

Minutes of the Hurricane City Council meeting held on December 18, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

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

## **AGENDA**

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

Darren Barney stated they participated in the Wreaths Across America by putting together the list of Veterans at the cemetery, marking the graves, and cleaning up the wreaths after. The construction at the Veterans Park is starting to move again with the bathrooms almost finished, the underground trench being dug for electrical, and all the statues are here and ready to be installed. He reported that they had some people buried in the wrong spots, so they had to move deeds. The families have been great to work with. He has put policies in place to prevent it in the future. They will have to exhume a body in the next couple weeks due to a judge's order regarding a murder in the 70's.

Larry Palmer reported that since the last Council meeting the building department had issued permits for seventeen single family homes, one twin home, two condo buildings, one commercial TI for an AT&T store by Walmart, and four commercial building, including a new building for Ernie's Too, an industrial building at Quail Creek Industrial Park, and two restaurants at Jellystone. Apple Bee's passed their final inspection today. He mentioned there was a house on 400 S. that started demolishing it without permits. They still had gas and power connected in the house and they had no asbestos checked. They issued a red tag to stop work while they work on permits.

Ken Richins stated the Dixie Springs Well is ready to start pumping operations. They are just waiting for an operating permit from the State.

Chief Yates announced they held Shop with a Cop last Saturday with fifty-five kids attending and they shopped for three more that couldn't attend. The event started with breakfast at the high school. They had a lot of different agencies helping. He stated this always has a positive outcome that builds great relationships. They have finished the last background on the new hires, so all positions are filed.

Tiffani Wright reported that they made about \$17,000 with the Tree Festival and Tree Lighting. She stated both were great events. The hoops are currently being installed in the new gym, and the flooring is being laid. They ran out of carpet on the lower level for the walls. The cabinets and countertops are installed. The parking lot won't be done until January, so they are hoping to be in by the end of January. She stated they had bid openings for the pool and pickleball courts that they are excited to get going. Programs will start back up in January. She thanked the outgoing Mayor and Council for the support and work that they have done.

Paige Campman stated the audit review was moved to the next meeting, but they did report that there were no findings.

Sel Lovell stated he is happy that positions are being filled. The City is up to 141 full-time employees. This is the highest he has seen.

Mike Vercimak stated there are a lot of subdivision and commercial projects going on.

Hayden Roberts reported that the crack seal has been completed downtown and they are moving over by Sky Mountain. The crushing is completed at the street yard. There is a storm coming next week that they are preparing for.

Mike Johns stated he just got back from the UAMPS conference. UAMPS has set a savings account that cities can put money in to save for unknown market changes. The Central St. George project will be paid for shortly and he has become the chair for that board.

Arthur LeBaron echoed Mrs. Wright's comments and thanked them for their service on Council. There are a couple of bids on agenda to be awarded tonight. He thanked Councilman Ellerman for his help. He stated he emailed and printed the recommendation on the pool that was completed today. He applied for a grant from UDOT for the transportation master plan that they are planning. He explained when they do the master plan updates, they look at road alignments. We will need to add the interchanges on SR-7 which will affect the impact fee calculations, and we need to look at where signals are needed. We are growing and they will start popping up everywhere. He wants to do a pavement management update. He is going to do an analysis on costs, what they get from B&C funds, and what they get from sales tax to see if we need to implement a transportation utility fee. The State has realized there is a shortfall between the needs and what cities receive from the B&C fund. He explained there is a senate bill that requires cities to look at barriers to connectivity which will also be addressed with this project. Mayor Billings stated Santa Clara has started this utility fee. She recommended reaching out to them. She stated the bid was awarded for the fencing on the bridge. UDOT is building it offsite. Councilman Fawcett asked about a turn lane on 1760 West off SR-9. Mr. LeBaron stated that it is a problem as well as at 1150 West. He will get an update from UDOT and report back to the Council. He stated they are having team meetings for the second access to Sand Hollow. They are working on all the details to get the entrance designed.

Gary Cupp reported the Planning Department remains busy with applications and code updates.

Fred Resch III stated the Planning Commission approved the final site for a dentist office north of the Windgate parking lot and a final site for the micro hospital, Exceptional Healthcare, by I-15.

Kaden DeMille thanked the Mayor and Council for their work. They will be missed. He stated they have done a lot of work, and it has been a pleasure working with them.

Mayor Billings stated the mayors and Five County held a meeting with the legislators. There will be an HOA bill that will be coming in January. They have done some work on the short-term rental bill but if there are more things let them know. They are working on a bill to protect software regarding malware. She explained Neil Waters stated it wasn't the intent for PID's to affect cities bonding capacity and they will do whatever they can to fix it. Councilman Fawcett stated the State was trying to protect the cities, but the GASB is different. They need to get something done. Mayor Billings stated they are working through the problems. She stated Suncor donated the concrete blocks for the bike park, but they didn't have a way to get it here. Matt Flanders has volunteered to coordinate transporting the blocks to the park. She announced there is a resident that would like to purchase property and construct some soccer and pickleball fields to donate to the City. He is working through a contract with property near 1100 West and 3000 South.

**6:00 p.m. - Call to Order –**

Mayor Billings welcomed everyone and called the meeting to order.

Prayer: Councilman Hirschi

Thought and Pledge: Councilman Thomas

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for November 20, 2025

Drew Ellerman motioned to approve the November 20, 2025, minutes as written. Seconded by Clark Fawcett. Motion carried unanimously.

Recognition of Detective Johnson

Chief Yates introduced the representatives from the Internet Crimes Against Children "ICAC" with the Attorney General's office. He stated they protect the most valuable people. Adding that last year Steve Johnson came to him stating he wants to be a part of the task force. Captain Sete Aulai introduced himself and Sergeant Ekolu Delos Santos. He explained they are here to recognize Detective Steve Johnson for being a phenomenal investigator that is dedicated to keeping children safe online. He stated this is a great task force that you see the fruits of your labor, but it is not an easy job. It is not easy to listen to or see the abuse of the children. Mr. Johnson's dedication has led to the rescue of a child within the state. There are 91 agencies make up the task force and their mission is simple – save children. Hurricane has been part of the task force for just over a year and has been a great partner. They work with missing and

exploited children. He highlighted a case of Detective Johnson where he identified a repeat sex offender here in Utah. He located him in Ivins and arrested him. He puts in long hours investigating cases and has a willingness to listen and watch what he has to. They are here to award him with the New Investigator of the Year. He is a great example to all of them. He stated there were twenty-one cases that came to Hurricane and Mr. Johnson took them all. He appreciates all of his work. He is valued and appreciated by many. He asked for a round of applause for the New Investigator of the Year and presented him with a plaque.

#### Recognition of the outgoing Mayor and Council

Councilman Fawcett thanked outgoing Councilmembers and Mayor for their work. He stated they have made a difference, and he is thankful to have the opportunity to work with them. They will be missed. He stated he has worked with a lot of mayors throughout his career, but he has not seen one put as much time and dedication in to as she has. She is appreciated.

#### Public Forum – Comments From Public

Clelen Tanner stated he listened to the 11/20/25 council meeting. He is here to express his concern regarding the Sunwood Canyon Villas development. He thinks the developer made poor business decisions because he is now here asking for exceptions. He stated as a taxpayer he is unclear why the City isn't being more neutral on this development. He explained the developer tried to build a retaining wall on his property without proper permitting. He was asked to stop multiple times but didn't until the project was red tagged. It has been almost two years since he caused damage to his property, and nothing has been done to fix it. He thinks the recording from that meeting indicates there are personal connections with this developer. He asked Mayor Billings and Councilman Ellerman to recuse themselves from further discussions or voting on all matters pertaining to Sunwood Canyon Villas. He stated Hurricane needs to plan for and encourage affordable housing rather than subsidizing it.

Steve Nation mentioned a new airport zoning act that was passed but he has not heard anything else about it. He asked for an update on the status of it. Mayor Billings stated she called the County and they said they weren't doing anything right now. It has to go through them first.

#### OLD BUSINESS

**1.** Consideration and possible approval of Ordinance 2025-17 amending Title 10, Chapters 3, 12-17, & 37 regarding accessory buildings in front yards; LUCA25-06; Hurricane City, applicant -Gary Cupp

Gary Cupp explained last time this was before the Council, staff was given direction to remove all ADU's in the front yard and clean it up. Those revisions have been made and ADU's are no longer allowed in front yards. They are now recommending approval. He explained this also cleans up the front yard definition and how it is defined. Councilman Thomas pointed out that if you live on a five-hundred-acre parcel and build two hundred feet back then you can't put it in

the front. Mayor Billings stated they could add provisions to allow them on larger lots. Mr. Cupp explained staff did have provisions to allow that but have since removed that.

Kevin Thomas motioned to approve Ordinance 2025-17 amending Title 10, Chapters 3, 12-17, & 37 regarding accessory buildings in front yards subject to allowing an ADU on an acre or more.

Mr. Cupp stated staff needs more direction than that. Motion died.

Kevin Thomas motioned to continue Ordinance 2025-17 amending Title 10, Chapters 3, 12-17, & 37 regarding accessory buildings in front yards and directed staff to come back with a draft allowing ADU's in the front yard on one acre or more, requiring that the ADU is smaller than the home, and requiring compliance with all the other development standards. David Hirschi seconded the motion. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman voted nay.

Councilman Prete recommended staff providing two versions with the options that have been discussed, so they had options. Councilman Fawcett asked if this should be on the January 15<sup>th</sup> or February 5<sup>th</sup> agenda. Council agreed February 5<sup>th</sup> would be better so there is a full council.

#### **NEW BUSINESS**

1. Consideration and possible approval of an appeal of the denial of a vacation rental license - Kris Olmore

Kris Olmore explained she thought the renewal was due at the end of the year and missed her deadline. She is asking for an appeal to reactivate her license. Mayor Billings read the following summary that was provided in the packet written by Cindy Beteag. "The applicant has held a whole-home vacation rental license for a single-family residence since September 2021. During that time, the City has not received any complaints or concerns regarding the operation of the rental. The license was not renewed for the 2025 licensing period. Staff issued multiple notices to the property owner, including: August 15, 2025: Initial renewal notice, October 6, 2025: Renewal reminder, November 6, 2025: Late fee notice, and November 21, 2025: Final failure-to-renew notice. The owner did not respond or remit payment following any of these notices. No inspection was scheduled or completed. On December 2, 2025, following receipt of the failure-to-renew notice, the owner contacted the City requesting to appeal the failure to renew. Staff explained that the code does not provide an appeal process for a failure to renew. The owner was advised that they could reapply; however, staff would be required to deny the application due to the lapse, and that denial could then be appealed to the City Council. Staff also informed the owner that application and license fees are non-refundable, even if the Council upholds the denial, though the applicant may request an exception directly from the Council. Staff recommends denial of the appeal. The applicant had a total of 45 days before and after the license expiration to complete the renewal and required inspection but failed to take any action during that time."

Councilman Thomas confirmed that none of notices were sent certified and that staff did not call or email the owner before the renewal was denied. Ms. Olmore added that she moved her

renters, so it has been sitting vacant since the renewal was denied. Councilman Ellerman confirmed it is a stand-alone rental. Councilman Prete confirmed the owners had received the notices. Ms. Olmore stated she did read them, but she just didn't process them. She has had a lot of traumatic events this past year and she just let it lapse. She has done this for nine years and hasn't had any complaints. She has rentals in LaVerkin and this one in Hurricane. Councilman Hirschi confirmed that if this is revoked the license goes away. Mayor Billings commented that she has done a good job controlling it. Councilman Prete confirmed she personally manages the property.

David Hirschi motioned to approve the appeal based on the owner managing it well. Seconded by Joseph Prete. Motion carried with Kevin Thomas, David Hirschi, and Joseph Prete voting aye. Clark Fawcett and Drew Ellerman voted nay.

Kaden DeMille noted that this was the second consecutive appeal approved by the Council and questioned whether the current staff process should be reconsidered. Mayor Billings suggested that staff contact property owners by phone or email prior to issuing a denial. Councilman Thomas stated that he did not believe any changes to the process were necessary. Councilman Prete expressed concern that notices are sent only by regular mail, noting that the loss of these licenses could result in a significant financial impact. Councilman Hirschi stated that appeals should be reviewed on a case-by-case basis to determine whether there are additional issues with the license.

Mayor Billings took new business item 3 out of order and addressed it next. Minutes are in order of the agenda.

**2. Discussion and possible action to amend the City gym rates for Hurricane citizen club team tournament use - Haylee Prete**

Mayor read summary written by Haylee Prete that was provided in the packet. "Ignite Volleyball club would like to hold tournaments at the new city facilities. Current court rental rates make this cost prohibitive. We ask the city to consider amending current rates. Example: a two day tournament with 8 teams, using 2 courts from the hours of 3-9pm Friday and 8 AM to 5 PM Saturday would cost at current rates 15 hrs x 2 courts x \$100/hr = \$3000. Depending on age, each team is charged between \$250 and \$450 for entry (\$450 X 8 = \$3,600.00)... Additional cost to hire referees (unknown), additional source of income - entry fees (\$750?) In comparison, all day rentals for 2 courts at the schools is currently capped at \$500 per day."

Haylee Prete presented a more detailed breakdown of the proposed costs. Mayor Billings stated that the goal is to ensure club teams are able to access the City gyms. She reviewed rates from surrounding cities and asked whether the City could match those rates. Councilman Prete declared a conflict of interest and stated that the Council has previously emphasized that the primary purpose of the gyms is to support local teams. He noted that special rates and rules were established for local teams, along with discussions regarding priority booking. He added

that this is an early stage of the process and that procedures are still being developed. He explained that the club is intended to strengthen youth skills in an affordable manner.

Mrs. Prete stated that one of the major providers had withdrawn all of their tournaments and expressed concern about requiring younger teams to travel north to compete. She explained that the intent is to provide a local option for these teams. Mayor Billings explained that when the gyms were first discussed there was significant interest; however, many of those teams have not yet materialized, so the City needs to reassess the rates to ensure the gyms are being utilized. Tiffani Wright stated that while there was initially a great deal of interest when the rate was set at \$30 per hour, tournaments create additional wear and tear on the facilities and require increased staff time. For that reason, she does not believe tournaments should be charged the same rate as standard rentals. She also noted challenges in defining “local” versus “club” teams, as outside clubs are already partnering with local organizations to qualify for the discounted rate. While a lower fee would benefit her personally, she noted the importance of maintaining the integrity of the rate structure. Councilman Prete suggested tightening the requirements to qualify for the local discount. Mayor Billings concluded by stating that the City needs to remain competitive with other gyms in order to encourage their use.

Councilman Hirschi stated that while rates were lowered previously, he believes practice rates may need to be reduced further, provided costs can still be covered. Mrs. Wright noted that current rates are not covering costs. Mrs. Prete stated they would prefer to pay the City rather than the school and requested a reduced tournament rate and priority scheduling. Councilman Prete clarified that the issue is not the hourly rates, but whether the tournament rate should be revisited. Mrs. Prete noted that other facilities impose caps, limiting total costs. Kaden DeMille stated that fees should be reviewed against actual operating costs and suggested subsidizing local tournaments while charging higher rates for non-local events. Councilman Fawcett stated he does not see an issue with the current rates but would consider a cap. He suggested granting an exemption for the upcoming tournament and revisiting the issue after costs are evaluated. Mrs. Prete stated that four tournaments are scheduled and requested any exemption apply to all four. She added that court-based pricing with a cap would be preferable to a full facility rate. Mrs. Wright expressed hesitation about implementing a cap due to past misuse in other facilities and emphasized the need for a balanced approach. Councilman Prete recommended that if a change is made, it apply to all four upcoming tournaments to allow for proper planning and advertising.

Clark Fawcett motioned to keep the rates at the current rate but limit it to \$300 per court per day max and limiting it just four tournaments so it can reviewed thoroughly. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete abstained.

3. Consideration and possible approval of Ordinance 2025-24 amending Title 10 Chapter 37 Section 10 regarding the definition of front yards on flag lots; LUCA25-12; Hurricane City, Applicant -Gary Cupp

Gary Cupp explained the bottom portion of the flag lot is considered the front and has limited development. They are proposing an arc swing from the staff portion of the lot to establish the front setback, and the rest becomes the side yard. The Planning Commission agreed. Councilman Prete confirmed an ADU would be allowed if it meets the side setback.

Kevin Thomas motioned to approve Ordinance 225-24 amending Title 10, Chapter 37, Section 10 regarding the definition of front yards on flag lots. Seconded by Clark Fawcett. Motion carried unanimously.

4. Consideration and possible approval of the expansion of the future airport lease boundaries to include all areas developed and construction for the project

Mayor Billings explained that the applicant asked for this item to be continued. Drew Ellerman motioned to continue expanding the future airport lease boundaries to include all areas developed and construction for the project. Seconded by David Hirschi. Motion carried unanimously.

5. Consideration and possible approval of a Private Hangar Lease Agreement with Stormi LLC for hangar pad 2 N 4 E

Dayton Hall explained that the Airport Board recommended approval several months ago; however, questions arose regarding the layout as new hangars were constructed north of Steve Lemmon's hangar. The City completed a survey to clarify the proposed location, which is why the item is now before the Council. He noted that tenants are responsible for maintaining the area between hangars. Councilman Ellerman asked whether a ten-foot separation between hangars meets building code requirements. Mike Vercimak stated that airport code requires five feet of clearance on each side, resulting in a ten-foot separation. Councilman Ellerman noted that code requirements can change based on use. Mr. Vercimak responded that the building official will verify compliance with setback requirements. Councilman Prete asked when the City's code was last updated, to which Mr. Vercimak responded that it was updated in 2009. Councilman Prete expressed concern that codes should be updated more regularly to ensure consistency with current standards. Mayor Billings stated that any new construction must meet current building standards. Mr. Vercimak stated he believes the City code aligns with current requirements and will confirm with the building official. Zack Holt noted that St. George has multiple hangars with spacing less than ten feet.

Councilman Prete asked whether approving the lease would have implications for the entire row of hangars. Karl Rasmussen stated that once the hangar is constructed, utilities will need to be extended. Councilman Fawcett referenced concerns raised by Jason Campbell regarding the width of 700 West, noting that widening the road is not included in the master plan. Councilman Prete asked whether the road would need to be widened due to development in the area. Arthur LeBaron responded that the existing pavement is sufficient to accommodate two-way traffic. Councilman Prete also asked about drainage concerns. Mr. Vercimak explained that utilities and drainage are addressed on a hangar-by-hangar basis and that all plans must be

engineered and reviewed through the JUC process. Steve Lemmon stated that his hangar occupies eleven hangar spaces and that the FAA establishes the building standards. He explained how drainage is managed on-site. Mr. Vercimak added that the City relies on engineered plans to determine required improvements. Councilman Prete expressed concern about the area's collapsible soil and stated that additional safeguards may be needed to prevent future issues, noting that the City ultimately bears long-term responsibility for the property. Mr. Vercimak explained that three geotechnical firms were consulted during runway construction and that each hangar pad requires its own geotechnical analysis, with responsibility placed on the individual lessee. Councilman Fawcett stated that while risk cannot be eliminated entirely, it should be mitigated. Mr. Lemmon explained that failures typically occur when water reaches the foundation and described the measures he implemented to prevent this. Mr. Vercimak concluded that the City requires drainage away from hangars and takes steps to avoid collapsible soil conditions.

Clark Fawcett motioned to approve the Private Hangar Lease Agreement with Stormi LLC for hangar pad 2 N 4 E. Seconded by Drew Ellerman. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete voted nay.

6. Consideration and possible approval of Zone Change Amendment Ordinance No. ZC25-21, a proposed zone change on 7.27 acres located at 2300 S and 1100 W from Residential Agricultural RA-0.5 to Light Industrial M-1; Parcel number H-3-2-10-3391; Scott Stratton, Applicant. Karl Rasmussen, Agent

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "The applicant requests approval of a zone change for seven acres located south of the Hurricane Fields Estates subdivision and west of the Hurricane Airport, from Residential Agriculture RA-0.5 to Light Industrial M-1. According to the applicant, the purpose of the request is to facilitate future light industrial development on the site, since they believe that proximity to the airport, along with the confluence of major roadways makes the property less suitable for residential-agricultural use. A public hearing was held at the December 11, 2025, Planning Commission meeting. No public comments or objections to the zone change were received. Staff was originally recommending denial of the project due to lack of power capacity in the area. It has since been determined that the applicant has purchased capacity for another project in the past and now intends to transfer that capacity to this property should the zone change be approved. Therefore, staff now recommends approval. The Planning Commission recommends that the site is more suited for light-industrial use due to its proximity to the airport and other light industrial properties and voted unanimously to approve the zone change. Staff finds that the request adequately satisfies the four approval standards for zone changes."

Scott Stratton explained that both 1100 West and 2300 South are planned as 90-foot roads. He stated that he originally had three residential lots at the corner, but the buyers withdrew once they learned of the planned road width, which is why residential use is no longer desired for the area. Councilman Fawcett asked whether industrial use would be viable, and Mr. Stratton

stated it would serve as an effective buffer. Councilman Prete asked about the long-term road plan for the area. Arthur LeBaron explained that 1100 West will serve as the primary north-south corridor, with 2060 South intersecting into it. Mayor Billings asked which uses are permitted within the light industrial zone, and Fred Resch III reviewed the allowed uses. Mr. Stratton noted that he donated his frontage along 1100 West for the road, while the remaining property was sold to the City. He added that due to soil settling issues, open storage would be an appropriate use. Councilman Ellerman stated that because this is a major roadway, any storage would need to be screened behind a wall.

Kevin Thomas motioned to approve ZC25-21, a proposed zone change on 7.27 acres located at 2300 S and 1100 W from Residential Agricultural RA-0.5 to Light Industrial M-1. Seconded by Drew Ellerman. Motion failed with Kevin Thomas and Drew Ellerman voting aye. David Hirschi, Clark Fawcett, and Joseph Prete voted nay. Councilman Fawcett explained he wants to know what is going to go there first.

Drew Ellerman motioned to continue ZC25-21, a proposed zone change on 7.27 acres located at 2300 S and 1100 W from Residential Agricultural RA-0.5 to Light Industrial M-1 to the next meeting. Seconded by Clark Fawcett. Motion carried with Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. Kevin Thomas and David Hirschi voted nay.

7. Consideration and possible approval of a shade lease on Plot 50 at Hurricane Airport for Steve Lemmon

Mayor Billings stated that the Airport Board unanimously recommended approval on December 16. Steve Lemmon explained that the proposed hangar would be located adjacent to the City-owned hangar and would include tie-down spaces. He clarified that a shade hangar consists of a roof structure designed to protect aircraft from sun damage and frost. The proposed structure would be approximately 45 feet wide. Mr. Lemmon stated that drainage will be addressed through the standard review process, requiring approval from all applicable departments. He added that, if approved, he would begin soils testing to determine necessary site improvements.

Kevin Thomas motioned to approve the shade lease on Plot 50 at the Hurricane Airport. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete voted nay. Councilman Prete explained he would like things spelled out better on the infrastructure. Mr. Lemmon invited him out to meet on site.

8. Consideration and possible approval of a Power Line Extension request for Kachina Ridge - Kent Stephens

Mayor Billings read the following summary written by Crystal Wright that was provided in the packet. "The Kachina Ridge Development is seeking a line extension approval for power to be extended to their project up on the east bench above Hurricane. Power Department staff has met with the developer and come up with a plan to provide the power needed for their project. A map showing the development and the plan to provide power has been included. This item

was presented to the Power Board for a recommendation at the 12/10/25 meeting. The Power Board recommended unanimously to approve the power line extension request for Kachina Ridge with the plan that has been developed.”

Mike Johns stated that Kent Stephens completed significant work related to the easements and explained that electrical circuits needed to be reconfigured to create sufficient capacity for the area. He noted that Mr. Stephens has agreed to cover the costs associated with those changes and that the work will align with the construction timeline. Councilman Fawcett confirmed the work would be contracted out. Councilman Prete expressed concern about traffic on the hill and questioned whether funding efforts could begin now to address the issue before development occurs. Mayor Billings stated that UDOT is aware of the situation and is working on it. Councilman Prete clarified that his primary concern is congestion at the bottom of the hill and referenced traffic issues near Sand Hollow as a comparison. Arthur LeBaron stated there are limited traffic solutions available downtown. Councilman Ellerman suggested a traffic signal may eventually be warranted in the area. Mr. LeBaron added that additional roadway connections are being discussed to provide alternative routes. Mr. Stephens stated that while traffic concerns have been raised previously, they are outside the scope of the current development agreement, though discussions are welcome. Councilman Prete recommended bringing the issue to the State’s attention proactively. Mayor Billings stated improvements are unlikely until development occurs. Mr. LeBaron concluded that without widening SR-9 between 300 West and LaVerkin, downtown congestion will remain an issue and noted the need for the City to engage with UDOT to pursue long-term solutions.

David Hirschi motioned to approve the power line extension request for Kachina Ridge. Seconded by Kevin Thomas. Motion carried unanimously.

**9. Consideration and possible approval of local consent for a restaurant full liquor license for Touch of Tuscany - John Hendleman**

Mayor Billings read the following summary written by Cindy Beteag that was provided in the packet. “The applicant is requesting local consent for a full restaurant liquor license for a new restaurant located at The Ropes of Southern Utah. All required paperwork has been submitted, and a background check on the business owner has been completed. Staff has identified no concerns related to the request. The license will not be issued until construction of the building is complete and staff have finished the required alcohol service training, as outlined by State regulations. Staff recommends approval of local consent for a full restaurant liquor license.”

John Hendleman clarified that the request is for a full restaurant liquor license and stated that an Italian steakhouse is being constructed, with an anticipated opening in early March. Councilman Ellerman noted that the restaurant must comply with all State requirements and added that most City restaurants operate under this license type. Councilman Prete raised concerns about the interaction between alcohol service and the ropes course. Councilman Thomas noted that regulations are already in place to address such situations. Mr. Hendleman stated that the establishment will not allow intoxicated patrons to participate on the course

and that staff will monitor and track alcohol consumption to prevent unsafe use. Councilman Ellerman added that alcohol may not be taken outside of the restaurant.

Kevin Thomas motioned to approve the local consent for a restaurant full liquor license for Touch of Tuscany. Seconded by Drew Ellerman. Motion carried unanimously.

**10. Public Hearing to take comments on the following;**

- a. The issuance of the Series 2026 Bonds and any potential impact that the Project financed with the proceeds of the Series 2026 Bonds may have on the private sector

Joseph Prete motioned to go into a Public Hearing at 9:04 p.m. Seconded by Clark Fawcett. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman was absent.

No comments from the public. Kaden DeMille explained that this item is a follow-up to the parameters resolution for financing the pool and requires a public hearing.

Joseph Prete motioned to go out of Public Hearing at 9:05 p.m. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye. Drew Ellerman was absent.

**11. Consideration and possible approval of awarding the bid to construct the new pool facility**

Arthur LeBaron stated that the low bid was submitted by Grass Creek Construction. The selection committee reviewed the statements of qualifications, and Grass Creek also received the highest score. The committee believes they will perform well at the lowest price. He noted that alternate bid #5 is not recommended due to concerns about the durability of the material and confirmed that staff have reviewed the project numbers. Kaden DeMille explained that the City will self-perform some project items. The overall project cost is just over \$16 million. He stated that \$10 million can be funded from City savings, with \$6 million needing to be financed; however, \$8 million was budgeted to provide a buffer. The debt service would be paid using RAP tax revenue. Mr. DeMille added that even if the RAP tax is not renewed, the repayment schedule could still be maintained over 12–13 years. Mayor Billings noted that if RAP tax revenue is unavailable, the funding would come from the General Fund, and Mr. DeMille confirmed that the City could still manage the payment.

Joseph Prete motioned to approve awarding the bid to Grass Creek Construction in the amount of \$14,379,788. Seconded by Clark Fawcett. Motion carried unanimously by a roll call vote.

**12. Consideration and possible approval of Resolution 2025-45 Authorizing and approving a preliminary official statement and an official statement, an official notice of bond sale, and all other documents required in connection with the issuance and sale of not more than \$8,000,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2026**

(the "Series 2026 Bonds"), and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by the resolution; and related matters

Kaden DeMille explained that there are multiple options when financing bonds. This approach allows the City to sell bonds on the open market, which typically results in more favorable interest rates. The downside is that it limits flexibility in paying down the bonds. He added that this method also provides the opportunity to take advantage of lower interest rates, but it comes with increased reporting requirements. Mark Anderson noted that the documents are not in final form, but this provides an overview of what they will look like.

Clark Fawcett motioned to approve Resolution 2025-45 as listed on the agenda. Seconded by Drew Ellerman. Motion carried unanimously by a roll call vote.

**13. Consideration and possible approval of awarding the bid to construct the pickleball courts - Darren Barney**

Mayor Billings read the following summary written by Arthur LeBaron that was provided in the packet. "The City Council previously approved the layout of a new pickleball court facility that includes 8 courts, new lighting, and shade structures. The design was completed and the project advertised for bids. The City received 6 bids, ranging from \$575,187.85 to \$875,692.67. The bid tabulation is attached to the packet. A panel consisting of the project engineer and City Staff will evaluate the bids and make a recommendation to the City Council for award based on the selection criteria in the advertisement for bids."

Councilman Prete asked whether the project might be overbuilt and if current courts are being used enough to justify the number planned. Tiffani Wright confirmed that all existing courts are fully utilized. Mayor Billings added that courts in St. George are also at full capacity. Councilman Hirschi confirmed that RAP tax funds will be used for the project. Arthur LeBaron noted that the current courts are in poor condition, and the new courts will be post-tension with no cracks. He added that a few trees will need to be removed, but the project will improve the current facility and expand it by two additional courts.

David Hirschi motioned to award the bid to Caliber Contractor LLC in the amount of \$575,187.85. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

**14. Consideration and possible approval of Zone Change Amendment Ordinance No. ZC25-16, a proposed zone change located at approximately 2241 S 5400 W from Agricultural A-5 to Single Family Residential R1-6 and R1-8; Parcel number H-4138-J; Andrew Hall, Applicant; Ryan Lay, Agent**

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "The applicant is requesting a zone change for a 40-acre parcel located along Turf Sod Road, south of the River Heights development and west of Pecan Valley. The proposal seeks to rezone the property from Agricultural A-5, which permits one dwelling unit per five acres, to a

combination of residential zones: Single Family Residential R1-6 on approximately 15.5 acres and Single Family Residential R1-8 on approximately 24.5 acres. The property is currently vacant and does not appear to have been previously used for agricultural purposes beyond occasional grazing. A public hearing was held at the June 12, 2025, Planning Commission meeting. Several written and spoken public comments objecting to the proposed zone change were received. The objections pertained primarily to incompatibility with the agricultural character of the surrounding properties. The fire district identified a need for a paved second access to the site due to the number of units already constructed in the vicinity, thus the Planning Commission tabled the item to allow the applicant additional time to resolve this issue. It should also be noted that the City Council has given direction that no preliminary plats or zone changes should be approved in the area until the second access deficiency is resolved. Since then, the applicant has proposed an agreement with two property owners to the east to secure a secondary access point and provide utilities to the site, but such private agreements do not provide sufficient assurance that the needed dedicated public access will be provided, and staff has informed the applicants accordingly. Notwithstanding, the applicant requested that the item be brought back before the Planning Commission at the November 11, 2025 meeting. The Planning Commission agreed that appropriate access is not available and recommended denial of the zone change with a vote of 6 to 1. Staff finds that the request does not adequately satisfy the four approval standards for zone changes.”

Bob Hermandsen confirmed that the primary concern is the second access. He explained that they are proposing a development agreement and have been working with Chris Wyler and Brett Burgess to acquire the necessary right-of-way. If successful, they will acquire the right-of-way, bond through the preliminary plat process, and complete the secondary access as part of Phase 1. Councilman Ellerman stated that this solution would address many issues in the area and asked about utilities. Mr. Hermandsen confirmed that utilities are approximately 500 feet away and will be installed in conjunction with the access. Councilman Prete asked whether the current presentation changes the previous recommendation. Gary Cupp stated it does not; it is the same plan presented to the Planning Commission. He noted that private agreements do not guarantee the second access, and having adequate facilities is a requirement for approving a zone change. Mayor Billings asked what steps are needed to ensure the access is in place. Mr. Cupp suggested that a development agreement could provide the solution but must be drafted. Mayor Billings asked whether it would be better to continue the item until the agreement is finalized. Dayton Hall explained that staff are following the Council’s direction from the special meeting, which was to not approve preliminary plats or zone changes until the access issue is resolved. He added that the Council could: deny the request due to inadequate facilities, direct staff to draft a development agreement with timelines, or approve the request but then deny the preliminary plat until access is addressed.

Councilman Fawcett asked whether sewer, water, power, and drainage are available in the area and whether there is sufficient power capacity. Mike Vercimak confirmed that power is provided by Dixie REA. Mr. Hermandsen stated he has met with all utility providers, and they

can serve the property. He added that the road must be built and bonded prior to any approvals, though they are attempting to coordinate all improvements together. Councilman Ellerman expressed willingness to work collaboratively to find a solution. Mr. Hall stated that if the Council wishes to proceed, he can incorporate the proposed agreements into a development agreement and include the City as a party. Mayor Billings noted that a path forward requires someone to build the road, and Councilman Ellerman agreed, stating it would solve issues in the area. Councilman Fawcett expressed concern that the proposed development is not fully compatible with surrounding agricultural uses and stated he is not prepared to approve it at R1-6 or R1-8. Mr. Cupp explained that the area is designated as Planned Community on the General Plan and the proposal fits, though it is surrounded by agricultural land. Mr. Hermandsen added that the plan averages four units per acre. Councilman Prete stated that development agreement details could address density but noted that infrastructure must be in place. He pointed out that both staff and the Planning Commission recommended denial. Andrew Hall explained that Turf Sod Road is already 77 feet wide, which impacts surrounding farming, and stated that his intent is to support community growth rather than sell the project. Mr. Hermandsen noted that the Planning Commission's recommendation reflected the Council's prior direction requiring roads to be dedicated, bonded, or built before applications are submitted. Mayor Billings stated that progress is difficult without a formal agreement. Mr. Hall explained that this proposal offers an alternative approach to meet the Council's direction, and if the Council supports it, details can be worked out. Councilman Ellerman stated that obtaining this road is a significant benefit.

Drew Ellerman motioned to continue ZC25-16, a proposed zone change located at approximately 2241 S 5400 W from Agricultural A-5 to Single Family Residential R1-6 and R1-8 until February 19<sup>th</sup> and directed staff and applicant to work out an agreement including the average number of lots with a maximum of 160 units in the whole development. Seconded by Kevin Thomas. Motion carried with Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete and David Hirschi voted nay.

- 15.** Consideration and possible approval of Zone Change Amendment Ordinance No. ZC25-17, a proposed zone change located at 100 N and Black Rock Rd. from Mobile Home/RV Park (MH/RV(PDO)) to General Commercial (GC); Parcels H-CRV-1-1 through H-CRV-1-18; Western Commercial Real Estate, Applicant; Joby Venuti, Agent

Mayor Billings stated the applicant asked for this item to be continued. Drew Ellerman motioned to continue ZC25-17, a proposed zone change located at 100 N and Black Rock Rd. from Mobile Home/RV Park (MH/RV(PDO)) to General Commercial (GC) until the next meeting. Seconded by Joseph Prete. Motion carried unanimously.

- 16.** Discussion regarding using reimbursement agreements to address future power needs

Mayor Billings explained that this item was placed on the agenda at the request of Karl Rasmussen. Mr. Rasmussen referenced Hurricane City Code 9-6-4, which addresses the initial

responsibility for public facility costs and includes provisions for reimbursement agreements. He summarized the code and stated that he believes it is clear. Dayton Hall agreed, noting that if the project is included on the capital facilities plan, the City has the tools to move forward and a contract could be structured as a reimbursement agreement, though litigation threats make implementation difficult. Mr. Rasmussen stated that John Bramall wishes to proceed with a preliminary plat and asked whether he could move forward by paying the required funds. He added that one-third of the town is affected by the power capacity problem. Councilman Ellerman confirmed that there is insufficient power capacity in the area. Mayor Billings added that the substation issue must be resolved, but no party has stepped forward to fund or construct it. Mike Johns estimated that building a substation in the area would take approximately 2.5 years. Mr. Rasmussen suggested a work meeting to discuss the issue, noting that some developments in the southern portion of the City were approved under circumstances that should have been handled differently.

**17. Consideration and possible approval of Ordinance 2025-25 amending Title 10, Chapters 7, 11, and 13 regarding development standards for Single Family Residential R1-4 zones; LUCA25-13; Hurricane City, Applicant -Gary Cupp**

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. “Staff was directed by the City Council to amend the recently adopted Single Family Residential R1-4 zone-specific development standards found in Section 10-13-4(A) of the Hurricane City Code. The primary change is to remove the adjacency restriction relating to its proximity to other residential zones: ‘R1-4 developments shall not be clustered together or be located adjacent to another R1-4 zone. In addition, a proposed R1-4 zone adjacent to single-family residential zoning shall only be permitted when the adjacent zoning is R1-6 or R1-8; a proposed R1-4 zone is not permitted adjacent to any residential agriculture or agricultural zones.’ This restriction has proven to hinder advantageous use of the R1-4 zone. None have been applied for and only one exists in the city so far, and that one was not requested by the applicant but rather was negotiated as a compromise in place of a multifamily zone. The other significant amendment is to increase the minimum lot size to 63 feet instead of 50 feet, which is intended to help avoid a dense looking development. The other proposed updates include allowing front and rear yard setback exceptions for patio covers and one-room bumpouts: ‘Covered patios may extend into the front and/or rear setback area up to 5 feet; such patio covers cannot be wider than one half the length of the side of the home to which it will be attached.’ ‘A single room may extend into the front and/or rear setback area up to 2 feet to allow greater variety in home designs and to provide more functional floor plans.’ ‘Onstreet parking shall be provided in any R1-4 zone.’ A public hearing was held at the December 11, 2025, Planning Commission meeting. No public comments or objections to the code update were received. The Planning Commission voice overall support of the proposed amendments to the R1-4 zone, but two commissioners had objections to removing the proximity restrictions and recommended that they stay in place. The other commissioners were supportive of removing the restrictions since the city already has discretion to determine the appropriateness

of the locations of any R1-4 zones when deciding zone change applications. The Planning Commission voted 5 to 2 to approve the code update. Ralph Ballard voted Nay in objection to removing the proximity restrictions; he also suggested that the home sizes allowed in R1-4 zones be restricted. Kelby Iverson also voted Nay due to objections to removing the proximity restrictions. Staff recommends approval.”

Mayor Billings mentioned receiving a comment in favor of retaining the proximity requirements. Councilman Thomas clarified that Ralph Ballard’s concern was not proximity but home size, as he wants to maintain affordability. Councilman Thomas presented how R1-4 zoning encourages smaller, more affordable homes. He showed examples of affordable homes in Hurricane built on quarter-acre lots, some without garages. He explained that today, homes of this size would not be built on these lots unless the lot size is controlled. He noted that widening lots helps provide livable homes with adequate parking as families grow, and the ten-foot side setback and lot frontage are critical. He outlined proposed ordinance changes, including: removing proximity restrictions, allowing a 5-foot deep covered front patio with limitations, permitting a two-foot pop-out for architectural variety, requiring shoulder parking on streets, and accommodating both single-story and two-story homes (with footprint restrictions for second stories). The zone is designed to maintain a traditional neighborhood feel, averaging about seven units per acre, with wider streets and lots to reduce perceived density. The amendments would also allow the Planning Commission and Council to determine where this zoning applies. Councilman Thomas noted that developers could be asked to dedicate a portion of a project to R1-4 lots to encourage affordability. He noted that while the City cannot set home prices, this zone provides an important tool for “in-between” housing, and developers have expressed interest in supporting this solution.

Councilman Ellerman noted that affordable housing is defined based on median income, and Mr. Hall confirmed that this definition is included in the ordinance. Councilman Fawcett expressed a desire to work directly with developers to collaborate on solutions. Councilman Thomas stated that R1-4 zoning is the only zone that ensures smaller, more affordable homes. Councilman Fawcett stated he prefers this option over apartments or townhomes. Councilman Prete noted that this zoning works best when surrounded by open space. He supports the concept in appropriate locations but suggested capping home square footage to maintain affordability and expressed concern about combining it with overlay zones that could increase density. Councilman Thomas stated that the zone was originally proposed for a parcel in the fields area, which is open sagebrush, and agreed that a square footage cap could be appropriate. Councilman Hirschi stated that while he has some concerns, this appears to be the best solution to address housing challenges.

Drew Ellerman motioned to approve Ordinance 2025-25 amending Title 10, Chapters 7, 11, and 13 regarding development standards for Single Family Residential R1-4 zones subject to the following changes being made to the proposed ordinance: limiting the height to twenty-five feet and prohibiting two-story homes side by side. Councilman Thomas suggested limiting the second level, so it must be half of the footprint instead of not allowing two stories next to each other. Councilman Ellerman accepted the amendment by removing the restriction that

prohibited side-by-side placement and adding a limitation that the second level may not exceed fifty percent of the building's footprint. A basement, however, would be permitted at the maximum footprint of 1,500 square feet. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

**18. Consideration and possible approval of Ordinance 2025-26 amending Title 10 Chapter 6 Section 10-6-5 regarding compensation for the Appeals Board; LUCA25-14; Hurricane City, Applicant - Gary Cupp**

Mayor Billings read the following summary written by Gary Cupp that was provided in the packet. "The Appeals Board currently receives compensation based on a contract approved by the City Council. This code update is to establish their compensation by way of a fee instead of a contract that needs periodic renewal by the City Council. The code will also be updated to provide a complete list of the duties and responsibilities of the Appeals Board. A public hearing was held at the December 11, 2025, Planning Commission meeting. No public comments or objections to the code update were received. The Planning Commission voted unanimously to approve the code amendment. Staff recommends approval."

Councilman Ellerman clarified that the Appeals Board typically holds one to two meetings per year. Gary Cupp stated that staff is proposing a \$50 stipend per board member per meeting. Cindy Beteag noted that this amount was discussed when the Appeals Board was originally established but was never formally adopted. Councilman Ellerman confirmed the types of applications that come before the Appeals Board.

Clark Fawcett motioned to approve Ordinance 2025-26 amending Title 10 Chapter 6 Section 10-6-5 regarding compensation for the Appeals Board. Seconded by David Hirschi. Motion carried unanimously by a roll call vote.

**19. Consideration and possible approval of Resolution 2025-46 Adopting a compensation schedule for the Appeals Board members**

Mayor Billings presented the proposed resolution. Cindy Beteag noted that the resolution would retroactively compensate the Board for the previous four meetings.

Clark Fawcett motioned to approve Resolution 2025-46 Adopting a compensation schedule for the Appeals Board members. Seconded by Drew Ellerman. Motion carried unanimously by a roll call vote.

**20. Consideration and possible approval of the renewal of all liquor licenses**

Mayor Billings summarized who had completed the required training for business employees and noted instances of underage sales. Chief Yates explained that the State conducts compliance checks for on-premises licenses, while local police handle off-premises checks. He expressed concern about who is enforcing the regulations. He noted that Sinclair violated the law in 2023 and again this year; if another violation occurs within the next year, the business could lose its license. He confirmed that when the City issues a citation, the State fines the store and suspends the responsible employee for five days. Chief Yates recommended that local

police also conduct on-premises checks, as the State only inspects once a year and these establishments serve hard liquor.

Joseph Prete motioned to approve the renewal of all licenses. Seconded by Drew Ellerman. Motion carried unanimously.

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

Councilman Hirschi expressed gratitude to his wife, family, fellow Council members, staff, and the citizens of Hurricane. He noted that he has learned a great deal from his service, encouraged the Council to carefully vet developers, and asked everyone to continue working to keep Hurricane a great community.

Mayor Billings expressed her gratitude to her family and colleagues, noting that it has been a pleasure to serve and that she has learned a great deal during her tenure.

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

A closed meeting was not held.

**Adjournment:** Kevin Thomas motioned to adjourn at 11:38 p.m. Seconded by Drew Ellerman. Motion carried unanimously.