 4, 2025, City Council meeting to allow the applicants to meet with neighbors to discuss possible mutually agreeable alternatives for the subject property. The applicant is requesting a zone change from Single Family Residential R1-10 to Multiple Family RM-3 on a 1.22-acre property located at 184 N State Street. A public hearing on the proposed zone change was held at the August 28, 2025, Planning Commission meeting and one public comments objecting to the proposed zone change was received. The commenter stated that RM-3 would be too dense. The Planning Commission discussed the item and also said that RM-3 would be too dense and felt that RM-2 would be more appropriate for the site. The vote was unanimous to recommend approval of a zone change to RM-2 to the City Council subject to staff and JUC comments."

Kevin Hanson presented a new proposal to the Council. He explained that the design was revised to create the best possible solution for both the property owners and neighboring residents. He and his team met with nearby residents to discuss their concerns and, based on that feedback, reduced the size of the units closest to existing neighborhoods. The revised plan includes a single-story duplex adjacent to neighboring properties and two triplexes along State Street. Mr. Hanson stated that after reviewing the updated proposal, the neighbors were supportive of the changes. However, Renea Thompson expressed concern that the project might not be constructed as proposed. City Attorney Dayton Hall clarified that if the zone change is approved with a development agreement, the agreement would remain tied to the property. Mr. Hanson added that City staff have confirmed the proposal meets all

requirements, and they are requesting approval of an RM-2 zone subject to a development agreement.
Renea Thompson thanked the Council for continuing the item, which allowed time to meet and discuss the proposal with neighboring residents. She stated her main concern is ensuring that future developments in the area are limited, noting that the agreement should specify no more than ten homes within this project. She also pointed out that there are restrictions on the number of homes permitted on a cul-de-sac.

Mayor Billings asked if the development agreement needed to be completed before the item could be voted on. Mr. Hall explained that if the Council was open to the proposal, he would recommend providing staff direction and continuing the item so it can be reviewed by JUC and staff prior to final approval. Councilman Thomas stated he preferred the proposal presented tonight compared to the previous version and appreciated the effort to work with the neighbors. However, he expressed concern that other proposed high-density projects have not been able to maintain affordability. He noted that if the City wants to encourage affordable housing, allowing upzoning may be counterproductive, and he leaned toward keeping the property zoned R1-10 to preserve property values. Councilman Hirschi agreed the proposal was an improvement but shared Councilman Thomas's concerns, stating that continued high-density development could increase the overall cost of homes and land. Councilman Fawcett stated he was torn. He liked the layout and recognized the challenges of developing residential properties along SR-9, but questioned whether the City could adequately service additional density in that area. He said he would be more supportive if the project were to include affordable housing. Councilman Ellerman confirmed that all units would have two-car driveways with visitor parking and agreed this was a better direction but said he would like to see pricing for the finished product. Councilman Prete also felt this proposal was an improvement over the prior one and said he could support it but would still prefer to see the area developed as commercial. He thanked the applicant for working with the neighbors and asked about the second access point onto SR-9. Mr. Hanson explained that access would need to be approved by UDOT. He stated that this proposal was a good fit for the area. Mayor Billings summarized that the property is currently zoned R1-10, and the applicant is requesting an RM-2 zone subject to a development agreement. Councilman Prete noted the proposed density is slightly less than a standard RM-2 zone. Mayor Billings added that the request is consistent with the General Plan. Mr. Hanson stated that there are no adjacent neighbors to the west and that both the Planning Commission and City staff felt the project was a good fit.

Joseph Prete motioned to continue Zone Change Amendment Ordinance No. ZC25-12, a proposed zone change located at 184 N State Street from Single Family Residential R1-10 to Multiple Family RM-3 to the next meeting so a development agreement could be prepared. Seconded by Drew Ellerman. Motion carried with Joseph Prete, Drew Ellerman, and Kevin Thomas voted aye. Clark Fawcett and David Hirschi voted nay.

Councilman Fawcett stated that he would support the proposal if one unit were designated as affordable. Councilman Thomas noted the need to clearly define what constitutes "affordable." Mr. Hanson asked whether reducing the impact fee in exchange for an affordable unit would be possible. Dayton Hall explained that the City ordinance already defines affordable housing and allows for a reduction in impact fees if the project meets that definition. Councilman Thomas added that he does not believe the location is suitable for either commercial or quarter-acre residential development. He stated he would prefer an affordable unit built in a way that genuinely makes it affordable, rather than relying on a deed restriction. Mr. Hall stated that, based on the current motion, he will prepare a development agreement for RM-2 zoning according to the submitted site plan, with no affordable housing requirements. Mayor Billings noted that if the applicant chooses to include an affordable unit, it could be added to the agreement, which would likely make the proposal more favorable to the Council.

NEW BUSINESS

1. Consideration and possible approval of Resolution 2025-37 adopting the Zion Scenic Byway Corridor Management Plan

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "The Zion Regional Collaborative has recently completed an update of the Corridor Management Plan (CMP) for the Zion Scenic Byway. Resolution 2025-37 adopts the CMP and confirms Hurricane City's commitment to participate in its implementation. The updated CMP contains goals and objectives to help manage visitation on SR9. The CMP states, *"Rather than encouraging increased visitation, the plan focuses on managing tourism already present in the corridor and ensuring that byway travel is welcoming, safe, and beneficial to local communities."* In this way, the CMP is intended to help the communities along the byway promote community character and enhance quality of life, and not necessarily attract increased tourism. The CMP is a non-binding and non-regulatory document. By adopting Resolution 2025-37, Hurricane City will be confirming its intent and commitment to implement the CMP. However, there is no binding obligation for the City to take any action based on the CMP. Further, the CMP is written in such a way as to allow each participating jurisdiction or organization to implement the Plan's action steps in a manner consistent with that organization's already existing policies and core values. Thus, adopting the CMP will not obligate Hurricane City to take any definitive action that is not consistent with its existing vision."

Wanda Maloney stated that although she had a presentation prepared, the written summary of the plan was very informative. Mayor Barbara Bruno noted that the plan has already been presented to Springdale, Rockville, LaVerkin, Virgin, and Kane County, all of which have approved it. It will be presented to Washington County next week for approval. Ms. Maloney, representing the consulting team, explained what constitutes a scenic byway and provided a brief history of the Zion Scenic Byway. She noted that the plan focuses on existing tourism, is non-regulatory, and represents a voluntary effort to provide purpose and vision. She stated that the next step is adoption by the state legislature. Mayor Bruno added that community meetings were held to allow citizen input. Councilman Thomas expressed concern that the plan could resemble regulation in practice and might eventually become binding, noting potential pressure from other jurisdictions to address problem areas. He stated that while everyone wants a well-maintained highway to Zion, he does not want other jurisdictions imposing requirements on the City. Ms. Maloney clarified that SR-9 is already designated as a scenic byway and that this plan could achieve a higher designation. She stated that other roads with this designation have followed the same process, and none have become mandatory. Councilman Thomas asked whether the plan would affect properties adjacent to the highway. Mayor Bruno responded that it would not, and that the designation only provides informational guidance. Councilman Thomas inquired about the purpose of the designation, and Mayor Billings explained that it is intended to inform visitors about additional sites and experiences along the corridor. Councilman Fawcett added that the original designation, in place since 1990, has not altered any property rights or regulations.

Clark Fawcett motioned to approve Resolution 2025-37 adopting the Zion Scenic Byway Corridor Management Plan. Seconded by Joseph Prete. Motion carried with David Hirschi, Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. Kevin Thomas voted nay.

2. Consideration and possible approval of a Domestic Violence Awareness Proclamation - DOVE Center

Mayor Billings read the proposed proclamation.

David Hirschi motioned to approve the Domestic Violence Awareness Proclamation. Seconded by Kevin Thomas. Motion carried unanimously.

3. Consideration and possible approval of the reassignment of the Ray Shureman lease to Kelly Ashcroft for a hangar pad located at 5S at the Hurricane Airport

Mayor Billings read the following summary written by Cindy Beteag that was provided in the packet. "The Airport Board reviewed this item on January 21, 2025, and unanimously recommended approval. However, it was not carried forward for Council's final decision. Ray Shureman has since sold his lease for hangar pad 5S to Kelly Ashcroft, and the lease now requires formal Council approval."

Clark Fawcett motioned to approve the reassignment of the Ray Shureman lease to Kelly Ashcroft for a hangar pad located at 5S at the Hurricane Airport. Seconded by Drew Ellerman. Motion carried unanimously.

4. Consideration and possible approval of a First Amended Private Hangar Lease Agreement with Legend Air Lease LLC for hangar pad 2N 1E - Scott Stratton

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. "The lessee is requesting that the size of the leased area be increased to accommodate a hangar that is 85' wide. On September 16, 2025, the Airport Board unanimously recommended to grant the lessee's request. The packet includes a proposed amended lease consistent with the request. For reference, this hangar is located at the southwest corner of Plot 46 in the Airport Master Plan, which is also included in the packet. Under the terms of the lease, the Lessee will have 8 months to submit for plan and building permit approval and 24 months after approval to complete the hangar improvement." Councilman Fawcett added that the only thing that came up at Airport Board because this is an increase in size was how to align the hangars.

Clark Fawcett motioned to approve a First Amended Private Hangar Lease Agreement with Legend Air Lease LLC for hangar pad 2N 1E. Seconded by Kevin Thomas. Motion carried unanimously.

5. Consideration and possible decision and direction to staff regarding an economic development general plan update, associated incentives, and consultation services - Mayor Billings

Mayor Billings explained direction was given at the work meeting to move forward with ideas to present at the October 16th meeting.

6. Consideration and possible approval of Ordinance 2025-17 amending Title 10, Chapters 3, 7, 13-17, & 37 regarding accessory buildings in front yards; LUCA25-06; Hurricane City, applicant. -Gary Cupp

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "In an effort to afford property owners more development options on their residential or agricultural property, staff proposes to update the land use code to allow accessory buildings in the front buildable yard area on lots in agricultural and residential agriculture zones; and to allow accessory dwelling units (ADU) in the front buildable yard area in all zones where ADUs are permitted, with the requirement of a conditional use permit for ADUs on lots under 0.5 acres in size. Staff also proposes updates to the code definitions for "dwelling units" and ADUs to address code conflicts that have been encountered with the use of casitas and guesthouses. Lastly, the use tables have been updated to reflect the proposed code changes. The Planning Commission reviewed this item on September 11th and 25th and unanimously recommended approval."

Gary Cupp explained that the current ordinance does not allow accessory dwelling units (ADUs) in the front yard. He noted that there are larger lots where nothing can currently be built in the front, and this amendment would allow an ADU behind the setback. Councilman Ellerman stated he does not support accessory units in front of the house. Councilman Hirschi said he would like to hear a strong justification for the change. Councilman Thomas noted that there are many large agricultural lots where this provision could apply. Mr. Cupp agreed, stating that the amendment would only apply to residential-agriculture and agricultural zones. Councilman Ellerman suggested limiting the allowance to lots of two acres or more and expressed opposition to allowing ADUs in residential-agriculture zones. Councilman Hirschi asked why the change is being considered. Mr. Cupp explained that a property owner on 400 South submitted a mediation request to the Ombudsman to convert an existing house to an ADU and build a larger home behind it. The property owner cited State law, noting that if the ordinance does not specifically prohibit something, there is a legal argument that it may be allowed.
City Attorney Dayton Hall clarified that the current ordinance prohibits ADUs in the front yard, but the definition of “front yard” aligns with the front yard setback. For the 400 South property, the proposed accessory building would be set back thirty feet, beyond the twenty-five-foot front yard setback. The Ombudsman agreed that the ordinance only restricts structures within the front twenty-five feet, supporting the property owner’s interpretation. Mr. Hall stated that the code needs updating to clarify the City’s intended regulations. Mr. Hall noted that the Planning Commission discussed the issue extensively and ultimately recommended a solution that differs from the current ordinance. Mr. Cupp added that staff has not been allowing accessory buildings within the buildable area. Councilman Ellerman suggested that a better solution would be to clearly define the front yard. Mr. Hall confirmed that this approach was proposed but the Planning Commission did not support it, and the current recommendation reflects their preferred solution.

Drew Ellerman motioned to define the front yard as the area extending from the street property line to the front corners of the house, including everything in between, rather than using the buildable area as the definition. Gary Cupp explained that the definition for flag lots is also being reviewed to clarify the front yard area. Mr. Hall noted that two additional clarifications should remain in the ordinance update: first, refining the definition of an accessory dwelling unit (ADU) including removing the requirement that it must be occupied by family; and second, eliminating the definitions for “guest house” and “casita.” The motion died for lack of a second.

Councilman Kevin Thomas motioned to approve Ordinance 2025-17, amending Title 10, Chapters 3, 7, 13–17, and 37 regarding accessory buildings in front yards as written, with a minimum lot size of one acre. The motion died for lack of a second. Gary Cupp clarified that the ordinance addresses accessory buildings—not ADUs—on agricultural and residential-agriculture lots. The proposal would allow ADUs in front yard areas where ADUs are already permitted, while lots smaller than one-half acre would require a conditional use permit. The restrictions are based on lot size, not just zoning. Councilman Thomas noted that the ordinance would not interfere with front yard setbacks. Councilman Fawcett stated that he would be willing to second the motion if it were made again.

Kevin Thomas motioned to approve as written Ordinance 2025-17 amending Title 10, Chapters 3, 7, 13-17, & 37 regarding accessory buildings in front yards but limit it to one acre minimum. Seconded by Clark Fawcett. Motion died with Kevin Thomas and Clark Fawcett voted aye. David Hirschi, Drew Ellerman and Joseph Prete voted nay. Councilman Prete stated that he believes the City needs to limit the ADU ordinance, noting that allowing accessory dwelling units on lots of any size would be a mistake.

Clark Fawcett motioned to remove the ability to place accessory buildings or ADUs in the front yard, clarify the definition of front yard, and retain the other ordinance cleanups to be brought back for further consideration. Seconded by Joseph Prete. Motion carried with David Hirschi, Clark Fawcett, Drew Ellerman and Joseph Prete voting aye. Kevin Thomas voted nay.

7. Consideration and possible approval of a Purchase Contract with Utah Department of Transportation regarding property at approximately 515 N 350 East - Arthur LeBaron

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. "This purchase contract is for a parcel located at 515 N 350 E that is currently owned by UDOT. When UDOT disposes of property they will generally reach out to the local government and offer a first right of refusal. This parcel has been determined to be useful in completing the intersection at 500 N State Street into a 4-way intersection. The plan is to integrate the parcel in question into the neighboring parcel to the south and pioneering the eastward extension of 500 North through the property to tie into 350 East. This will create two viable commercial parcels and provide good access to SR-9 at the 500 North signal. An appraisal has valued the property at $85,000 and UDOT has presented a purchase contract to the City to purchase the property at the appraised value. Staff recommends the City accept and execute the purchase contract." Mayor Billings stated the funds will be taken from the streets impact fee fund. Mr. LeBaron added that the Council did nod their approval for this in a closed session a few weeks ago. Councilman Hirschi confirmed both parcels will be zoned commercial. Mr. LeBaron clarified that it is currently zoned residential so a zone change would need to take place on the parcel to the north.

Drew Ellerman motioned to approve a Purchase Contract with Utah Department of Transportation regarding property at approximately 515 N 350 East. Seconded by Clark Fawcett. Motion carried unanimously by a roll call vote.

8. Consideration and possible approval of a Land Transfer and Development Agreement with Interstate Rock Products

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. "This agenda item is related to the previous item. This agreement will complete the process described in the previous agenda item wherein the UDOT parcel will be integrated into the neighboring parcel to the south and 500 East will be developed through the property to 350 East. Hurricane City agrees to transfer the UDOT parcel to Interstate and Interstate agrees to dedicate and construct 500 East and traffic signal modifications to provide a complete functioning 4-way intersection and signal. Staff recommends execution of this agreement."

Councilman Ellerman asked if the applicant would agree to add a provision to the development agreement requiring submission of an application to rezone the property to commercial. Chase Stratton agreed. Mr. Stratton also explained that each lot would be approximately one-half acre following completion of the road buildout.

Kevin Thomas motioned to approve a Land Transfer and Development Agreement with Interstate Rock Products with the addition that Interstate Rock has 45 days to submit a zone change application on the property once the sale is final. Seconded by Drew Ellerman. Motion carried unanimously.

9. Consideration and possible approval of a Memorandum of Understanding regarding the UDOT interchange for the Kachina Ridge development

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. "The City approved a zone change for the Kachina Ridge Property with certain conditions outlined in a development agreement. One of the conditions is that the developer improve access to the property from SR-59 with a separated grade interchange. This agreement is proposed by UDOT that outlines the responsibilities of the parties, namely, the developer, UDOT, and Hurricane City. The agreement obligates the developer to design, build, and dedicate property for the interchange and connecting access roads. In signing the agreement, Hurricane City will be obligated to provide personnel to represent the City throughout the design and construction of the project to ensure the City's interests and needs are met. The developer's work is subject to the City's approval of a Traffic Impact Study, street and trail development plan, and any other approvals required by the City. The City will also be a party to an "Acceptance Agreement" that is consistent with current practices. Public Works, Engineering, and the City Attorney have reviewed the agreement and recommend consideration and approval by the City Council."

Arthur LeBaron added that UDOT is requiring this agreement to ensure that the developer understands their responsibilities and that the City is aware of the requirements. Kent Stephens confirmed that the agreement is required by UDOT and outlines the construction process. He explained that such agreements are typically between UDOT and the developer, but because of the road connection, the City was included. Mr. Stephens noted that Dayton Hall provided revisions, which were incorporated. Mr. Hall stated that the intent of his changes was to clarify

that the City has no financial obligations and that this is a developer-driven project, with all costs associated with tying into the City's network borne by the developer.
Drew Ellerman motioned to approve a Memorandum of Understanding regarding the UDOT interchange for the Kachina Ridge development. Seconded by Joseph Prete. Motion carried unanimously.

10. Mayor, Council, and staff reports

Gary Cupp stated that the preliminary site plan for Culver's was approved last week, with the restaurant to be built on the site of the former Ace building. He also noted that staff would be out for the remainder of the week attending the Utah League of Cities and Towns conference.

Kaden DeMille reported that construction of the four-court gym is progressing. The project is scheduled for completion by October, though he expects it will open in January. He stated that the building is dried in and that drywall installation will begin soon. He also noted that pool drawings are expected to be 50% complete in October, with full drawings anticipated in November, after which the project can go out to bid.

Cindy Beteag announced that a candidate debate is scheduled for October 8th at 5:00 p.m. at the Fine Arts Building. She added that ballots will be mailed the following Tuesday, October 14th.

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

David Hirschi motioned to go into a closed meeting at 4:35 p.m. to discuss the potential purchase of water and an update on litigation. Seconded by Clark Fawcett. Motion carried unanimously.

Adjournment: Joseph Prete motioned to adjourn the meeting at 8:15 p.m. Seconded by David Hirschi. Motion carried unanimously.