Minutes of the Hurricane City Council meeting held on November 20, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

Members Excused: David Hirschi

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Public Works Director Mike Vercimak, Public Works Assistant Weston Walker, Streets Superintendent Hayden Roberts, City Planner Gary Cupp, Assistant Planner Fred Resch III, Power Director Mike Johns, Recreation Director Tiffani Wright, Building Official Larry Palmer, HR Director Sel Lovell, Finance Director Paige Chapman, Water Superintendent Ken Richins, and City Recorder Cindy Beteag.

AGENDA

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

Tiffani Wright reported that the City's Tree Lighting event will take place on December 1st at 6 p.m., with two showings of the Live Nativity. The Christmas Tree Festival is scheduled for December 11th–13th. She noted that the Lichfield Gym remains very busy, and the new gym is expected to open on December 25th. Sonic Windows has donated all windows and doors and will be recognized as a floor sponsor, and Comflors upgraded the floors at no cost and will also be a floor sponsor. Two additional floor sponsorships are still available. Mrs. Wright stated that the pool project will go out to bid tomorrow, pending approval of the Resolution tonight. A new boiler has been installed in the existing pool for the swim team and will later be stored once the current pool is demolished. Roof replacement for the Community Center is anticipated to begin in January. She also reported that pickleball plans have completed their first JUC review and are back with engineers for redline adjustments. Rad Trails plans to begin work on the bike park in January, and Mayor Billings added that Suncor has contributed a donation to support the project. Mrs. Wright concluded by noting that the food truck corner continues to be very successful.

Chief Yates reported that the 11-year-old girl struck by a bus last week is expected to be released from the hospital. The investigation into the incident is nearly complete. The department currently has three applicants in the background process, with one candidate disqualified after a thorough review. He also announced that the department is transitioning from French blue uniforms to navy blue due to supply issues, with new uniforms being phased in gradually. Mayor Billings added that a resident affected by a recent property-damage incident had expressed appreciation for the department's communication and offered a reward for information. Chief Yates stated the incident appears to be isolated, they are still gathering video footage, and they may share information on Facebook if helpful, though the department does not participate in reward offerings.

Ken Richins reported progress on the City's well and irrigation projects. The Goulds Wash Well pilot hole reached 800 feet and is within 3.1 feet of being straight, well within the 7-foot tolerance. The Dixie Springs Well has been patched, but camera inspection was delayed due to murky water and will be completed once conditions improve. Irrigation expansion projects are proceeding, though recent rain caused minor delays. Repairs on 1300 South will be completed as soon as weather permits. Funding for the second phase of the pipe project is anticipated following the government reopening. The irrigation impact fee capital facilities plan is nearly complete and is expected to be posted Monday. The Water Board will review it and, if approved, provide a recommendation to the City Council.

Larry Palmer stated that permit activity has slowed due to recent moisture. Currently, there are nine single-family home permits and one commercial tenant improvement permit for the pro shop near Ace Hardware.

Sel Lovell reported that hiring is progressing slowly. Open enrollment has just concluded, and preparations are underway for the upcoming holidays. The Healthy Committee hosted a bike rodeo last weekend, which was successful for its first year, though attendance was lower than hoped. The Utility Clerk position has been filled, with the new hire starting on December 1st.

Paige Chapman stated that the streets impact fee is on tonight's agenda. The proposed adjustment will bring the fee to an appropriate level now and allow time to review and explore options in the future. She noted that the Council has prioritized roads and streets in recent years, and the goal is to ensure adequate funding to maintain and improve them.

Hayden Roberts reported that crews have been maintaining structures following recent rain and are planning to begin crack sealing on Monday.

Mike Johns reported that the Christmas tree will be installed on December 25th–26th, with lights along State Street scheduled for December 30th. A purchase order has been approved for generators, and he requested an expedited review of the Capital Improvement Plan. Mayor Billings added that she met with Darren Barney at the Veterans Memorial, where holes need to be augured for light poles, and inquired if the Power Department could assist.

Gary Cupp reported that preparations are underway for the final Planning Commission meeting of the year, including notices regarding flag lots and the R1-4 ordinance. He noted that plans for the Commission and Boards dinner are in progress and updates will be provided once confirmed. Additionally, he confirmed that summaries of Planning Commission meetings have been prepared and will ensure they are distributed to the City Council.

Fred Resch III reported that enforcement letters were sent this week regarding short-term rentals. The Planning Commission approved the final site plan for Golden Credit Union and a preliminary plat for a condominium unit in the Gateway PID area. He inspected a trailer that had split into three sections and is still reviewing it. Additionally, the home on Angel Heights was found to meet code, but enforcement will be required if the property is used for rentals.

Cindy Beteag explained the contents of the materials provided to the Council. She noted that the next packet will be distributed on Monday instead of Friday due to the holidays. She also confirmed that the Council will consider sponsoring the Farmers Market at the next meeting.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Sheryll Alan

Declaration of any conflicts of interest

None declared.

Swearing in of Officer Hagen Oliver

Chief Yates introduced Officer Oliver, who began with the department on November 3rd. Officer Oliver graduated from Morgan High School and served as a deputy there for two years. Chief Yates also introduced Officer Oliver's wife, Kendal, and expressed excitement about Officer Oliver joining the team, noting that his experience will make him a valuable asset in serving the community. Officer Oliver was sworn in by City Recorder City Beteag

Public Forum – Comments From Public

All comments are listed under new business 9.

OLD BUSINESS

1. Consideration and possible approval of a Preliminary Plat for Sand Hollow Mesa Neighborhood Six, a 579 lot subdivision located at 3800 S 2200 W. Toquerville Enterprises, Applicant. Karl Rasmussen, Agent

Mayor Billings read the following summary written by Dayton Hall that was provided in the packet. "This application for preliminary plat approval was first considered by the Council on October 16, 2025, at which time the Council continued the item to November 6, 2025 to allow further evaluation of the request. On November 6, 2025, the Council continued the application to November 20, 2025 to allow for additional review. To comply with the deadline imposed by Utah Code section 10-9a-509.5, the Council must make a final decision on the application on or before November 22, 2025. The preliminary plat application is for Sand Hollow Mesa, Neighborhood Six ("Proposed Plat"), which represents the first phase of the Sand Hollow Mesa project that received a zone change approval in 2021. Sand Hollow Mesa is a large master-planned community encompassing nearly 1,100 acres and more than 3,600 approved units. The current proposal covers 88 acres and includes 579 units consisting of single-family homes, townhomes, and condominiums. The property is zoned Single Family Residential (R1-10) with a Planned Development Overlay (PDO) as part of the Sand Hollow Mesa development. The lack of adequate public facilities to support the Proposed Plat is the primary concern with the application. The public facilities that are lacking are substantial enough that there is no guarantee that they can be resolved in time to serve the development contemplated in the

Proposed Plat on the timeline that Neighborhood 6 would be developed. The public facilities necessary to serve the Proposed Plat, but which are not yet available, are: (1) a power substation in the area; (2) transmission lines and corresponding easements to supply power to the needed substation; and (3) right-of-way to provide a second access to the Proposed Plat required by the local fire authority and the Fire Code, including an improved access on the second access. In addition, the Proposed Plat itself does not meet the technical requirement of the Hurricane City Code. A detailed analysis of these shortfalls is included in a draft Record of Denial included in the packet. Staff recommends denial of the application for the reasons outlined in this report, and a proposed Record of Denial is included in the packet for the Council's consideration and adoption."

Karl Rasmussen distributed updated documents to the Council. Thayne Smith referenced the letter from their attorney that was emailed the previous day and stated they would continue working with staff to ensure the project's success. He explained they received the notice of deficiencies on Tuesday; however, they believe the application is complete and ready for approval. Mr. Rasmussen then referred to the documents he provided to the Council, which identifies and addresses some of the items noted in the draft record of denial regarding the plat itself. He explained how he was proposing to address the staff comments regarding the plat map. He noted that his proposals will require coordination with the property owner to the north. He acknowledged that Ash Creek has expressed concerns regarding capacity on 2100 West but indicated there is a pathway to address those concerns in the future. He stated they are requesting to move forward with the project, noting that Utah does not have an inadequate facilities law and that all required improvements would be completed prior to final plat approval. He recommended completing all remaining items through the construction drawings. He also pointed out that the property for the substation has already been deeded, that he has been informed the rights-of-way are being addressed, and that the applicants have invested millions of dollars into the project.

Kevin Spilsbury representing Toquerville Enterprises stated they have been in the valley for over 100 years and have always worked well with the City. He explained how they ended up with this area by a land swap that happened in the 1990's where the current industrial area is.

Councilman Ellerman stated that he is willing to work with projects; however, his primary concern is the approval of a preliminary plat at this time, noting that electrical power will not be available to the project for some time. He explained that there is often pressure to move projects forward quickly, which requires cities to approve items with conditions in place. He referenced statements made by the applicant's representative at the previous meeting indicating that, if approved, the final plat would be submitted by the end of the year. He questioned how that timeline was feasible, noting that the property for a future substation was only dedicated last month. He noted the difficulty of securing electrical infrastructure, which can take approximately 14 to 24 months, and stated that final plat approval cannot occur until power is available. He confirmed that the applicants are aware of this issue. Mr. Smith confirmed that the substation property was deeded after the last meeting; however, he stated the document had originally been sent to the City two years ago. Dayton Hall clarified that while a document was sent two years ago, it included a deed of reverter and a contract with conditions, and therefore was not an offer of a deed but a conditional contract.

Councilman Ellerman noted that the deeded property is located on a slope and will require additional investment to prepare it for development. Mr. Smith responded that it is the same property discussed in 2021 and negotiated as part of the development agreement. Mr. Rasmussen added that the layout for the substation has already been completed. Councilman Ellerman stated that now that the property has been deeded, the City can begin working on connecting the necessary infrastructure. Mr. Smith highlighted that the applicants are invested in the project and have provided significant infrastructure in the surrounding area. Mayor Billings stated that staff is recommending denial at this time, with the intent that an agreement could be worked out in the future. She explained that approval would grant entitlement, whereas denial would allow the agreement to be reviewed and updated. She also noted that when the project was initially approved, the necessary infrastructure was not in place. While there are existing lines, she stated there is currently no available capacity. Mr. Smith disagreed, stating there is capacity available beyond what is currently being used and that infrastructure strain is a natural part of growth. Gary Cupp stated that the Planning Commission recommended denial of the plat. Mr. Smith responded that the agreement specifies the matter should go directly to the City Council and therefore should not have gone to the Planning Commission. Mr. Hall countered that the agreement requires the City to follow the 2021 approval process, during which time plats were reviewed by the Planning Commission and then forwarded to the City Council for approval, and that routing the application through the Planning Commission was the correct procedure.

Councilman Prete stated that he has long had concerns regarding adequate facilities in relation to zone changes and preliminary plats. He noted there was a brief period during which many projects were approved through development agreements. He described this project as detached from the City, characterizing it as a leapfrog development not adjacent to existing development. He acknowledged that both parties have made good-faith efforts to move the project forward but stated he is perplexed as to why the preliminary plat is being presented for approval when the project is not yet ready. Councilman Fawcett stated that during prior discussions he believed the parties would meet and work through the issues. He observed that there is clear frustration on both sides and felt the best course of action would be to rework the development agreement. He added that the previous attorney was adamant about not amending the agreement and instead threatened litigation. He noted there were implications that construction would begin by March, which he stated is not feasible. Councilman Prete added that all required easements are not yet in place. Councilman Thomas stated that when the project was originally approved, it was anticipated the development would be built using a Public Infrastructure District (PID). Because that did not occur, he explained it significantly changed the circumstances. He stated the development agreement anticipated funding through that mechanism and expressed support for updating the agreement so all parties can work together. He added that the City currently lacks both the power capacity and the necessary components to construct the substation. Mr. Smith stated there must be a starting point and that the applicants are asking for the opportunity to move forward. Mayor Billings stated she believes the best path forward is to update the development agreement. Mr. Hall stated the City intends to fulfill its obligations under the development agreement, and now the land has been deeded to the City, the process to build the substation has been initiated and will be diligently pursued. Councilman Prete asked whether the applicants could refile if the plat is denied. Mr. Hall stated there is no required waiting period. Mr. Smith argued that the applicants have met all requirements and that, in such cases, the Council is required to approve the plat. Councilman Prete questioned how the power requirements have been met. Mr. Rasmussen argued that the Utah statute does not include requirements for adequate facilities and that the City cannot withhold approvals based on Utah Code 10-9a-604. Councilman Fawcett responded that City Code does require adequate facilities and stated the Council does not believe the facilities are adequate at this time. He reiterated his desire to meet and redraft the development agreement and stated he does not respond well to threats of litigation. Mayor Billings concluded by stating the City wants the project to move forward but noted that cooperation from all parties is necessary.

Mr. Rasmussen asked what specifically would need to be changed in the development agreement. Mayor Billings responded that the agreement does not specify when electrical power will be provided. Councilman Prete asked how far easements would be required to reach the substation. Mike Johns responded that approximately 4.5 to 5 miles of transmission lines would be needed. Mayor Billings added that several additional easements still need to be dedicated. Councilman Prete noted that this would be the City's first transmission line of that length. Mayor Billings stated that she believes the parties could reach an understanding if the application is denied. Mr. Rasmussen asked what entitlement is granted by approval of a preliminary plat. Mr. Hall explained that preliminary plat approval allows the applicant to move forward with submitting construction drawings as part of the process toward final plat approval.

Joseph Prete motioned to deny the Preliminary Plat for Sand Hollow Mesa Neighborhood Six based on the grounds stated in the draft record of denial. Seconded by Clark Fawcett. Motion carried unanimously by a roll call vote.

NEW BUSINESS

1. Consideration and possible approval of Resolution 2025-40 authorizing the issuance and sale of not more than $8,000,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2026; and related matters

Mayor Billings read the following summary written by Kaden DeMille that was provided in the packet. "This agenda item relates to financing for the construction of the new Hurricane City indoor swimming pool. Construction drawings are nearing completion, and the project is nearly ready to go out to bid. It is anticipated, with the approval of the parameters resolution, that an approval of awarding a bid will be tentatively scheduled for the December 18th council meeting. A parameters resolution is one of the first official steps in working our way through financing a project. Just as the name implies, a parameters resolution defines the maximum parameters in which a city can borrow money on a specific project and for the maximum term of the bond. Staff is recommending approval of the resolution setting a maximum parameter of not more than $8,000,000 to be financed and at a term of not longer than 25 years. After review of the anticipated project costs, I am trying to take a very conservative approach to this financing. I anticipate that the amount to be financed will be far less than what we are asking for in the parameters resolution."

Kaden DeMille explained that the pool designs are complete and ready to go out to bid. He presented a financing plan to the Council, estimating the project cost at around $15 million, though contingencies make the actual cost likely lower. With available funding and anticipated RAP tax revenue—approximately $8.8 million—they are close to meeting the estimated cost, with a buffer included in case prices rise. Final financing is not fully secured, and the exact pool cost will be known once bids are received. If approved tonight, bids would open on the 15th and could return for approval on the 18th. Councilman Fawcett asked about bond terms and early payoff options. Mark Anderson explained that public bond sales offer more favorable terms but higher interest rates, and repayment options after ten years would depend on RAP tax renewal. Councilman Prete noted this is a long-term commitment of RAP tax funds. Mr. DeMille confirmed that while he projected a 3% increase, higher collections could be allocated to other projects. Councilman Thomas referenced the prior Tuacahn commitment, noting that the City planned for the ten-year RAP tax review and believes the pool is a better use of funds. Mayor Billings listed other projects funded by RAP tax.

Kevin Thomas motioned to approve Resolution 2025-40 authorizing the issuance and sale of not more than $8,000,000 aggregate principal amount of Sales Tax Revenue Bonds Series 2026 subject to the bond not to exceeding eight million dollars or twenty-six years. Seconded by Clark Fawcett. Motion carried unanimously by a roll call vote.

Mr. DeMille explained that the RAP tax timeline reset on January 1st and that no RAP tax funds were used this fiscal year. He added that projects previously funded by RAP tax have been built into the budget and are covered moving forward.

2. Consideration and possible approval of Resolution 2025-39 Updating Building Permit Fee Calculations - Larry Palmer

Mayor Billings read the following summary written by Larry Palmer that was provided in the packet. "The Building Permit Valuation table has not been updated since 2005 and the Building Permit Fee Table has not been updated since 1997. The pace of construction and the cost of construction have outpaced what valuation and fees the city has been assessing for construction projects. We are trying to get our valuation in line with the industry standard for construction cost. Findings: The City's Valuation of Building Construction and the permit fees have not kept up with the actual cost of construction and the Industry Standards. The permit fees are what is used to fund the Building Department and the other City Departments that are involved with the construction requirements to make sure all construction meets the City standards along with all adopted codes and Ordinances. Recommendation: We are recommending that we update the Building Permit Valuation Table to the 2024 table at 100% and the 2021 Building Permit Fee Table to the 2021 table at 100%. See the attached chart for the existing fees versus the fees if they had been adopted with the new code every 3 years. Also on the chart is a list of construction projects throughout the city, it includes single family homes and town homes."

Larry Palmer explained that current fees are over $100 below the recommended level, and adjusting them would bring the City closer to the industrial standard. He noted that fees are calculated differently for living areas, garage floors, and unfinished spaces. Two options were presented: one that updates automatically every three years, and another that returns to the Council every three years for review. Councilman Ellerman confirmed the proposed fees are in line with surrounding cities and asked the developers present for their input. Rick Richardson noted that costs are ultimately passed to the homeowner and remain regardless of home size. Mayor Billings requested a review of building department numbers to ensure fees cover costs. Mr. Palmer raised the challenge of quantifying contributions from other departments. Councilman Fawcett suggested raising fees only if costs are not being covered. Councilman Ellerman highlighted that the increase could fund additional staff to ensure timely inspections. A DR Horton representative recommended not increasing fees too quickly due to budgeting concerns. Councilman Ellerman agreed that increases should be gradual rather than immediate. Mayor Billings suggested reviewing fees annually and making incremental adjustments.

Drew Ellerman motioned to continue Resolution 2025-39 Updating Building Permit Fee Calculations and recommended removing the automatic update clause, calculating the fee by subtracting the recommended fee from the current fee and dividing that number in half and then adding that number to the current fee, and that it comes back to the Council to review in a year. Seconded by Kevin Thomas. Motion carried unanimously. Larry Palmer confirmed the Council didn't want any changes to Exhibit A.

3. Consideration and possible approval of a purchase agreement between Hurricane City and G&R Development LLC

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. "Hurricane City recently constructed the 2800 West approach to 600 North across a portion of G&R Development's property by virtue of a right-of-occupancy easement that contemplated a property land swap with the City for abandoned road property- a portion of the 2770 West alignment that was dedicated to the City in the 1980's. The arrangement has been complicated by the City's need to run a power transmission line through the property. The property owner and City Staff have worked together to arrive at the purchase agreement that is before the Council. Here is a summary: G&R Development will deed the property currently occupied by 2800 West, as constructed. Hurricane City will deed the previously abandoned

2770 West property to G&R Development. G&R Development will grant an expanded utility easement to the City to accommodate the proposed transmission line. G&R Development will pay $169,361.24 toward the cost of the transmission line construction. Hurricane City will reimburse G&R Development $118,161.24 in power impact fee vouchers to be used on their Sky View development project along 600 North. After multiple meetings between Staff and G&R Development the agreement before the Council has been drafted to fulfill the needs of the parties. The agreement is recommended by staff for approval."

Joseph Prete motioned to approve the purchase agreement between Hurricane City and G&R Development LLC. Seconded by Kevin Thomas. Motion carried unanimously.

4. Consideration and possible approval of a reimbursement agreement for system improvements by Self Help Homes

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. "Self Help Homes is developing the Sage Pointe Phase 5 Subdivision, and in so doing is required to construct the northerly extension of 200 West from 975 North to the end of their project. A substantial portion of the required extension is not along their frontage and is a reimbursable system improvement. In 2007 the City approved the Panarama View Subdivision and did not require the construction of 200 West to be completed by the developer at the time. The plat was approved with language that required the City to construct the improvements on 200 West that lined the back of the lots of the subdivision and the developer would dedicate the road. Staff has worked with Self Help Homes to determine the costs involved to construct the improvement and has negotiated a reimbursement agreement as follows: The total cost of the improvements along the Panorama View Subdivision is $224,991.00. Sage Pointe Phase 5 has 54 lots, which will utilize $123,876 in Roads Impact Fee Vouchers. The remaining $101,115.00 is proposed to reimbursed to the developer in cash once the road improvements have preliminary acceptance. Staff recommends approval of the agreement."

Kevin Thomas motioned to approve the reimbursement agreement for system improvements by Self Help Homes. Seconded by Clark Fawcett. Motion carried unanimously.

5. Discussion and possible direction regarding the Sunwood Canyon Villas development

Mayor Billings read the following summary written by James Jessop that was provided in the packet. "Canyon Villas is designed as an attainable housing option for Hurricane residents, with homes at approximately 1,100 square feet. Our primary focus is on long-term affordability for buyers, and to that end we would like to discuss: Stick-Built vs. Manufactured Homes. - Exploring the pros and cons of traditional stick-built homes versus manufactured homes in this project. Understanding how each option impacts overall cost, neighborhood character, and long-term value for residents. Separating Property Lines & Financing Affordability. -Options for lot configuration and separating property lines to support lower financing prices. Ensuring the structure of ownership supports more favorable financing terms so that the financial instruments remain accessible to buyers. Permit Fees for Small Homes - Considering a reduction or adjustment in permit and impact fees for these smaller 1,100 sq. ft. manufactured homes. Our intent is to pass any savings directly on to buyers so the homes remain as affordable as possible while still meeting the City's standards. Our overall objective is to align Canyon Villas with the City's goals for attainable housing and to work collaboratively with your office and staff to make this project a meaningful part of Hurricane's housing solution."

James Jessop explained that eight homes have been completed, and construction is underway on the clubhouse and pool area. Drawing on experience with a similar subdivision in Washington, he expressed interest in creating individually owned lots to allow 30-year financing, which is currently not possible under the existing setup. The average lot size would be about 2,500 square feet. He noted that homeowners take greater pride in their property when they own it. Mayor Billings explained that the project was originally approved as a single RV park under one ownership, making conversion to individual lots challenging. She added that this type of zoning does not currently exist in the City. Mr. Jessop compared the proposed lot sizes to the Canyons RV lots. Councilman Ellerman asked if a model could be used where owners only own the pad, with the remainder as common area. Mr. Jessop confirmed that would work for financing. Mayor Billings noted that HOA dues could not be set so high as to make ownership unaffordable, which Mr. Jessop said could be addressed in the HOA agreement. She also pointed out that the City does not want to take over streets that do not meet City standards.

Mr. Jessop stated that 180 units are approved but restricted to 1,100-square-foot homes. Don Bean with DR Horton indicated that if this model succeeds, they would like to replicate it elsewhere in the City to provide homes in this price range. Councilman Thomas noted that an item on the next Planning Commission agenda would update R1-4 zoning to allow similar developments in more locations to support affordable housing. Mr. Bean added that current setbacks make building an affordable home difficult. Councilman Thomas explained the design approach ensures a small home with a yard without feeling dense. Dayton Hall asked if the Council intended for staff to explore converting a single RV park parcel into a 2,400-square-foot lot subdivision. Councilman Ellerman clarified it would be a PDO zone with pad lot ownership. Mr. Hall noted that current code does not allow this but a custom development agreement could be drafted if the Council supports it. Mr. Jessop highlighted amenities including a clubhouse, pickleball courts, and a swimming pool. Mr. Cupp stated staff will evaluate the best path forward. Councilman Ellerman noted that new code adoption may be needed to support affordable housing. Councilman Prete stated he does not support creating a zone smaller than R1-4.

6. Public Hearing to take comments on the following:

Clark Fawcett motioned to go into a Public Hearing at 8:35 p.m. Seconded by Kevin Thomas. Motion carried unanimously.

a. Amending the Street Impact Fee Ordinance to account for inflation

No comments.

Kevin Thomas motioned to go out of Public Hearing at 8:36 p.m. Seconded by Drew Ellerman. Motion carried unanimously.

7. Consideration and possible approval of Ordinance 2025-22 Amending the Street Impact Fee

Mayor Billings read the following summary written by Paige Chapman that was provided in the packet. "Hurricane City did an Impact Fee Study that was published in 2006 and the recommended fee at that time was $3,898 for residential, $336 per 1,000 sq ft for commercial, and $332 per 1,000 sq ft for Industrial. Timeline of City Council: 5/6/2010 – approved ordinance changing the roads impact fee to $2,452 for residential, $198 per 1,000 sq ft for Commercial, and $196 per 1,000 sq ft for Industrial. (Council approved this at 63% of the recommended fees for residential, 59% for commercial and industrial). 7/ 5/2012- Council voted to stop doing the annual review and to stop using the Turner Index Inflation factor. I have attached a spreadsheet that I made to show what the Turner Index Inflation would've looked like if Council approved the fees in 2008 (when it was first discussed to council) at 100% of the recommended fees to present. Residential is in the blue highlight, commercial in pink/purple, and Industrial in green. Residential with the inflation factor is at $6,493.26, Commercial at $559.71, and Industrial at $553.04. On the right of the inflation table is the comparison with Washington and St. George. Residential is right in line with the two surrounding cities but we are proposing that this fee is no less than $3,898, original recommendation from the impact fee study, and no higher than $6,493.26, the original fee with the inflationary factor. Commercial we recommend $559.71, original impact fee proposal at 100% with the inflation factor. This fee is still really low compared to $2,332 in Washington and $2,516 in St. George. Industrial we recommend $553.04, original impact fee proposal at 100% with the inflation factor. This fee is still really low compared to $3,405 in Washington and $1,378 in St. George. The bottom of the spreadsheet you will see a graph that I made from our revenues in impact fees collected and expenditures from impact eligible projects. From 2008-2016 you can see that revenues and expenses were pretty close to each other and then in 2017-2018 we collected more than was spent.
From 2022-present projects have really taken off and I believe the new "norm" will show going forward that street impact projects will be over $2 million a year, from $1 million in years past. We have over $81,620,000 in 100% impact fee eligible projects identified that will be needed in the future and depending on how growth comes, we will need to be updated in our capital facility and impact fee studies."

Paige Chapman stated that she discussed the matter with Kaden DeMille and Dayton Hall, and they agree that the proposed increase still falls within the legal scope of the original study. She noted that the increase would serve as a temporary measure until a new study can be completed. Mrs. Chapman provided examples comparing Hurricane's fees to those of surrounding cities. Councilman Fawcett observed that the proposed fees are still lower than neighboring communities. Mrs. Chapman added that while the residential fee is in line with other cities, the original study recommended a higher fee due to Hurricane's larger build-out. She recommended setting the residential fee at a midpoint between the proposed numbers until a new study is completed. Mayor Billings stated that, per State regulations, the fee would become effective in 90 days. Cindy Beteag noted it would take effect immediately since this is not a new study, and Mr. Hall stated he would confirm the implementation timeline according to State Code. Mrs. Chapman recommended the highlighted commercial and industrial numbers and suggested the Council provide input on the residential fee, ideally setting it between the two highlighted options.

Kevin Thomas motioned to approve Ordinance 2025-22 Amending the Street Impact Fee at the recommended amounts $559.71 for commercial and $553.04 for industrial and no less than $3,898 for residential. Seconded by Joseph Prete. Motion carried unanimously by a roll call vote.

8. Consideration and possible approval of right-of-way acquisition by Hurricane City on the 2400 West corridor

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. "Hurricane City has approved a preliminary plat for the Southern Dunes project. The proponents of the project have completed construction drawings and are only 1 step away from meeting all requirements for commencing construction. The right-of-way for 2400 West is not adequate to accommodate a standard 32-foot wide paved roadway. The necessity and requirement for this paved access is a situation that is similar to the second access issue that exists in Pecan Valley. There are over 200 units that have been approved in the area, including final plats and building permits for Southern Shores, and Cordero, and a preliminary plat for Southern Dunes. The proponents for the Southern Dunes project, in order to get a final plat approval and notice to proceed for construction, have been tasked with paving 2400 West from 3000 South down to their project, which also includes acquisition of right-of-way on the East side of the road along the Hurricane Enterprises, LTD property frontage. They have acquired an appraisal to determine fair market value and paid for a survey to get the alignment staked. They have offered to pay the appraised value to the property owner and have had phone and email conversations to negotiate and answer questions. The project proponents for Southern Dunes feel they have negotiated in good faith and have yet to make a deal with the property owner. This agenda item has been requested by the project proponent of the Southern Dunes to get the City's help to acquire the necessary right-of-way for masterplanned 2400 West."

Mayor Billings noted that multiple developments require this second access. Anthony Boteno reviewed the steps taken to secure the right-of-way, explaining that their group has facilitated discussions with the property owner and completed a specific appraisal suitable for eminent domain if necessary. He stated that the owner was notified that the item was on the agenda and verbally indicated she would sign the right-of-way agreement. Staff is currently preparing the agreement to send to her, but Mr. Boteno suggested the Council provide guidance on whether to proceed with eminent domain if the agreement is not signed. Councilman Fawcett asked what action is required tonight. Dayton Hall clarified that this agenda item is a discussion only, and the applicant is seeking Council support for staff to finalize the agreement with the property owner. Councilman Thomas noted that eminent domain would only be considered in the future if the owner does not sign. Councilman Fawcett expressed that he does not support eminent domain but is in favor of staff working toward an agreement. Mayor Billings agreed and suggested the City consider paying the owner's back taxes as part of the negotiation.

Drew Ellerman motioned to direct staff to move forward with whatever is needed for either acquisition or eminent domain for the 2400 West corridor. Seconded by Kevin Thomas. Motion carried with Kevin Thomas, Drew Ellerman, and Joseph Prete voting aye. Clark Fawcett voted nay.

9. Consideration and possible approval of Zone Change Amendment Ordinance No. ZC25-22, a proposed zone change located at 340 N Park View Dr. from Single Family Residential R1-8 to Multiple Family RM-1; parcel H-4-1-36-2000; PM Development Corp., Applicant; Chase Statton, agent

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "The applicant is requesting a zone change from Single Family Residential R1-8 to Multiple Family RM-1 on approximately 4.5 acres of a larger 25-acre parcel located at 340 N Park View Drive with the intent of constructing detached single-family residences in a multifamily zone. The development standards and setbacks in a multifamily zone would allow more flexible development for a single-family project than in the typical single-family zones. A public hearing on the proposed zone change was held at the November 13, 2025, Planning Commission meeting and 5 public comments were made in objection to the application, and 1 written comment was received. The objections voiced ranged from concerns about low-income and multifamily housing, obstruction of views, incompatibility with the General Plan, and potential increases in traffic congestion. The Planning Commission shared concerns that the request for a multifamily zone is not consistent with the single-family General Plan designation. The applicant also proposes to enter into a development agreement with the city to restrict development to single-family homes and to prohibit multifamily buildings, which the Commission was reticent to consider. The Planning Commission's decision was to recommend denial of the RM-1 zone, and instead, that the City Council consider approval to rezone the property to Single Family Residential R1-6 with the standard setbacks. The vote was unanimous. Findings: In making a decision to approve or deny a zone change amendment, the following factors should be considered: *1. Is the proposed amendment consistent with the City's General Plan's goals, objectives, and policies?* The General Plan Map shows this area as "Single Family," and the proposed RM-1 multifamily zone does not conform with this land use designation. While under strict adherence to the General Plan, multifamily uses would not be compatible with the existing adjacent single-family residential development, but a project limited to single-family homes could be considered conforming. A less intense, single-family use of a multifamily zone would potentially allay concerns about incompatible high density adjacent to existing single-family residences. *2. Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity?* Single-family development could be considered compatible with surrounding area. *3. Will the proposed amendment adversely affect the adjacent property?* The proposed zone change is not anticipated to adversely impact the area if development is limited to single-family homes. *4. Are public facilities and services adequate to serve the subject property?* Services and public facilities are adequate to support any future development. While staff does not find that the proposal completely satisfies the four considerations for a zone change, the concerns regarding General Plan conformance and compatibility with neighboring developments could be sufficiently mitigated through a development agreement requiring that the property be developed with single-family homes."

Chase Stratton stated that they do not want RM-1 zoning. Instead, they are seeking R1-4 with modified setbacks, but the current code does not allow R1-4 next to R1-10. He explained that the land layout allows for larger lots, similar to R1-4, but with reduced frontage and smaller side setbacks. The intent is to provide more affordable homes, as larger homes would not be compatible next to the adjacent storage units.

Michelle Cloud stated that the City is facing an attainable housing crisis that requires multiple approaches to address. She explained that the proposed development could help meet that need. She referenced training she attended discussing the use of odd-shaped or "orphan" lots left after development. She acknowledged that the Planning Commission recommended denial because the property is not adjacent to an R1-8 zone, but noted that a road separates the adjoining property and it is next to storage units. She believes the site could be developed as multifamily with a development agreement or as smaller single-family lots and noted that this type of development is necessary to support attainable housing.

Marlin Mattlock read his letter opposing this development that was submitted and is included in the packet.

Jacob Larsen stated that he lives in a similar community and described it as a wonderful, family-friendly environment where children can safely go back and forth. He highlighted that more walkable neighborhoods contribute to stronger communities. Mr. Larsen noted that school enrollment has declined over the past year due to high housing costs, with families often doubling or tripling up in homes. He expressed support for the proposed development, stating it is a clear fit and will help provide much-needed housing diversity.

Councilman Ellerman noted that the proposed development adds only six units beyond what is already allowed, a relatively minor increase. He emphasized that the community is losing residents due to housing affordability. Mayor Billings stated that the lot sizes would help keep home prices lower. Mr. Stratton explained that they are requesting RM-1 zoning with a development agreement to allow smaller setbacks while remaining close to R1-4 standards. Councilman Thomas expressed support for exploring the proposal, while Councilman Fawcett opposed RM-1, preferring a zone compatible with surrounding uses and noting that views are not protected, although building height could be the same under any zone. Dayton Hall clarified that the Council could approve R1-4 with a development agreement without requiring additional noticing. Councilman Prete asked about sidewalks to Grandpa's Pond. Mr. Stratton acknowledged drainage issues but agreed to improvements along Park View Drive. He requested five-foot side setbacks per lot, a twenty-foot front setback for living areas, and twenty-five feet for garages, with usable yard space in the back. Mr. Cupp confirmed these provisions would need to be included in the development agreement. Councilman Ellerman noted that R1-4 zoning could allow more units than shown in the exhibit. Mr. Stratton offered to limit the project to twenty-two lots within the development agreement. Councilman Ellerman cautioned that development agreements could create legal issues if similar provisions are denied elsewhere, and suggested RM-1 with a development agreement might be a better approach. Mr. Stratton confirmed that roads would meet standards, homes would have two-car garages with driveways for parking, and storm drain basins would be required. When asked about providing additional parking in basin areas, he stated he does not want an HOA to manage common areas.

Drew Ellerman motioned to approve ZC25-22, a zone change request located at 340 N Park View Dr. from R1-8 to RM-1 subject to the development being limited to what is shown on the exhibit, a development agreement requiring a sidewalk along Park View Dr. and side setbacks of five feet and front setbacks of twenty feet to the living and twenty-five feet to the garage. Seconded by Kevin Thomas. Motion failed with Kevin Thomas and Drew Ellerman voting aye. Clark Fawcett, Joseph Prete voting nay, and Mayor Nanette Billings breaking the tie with a vote of nay.

Kevin Thomas motioned to approve ZC25-22, a zone change request located at 340 N Park View Dr. from R1-8 to R1-4 subject to a development agreement (1) requiring the applicant to construct a sidewalk along Park View Dr.; (2) allowing side setbacks of five feet and front setbacks of twenty feet to the living areas and twenty-five feet to the garage; (3) limiting the density to 22 lots as shown on the exhibit proposed by the applicant; (4) requiring the plat layout to substantially comply with the proposed exhibit; and (5) exempting the project from the proximity to residential zone requirements imposed on R1-4 projects by ordinance. Seconded by Clark Fawcett. Motion carried Kevin Thomas and Clark Fawcett voting aye, Drew Ellerman and Joseph Prete voting nay, and Mayor Nanette Billings breaking the tie with a vote of aye.

10. Consideration and possible approval of Zone Change Amendment Ordinance No. ZC25-20, a proposed zone change located at 804 S 180 W from Residential Agricultural RA-1 to Single Family Residential R1-10; parcel H-3-2-3-1221; Maag Family Trust, Applicant; Kyson Spendlove, agent

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. “The applicant is requesting a zone change from Residential Agricultural RA-1 to Single Family Residential R1-10 on approximately 0.33 acres located at 804 S 180 W. A public hearing on the proposed zone change was held at the November 13, 2025, Planning Commission meeting and no comments or objections to the zone change were received. The Planning Commission discussed the proposal and expressed overall support of the zone change, and voted unanimously to recommend approval subject to staff and JUC comments. Findings: In making a decision to approve or deny a zone change amendment, the following factors should be considered: 1. Is the proposed amendment consistent with the City's General Plan's goals, objectives, and policies? The General Plan Map shows this area as "Rural Residential." While the proposed zone change may not be consistent with the Future Land Use Map since the area was specifically redesignated as Rural Residential in 2024; however, the request could be interpreted as supporting one of the General Plan's stated goals to preserve and facilitate the continuation of existing agricultural uses by allowing the applicant to separate the residential portion of the property from the actively farmed land. 2. Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity? The subdivision across the street (180 W) from this property is zoned R1-10, and many are about the same size as this is proposed to be. The houses to the south are zoned RA-1 but are closer to half an acre in lot size. Overall, this would be harmonious with the surrounding development. 3. Will the proposed amendment adversely affect the adjacent property? The requested zone change would only allow a lot split of the single-family home from the remaining agricultural field, which is not anticipated to have any adverse effects on adjacent properties. 4. Are public facilities and services adequate to serve the subject property? Services and public facilities are adequate to support the proposed zone change. Staff finds that the request supports the goals and objectives of the General Plan, and adequately meets the required code considerations for a zone change, and therefore recommends approval."

Kyson Spendlove clarified this is not a zone change request for the entire parcel only the section that is highlighted so it can be separated from the rest of the parcel.

Joseph Prete motioned to approve ZC25-20, a zone change request located at 804 S 180 West from RA-1 to R1-10 based on the staff report. Seconded by Keivn Thomas. Motion carried unanimously.

11. Consideration and possible approval of a General Plan Amendment to adopt and add a Water Element to the General Plan pursuant to Utah Code 10-20-404(2)(b). -Gary Cupp

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "Utah Code § 10-20-404(2)(b) requires that cities adopt an element, or appendix, to their General Plan that addresses water use in future development. Hurricane City has received a grant from the Utah Division of Water Resources to contract with Sunrise Engineering for the preparation of the required element. This General Plan element is advisory in nature and non-binding, like the rest of the General Plan, and includes recommendations for water conservation policies that may be adopted by the City for new development, existing development, and municipal operations. The drafting process included consultation with the Washington County Water Conservancy District and the Hurricane Water Department. By state mandate, cities must adopt a water element by the end of 2025. The new Water Element will address:• The effect of permitted development on water demand and infrastructure. • Water use reduction strategies for existing development. • Water use reduction strategies for future development. • Operational changes to reduce wasteful municipal practices. The Planning

Commission discussed the proposed water element at their November 13, 2025, public meeting and voiced concern that it will become binding ("today's guideline will become tomorrow's mandate") but ultimately recommended approval. Staff recommends approval and adoption in order to comply with the state mandate by the end of the year." Mayor Billings added that we already have standards in place that are similar to what is being proposed.

Drew Ellerman motioned to approve the General Plan Amendment to adopt and add a Water Element to the General Plan. Seconded by Joseph Prete. Motion carried unanimously.

12. Consideration and possible approval of an Economic Development Policy - Gary Cupp

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "The City desires to attract businesses and companies capable of creating new, high-paying jobs that will improve the quality of life and increase the tax base within its boundaries; therefore, an Economic Development Policy is proposed. The City intends to incentivize appropriate target businesses in order to attract commercial, retail, and industrial projects exhibiting the potential to meet the City's goal of expanding its economic base. To accomplish the policy's aim, an Economic Expansion Committee (EEC) will be formed to review commercial, retail, and industrial projects that exhibit the potential to meet the City's goals of expanding its economic base, and identify appropriate areas in the city best suited for the development of such projects. The EEC will then make recommendations to the City Council to offer incentives to target businesses that might include: Expedited approval/review process for commercial projects. Infrastructure cost-sharing between the City and developer. Deferral of impact fees not at Building Permit but at CO. Sales tax, and or Property tax agreements. Any other successful incentives other cities have used. The EEC, will consist of representatives from Planning, Public Works, Engineering, Planning Commission, and City Administration, will meet to review proposals or applications for commercial, retail, and industrial projects that have the potential to meet the City's economic development goals. The EEC will evaluate projects based on the following criteria: Significant square-footage of commercial/retail space to be constructed. The average wage of planned new jobs. Capital expenditure investment. Type and number of new jobs created. Whether or not the jobs are related to headquarters or innovation operations. The company's corporate citizenry efforts (i.e., Do they meet legal, ethical, and economic obligations to benefit the City while maintaining profitability?). The Planning Commission discussed the proposed policy at its November 13, 2025, meeting and expressed overall support for the policy, but had concerns that it could be viewed as favoring large-scale business at the expense of mom-and-pop businesses. The Commission voted 3 to 2 to recommend approval of the policy to the City Council."

Councilman Thomas expressed concern about item #4 regarding sales and property tax agreements, noting that including it could lead to repeated requests in the future. He suggested it is adequately addressed under item #5 and should not be listed separately. Councilman Ellerman agreed. Patty Nation asked about offering a rebate instead of a direct incentive, explaining that this approach could motivate performance while giving back to the community. Mayor Billings suggested allocating 2% annually to local nonprofits. Councilman Prete stated he appreciates Councilman Thomas's approach but is conflicted. He supports proactively attracting businesses but is cautious about creating incentives that may become excessive or unnecessary. He noted the value of having a point person while maintaining oversight. Mayor Billings pointed out that this is only a policy; proposals would still go to the board and require Council approval.

Kevin Thomas motioned to approve the Economic Development Policy subject to removing item #4 under incentives. Seconded by Drew Ellerman. Motion carried unanimously.

13. Consideration and possible approval of a new IPA Representative

Mayor Billings explained they reached out to her because Scott Hughes was still listed as the representative.

Kevin Thomas motioned to approve Mike Johns as the new IPA Representative. Seconded by Joseph Prete. Motion carried unanimously.

14. Mayor, Council, and staff reports

Councilman Fawcett stated that he met with the Water District to review their impact fee study, which will be on the December 1st agenda for approval. He expressed support for the work that has been done but noted he is not in favor of the fee increase, although it is lower than previous rates.

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

A closed meeting was not needed.

Adjournment: Kevin Thomas motioned to adjourn at 10:16 p.m. Seconded by Joseph Prete. Motion carried unanimously.