

Minutes of the Hurricane City Council meeting held on February 19, 2026, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

Members Present: Mayor Clark Fawcett and **Council Members:** Drew Ellerman, Joseph Prete, Dave Imlay, Lynn Excell, and Amy Werrett.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Assistant Public Works Director Weston Walker, 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, Finance Manager Paige Chapman, Water Superintendent Kory Wright, and City Recorder Cindy Beteag.

AGENDA

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

Larry Palmer reported that since the last meeting fifteen single family and eight townhome permits have been submitted. Mayor Fawcett asked if he could review the year-end report at the next meeting.

Chief Yates stated they had a busy holiday weekend. Officers dealt with a road rage incident where an individual brandished a gun. They were able to locate the individual and arrest him. The suspect in the arson case in Confluence Park pled guilty last week. Officer Marshall has been busy with K9 deployments leading to thirteen drug arrests. Proactive police work by Officers Crow, Kern, and Roberts have been pivotal in getting drugs off the street. Detectives arrested a male for felony stalking at the high school and middle school. He reminded the Council that the Animal Shelter was at full capacity, but Miranda did a great job coordinating with rescues to find them homes. They went from full to three dogs at the shelter. He mentioned their awning was destroyed in the last windstorm. Councilman Imlay confirmed the jail is full and that is why drug offenses are just being cited and released.

Paige Chapman mentioned budget meetings will be coming up where each department will prepare their budget presentation. A work meeting was scheduled for March 30th at 4 p.m. at the four-court gym.

Kory Wright explained that the State does an audit every year to determine water loss. In 2024 they measured a 20.85 percent loss but this year we were down to 14.83 percent. He stated we have never been that low and he thanked his crew for working so hard. This really is a credit to them. He mentioned Ken Richins officially retired as of last Friday. Due to that, they have had some change in rank. Austin Kimber moved to Mr. Wright's previous spot; Taylor Davis moved to Austin's spot and Trevor Shamo moved up to crew foreman. He stated these are great guys that are invested in the City. He is excited for them all to have this opportunity. He stated the Sky Ranch Well should commence drilling next week. The Dixie Springs Well is fully functioning and doing well. The Irrigation Efficiency project is going well. They are working on 650 South,

just over Thrill Hill. They are currently pouring the sides on the ponds which include eighty sections. They pour two squares two times a week. Councilman Imlay asked how they measure the water loss. Mr. Wright explained that the total water usage of the City's end users is compared to the volume of water measured at the source.

Tiffani Wright stated spring sports will start this weekend with soccer. There will be a ribbon cutting March 5th @ 3 p.m. for the four-court gym followed by some programs being held in the gym after. Mayor Fawcett asked Mrs. Wright to invite all the mayors in the county and the County Commissioners to the ribbon cutting. He will also invite Nanette Billings and give her time to speak. Mrs. Wright reported the pool is pretty much demolished. They are going to remove the wall between the neighbors and the pool and then once it is all cleaned up, they will plan a groundbreaking. The Easter Egg Hunt will be at Three Falls Parks on April 4th @ 9 a.m. That day is also the Easter Car Show. Friday, the night before, will be the opening day for Mama Mia. Frozen will be the next show. She has a night position open at the gym if anyone knows of someone looking for a part-time job.

Sel Lovell reported that we have hired Alex Farnsworth as the new electrical engineer. There are positions open for recreation, two parks maintenance part time, golf maintenance part time, and a court clerk. They are working on digitizing all records and time keeping. Staff is almost done completing the master list for OSHA. They are also working on getting the website ADA complaint.

Mike Johns confirmed they hired a new engineer who graduated from Dixie a few years ago. He has been working as an engineer for three years, but it takes four years to finish his PE. They will have to do a small remodel at the shop to make a spot for him. The Sky Mountain Substation will be starting soon as well as a contractor for tree trimming, and the distribution line along Old Hwy 91.

Weston Walker reported they held two preconstruction meetings today for Black Ridge Phase 2 and Red Sands Ph 1B by Dixie Springs. They will have Fire Rock Phase 5 next week. He stated they attended the Southwest Storm Water Coalition meeting this week. There will be a training on June 30th which will be required annually. There will be a MOU coming to the Council soon that will make the City part of that coalition. The coalition has updated their forms to include our City information. He explained we do have an ordinance in place, but we won't be taking over inspections until 2027. Councilman Prete asked if something could be enforced for the enormous potholes in the plaza off 700 West near State Street. He stated it is becoming a safety issue because everyone is swerving around them. Mr. Walker stated that it is difficult because it is on private property. Councilman Prete asked if there are minimum standards that must be met. Fred Resch III stated the code states parking lots have to be paved or covered in all weather service, but it doesn't have any requirements for maintenance. He explained he hasn't found anything that he can force maintenance. Mr. Walker pointed out that any new parking lots will have to have parking lot agreements for MS4. Councilman Ellerman asked if we could enforce it on an existing business even if the code changes. Dayton Hall explained that when there is a non-confirming use due to a code change, you can't penalize them for

continuing the non-confirming use. However, there are exceptions to that for matters involving public health and safety, etc. where you can retroactively enforce against a non-confirming use. He stated the gas station parking lot was fixed but now the hotel parking lot is in need of repair. He asked if anyone had talked to the owner. Mayor Fawcett stated he doesn't think it is just the hotel because this entrance can access all the businesses in that plaza. He questioned if there was a joint agreement between the property owners. Councilman Ellerman asked staff to bring the code back to be updated. Kaden DeMille stated it might be helpful for City to send a letter explaining the problems and ask them to get it fixed. Mayor Fawcett stated he would talk to the owner in person.

Hayden Roberts stated the crack seal is going slower due to the weather. They will be done with Old Hwy 91 and Sky Ridge next week. They have filled the streets operator position, and they will start next week. On March 14th Wasatch Trailers will be having their grand opening, and the road will be closed during the event. Councilman Prete stated there is a lot of construction activity on the roads around 3000 S and 1500 West. He asked when it would be done. Mr. Roberts stated he will check to see when it will be completed. Mayor Fawcett asked for a list of projects that will be done with the chip and slurry seal project. Arthur LeBaron explained the map is in the packet, but they will schedule the roads after the bids have been awarded. He will get it out to the Council once it is in place.

Arthur LeBaron stated he received a lot of comments regarding the traffic pattern change by the airport. Due to those comments, those signs have been changed to Yield instead of Stop to create a better traffic flow. He stated the 100 South project is high profile, so they want to do a presentation to Planning Commission and Council next Thursday at 5 p.m. before the Planning Commission meeting. After this presentation, they will make the recommended changes and then there will be an open house for the public on March 25th from 5-7 p.m. at the Community Center. He stated the pickle ball courts should be mostly done by the Easter Car Show. Councilman Excell recommended including a schedule with the bids for the 100 South to ensure it is done in time. Mr. LeBaron pointed out the Council can include penalties if they choose. However, they have found that they get better bids if they let the contractor propose the timeline. He stated all the design projects are progressing well. There was a Transportation Expo was Tuesday that went well. He mentioned Washington City's Mayor Staheli has been receiving a lot of complaints to an area in their city so he thinks the Purgatory Road project will help the problem. He stated Mayor Stahli has asked him to come present to their council to try to move it along. The Transportation Master Plan project has been advertised, and proposals are due back by February 27th. They have also advertised the design of the City Campus project. He stated UDOT has developed a 101 class for government officials, and they want Hurricane to host a session of it. He reported that the City was awarded 1.8 million dollars for corridor preservation on 2800 West to the river.

6:00 p.m. - Call to Order –

Mayor Fawcett welcomed everyone and called the meeting to order.

Prayer: Pastor Dustin Whitson

Pledge: Mike Johns

Declaration of any conflicts of interest

None declared.

Minutes of the regular City Council Meeting for January 15, 2026, and February 5, 2026, and special meetings January 5, 2026, and January 29, 2026

Councilman Prete confirmed the minutes are reviewed by legal before they are brought to the Council and that there are no concerns with how they are drafted. Councilwoman Werrett asked why her explanation of her vote made during the vote was not included in the motion. Dayton Hall explained that the minutes are not intended to be a transcript of the meeting, but are intended to capture the essential parts of the meeting. The Council members' views on the agenda item were discussed during the item, but the Council can update the draft minutes if it would like more details included.

Amy Werrett motioned to approve the January 5, 2026, January 15, 2026, January 29, 2026, and February 5, 2026, minutes as written. Seconded by Joseph Prete. Motion carried unanimously.

Presentation by the HHS Robotics Team

Members of the HHS Robotics Team introduced themselves and described their participation in a global competitive robotics program. As the only team representing Southern Utah, they have attended competitions across multiple states. The team highlighted its commitment to community outreach, including hosting events, presenting at local schools, and encouraging students to explore STEM opportunities. They noted that their mission extends beyond building robots to developing leadership, teamwork, and personal growth. The team thanked the Council for its continued support and requested consideration for future assistance.

Mayor Fawcett outlined the City's budget process and invited the team to submit a proposal for review during next year's budget cycle. Kaden DeMille confirmed that funds are allocated for the team in the current year's budget and requested a meeting to discuss details related to their future funding request.

Public Forum – Comments From Public

None.

OLD BUSINESS

1. 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

Bob Hermandson explained that the Council had previously directed the applicants to work with staff on addressing the second access. Following those discussions, an agreement was

drafted requiring dedication of the necessary land to the City to obtain the right-of-way. He outlined the process set out in the agreement: Once the City acquires the right-of-way, the preliminary plat may proceed to the Planning Commission. After preliminary plat approval, road and subdivision construction drawings can be submitted for review. Upon approval of the road plans, a cost estimate can be prepared and bonded. Subdivision drawings cannot receive final approval until the required bonds are in place. Road and subdivision construction may occur concurrently; however, no lots may be sold until the road is completed and dedicated. He noted that while there is some overlap in the process, safeguards ensure completion of required improvements. Mr. Hermandson also clarified that if the plat is not completed by the deadline in the agreement, the agreement becomes void.

Dayton Hall added that zoning had been discussed at the prior meeting, but no consensus was reached, so a decision is needed. He confirmed the agreement requires the second access to be constructed before any lots can be sold. Mayor Fawcett recalled earlier concerns regarding R1-6 zoning adjacent to agricultural land. Mr. Hall explained that the eastern portion of the project is proposed as R1-6 and the western portion as R1-8, with an overall unit cap for the development. Councilman Ellerman expressed support for the language providing larger lots along the project perimeter. Councilwoman Werrett asked whether the proposal would result in the loss of agricultural land. Gary Cupp responded that the General Plan supports the request and noted the property is not currently used for agriculture beyond occasional grazing.

Councilman Prete expressed concern that the proposal represents a large-scale development that would increase future demands on City services, including police, fire, schools, and parks. Mayor Fawcett agreed that larger developments should incorporate park amenities. Councilman Imlay noted that the site is currently accessed by a dirt road and he thinks it would be leapfrogging of development. It could also add maintenance responsibilities for City crews. He stated that neighboring residents have voiced opposition and questioned the suitability of development in this location. Mr. Hermandson explained that the development plan anticipates access connections from the east and includes improvements to portions of Turf Sod Road as the west side builds out. In response to questions about community feedback, Gary Cupp stated that comments had been received indicating concerns about compatibility with surrounding agricultural uses. Councilwoman Werrett asked whether drainage issues exist in the area. Councilman Ellerman observed that development often improves drainage conditions, and Mr. Cupp added that drainage would be fully evaluated during the plat review process. Weston Walker confirmed the presence of a historical drainage channel and noted that a significant storm drain was installed in Pecan Valley, which should help; however, any remaining drainage concerns would need to be addressed if the project moves forward. Councilman Prete asked whether a lower-density zoning option had been considered. Mr. Hermandson replied that the applicants prefer to proceed with the requested zoning, noting that lot sizes would be “feathered,” with larger lots along the perimeter. Councilman Ellerman pointed out that with approximately forty acres and a cap of 160 units, the effective density aligns with R1-10 standards. Mr. Hermandson added that the lots would be larger on average. Mayor Fawcett inquired about setting aside acreage for a park. Mr. Hermandson responded

that a large detention basin is planned in the north corner and could potentially be designed to allow usable space. A master-planned park was identified near the development. Councilman Ellerman noted that ongoing growth in the surrounding area is expected to create future connections. Councilman Prete confirmed that the primary outstanding concern had been the requirement for a second access and acknowledged that utilities, including power and water, are available. Councilman Ellerman confirmed that construction would begin adjacent to existing development.

Drew Ellerman motioned to approve the 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 subject to a clean version of the proposed agreement with the question mark removed leaving the zoning at R1-6 and R1-8. Seconded by Lynn Excell. Motion carried with Drew Ellerman, Lynn Excell, and Amy Werrett voting aye. Joseph Prete and Dave Imlay voted nay.

2. Consideration and possible approval of a request for amendments to the Sky Rim Development Agreement entered into on December 2, 2022; File No. GA26-01; Steward Land Company, Applicant; Clark Conway, Agent.

Dayton Hall reminded the Council that three amendments to the existing development agreement had been requested. The Council previously indicated it was not supportive of two of the changes but agreed to allow R1-4 setbacks for the single-family homes. That revision was incorporated into the amended development agreement included in the packet, permitting alternating side setbacks of five and ten feet. Mr. Hall noted this differs from the applicant's original request, which sought a reduced front setback; however, the Council directed staff to retain the standard R1-4 front setback, the smallest single family setbacks permitted under City code. Councilman Ellerman observed that subsection (i) of the agreement lists a twelve-foot front setback for townhomes. Gary Cupp clarified that this setback is consistent with planned commercial standards, which had already been approved. Jeremy Cross stated the applicant would prefer a smaller front setback to allow for larger rear yard space. Mr. Hall confirmed that subsection (i) reflects the standard planned commercial setbacks and was intentionally included for clarity. Mr. Cross asked whether the Council would consider a twenty-foot front setback. Councilman Ellerman responded that the request had been discussed previously. While he understood the applicant's preference, he supported maintaining the twenty-five-foot front setback to prevent vehicles from obstructing sidewalks. Councilman Excell concurred, noting that blocked sidewalks create safety and accessibility concerns.

Joseph Prete motioned to approve the amendments to the Sky Rim Development Agreement entered into on December 2, 2022, as drafted in the packet. Seconded by Drew Ellerman. Motion carried unanimously.

NEW BUSINESS

1. Consideration and possible approval of an appeal of the business license denial for Rizerin LLC - Samuel Elam

Cindy Beteag explained that the business owner had maintained a Hurricane City business license since 2020 with no complaints or issues. In 2025, the license was not renewed, requiring the owner to reapply. She noted that City code requires a background check for applicants who will enter residents' homes; however, individuals holding a State DOPL license are exempt because the State conducts its own background check. Although the owner held a DOPL R101 license, staff did not identify the exemption during the reapplication process and proceeded with a background check. The check revealed a felony charge, which under the current ordinance required staff to deny the license. The owner subsequently filed an appeal to the Council. Mayor Fawcett asked which DOPL license the owner held. Mrs. Beteag clarified that the owner applied for a handyman license but holds an R101 license with the State. Samuel Elam addressed the Council, stating he has operated in the community for over five years, completed numerous projects, and received no complaints or negative reviews. He explained that he has performed handyman services, recently expanded into home remodeling, and serves as superintendent for Diamond Rock Builders. He requested the opportunity to continue working in the community. Councilman Imlay commented that the applicant had demonstrated good standing and had no complaints. Dayton Hall explained that staff are obligated to deny applications that do not meet all ordinance requirements, but an appeal allows the Council discretion to review the circumstances. Mrs. Beteag added that neither staff nor the police department had concerns regarding approval of the appeal.

Amy Werrett motioned to approve the appeal of the business license denial for Rizerin LLC and grant the license. Seconded by Dave Imlay. Motion carried unanimously.

2. Consideration and possible approval of Ordinance 2026-02 Amending Title 3, Chapter 1 regarding background checks - Cindy Beteag

Cindy Beteag reminded the Council that this topic was initially discussed in January, during which the Council expressed support for a ten-year look-back period. Based on that guidance, staff drafted an ordinance applying to individuals who enter residents' homes, work with minor children, operate as tattoo artists, or massage therapists. She added that, following discussion at the previous meeting and the Police Chief's recommendation, massage therapists were included in the ordinance and will be required to undergo an annual background check.

Lynn Excell motioned to approve Ordinance 2026-02 Amending Title 3, Chapter 1 regarding background checks. Seconded by Amy Werrett. Councilman Prete confirmed the process for an appeal if it is denied is the same. Motion carried unanimously.

3. Consideration and possible approval of a Supplemental Watershed Plan Agreement #10 with NRCS - Arthur LeBaron

Arthur LeBaron mentioned his staff report detailing what is being proposed. He noted that while some concerns had been raised, these issues already exist in the current agreement, and

the amendment does not alter them—except for the addition of a financial table referencing the City’s potential obligation for the Gould’s Wash project, estimated at five million dollars.

Mayor Fawcett acknowledged that one concern is the possibility of the dam being destroyed, which could create a financial obligation for the City that does not currently exist. He clarified that approving this amendment does not commit the City to funding the project. Mr. LeBaron explained that the next step is completing the design, which is funded by the NRCS. Once the design is finalized, more precise cost estimates will be available, allowing the project to proceed further. He emphasized that approval would benefit the City by reducing the flood hazard area, ultimately helping residents comply with flood-related requirements.

Councilman Ellerman asked whether additional funding sources might be available to help support the project. Mr. LeBaron responded that some brainstorming would be required but noted that Utah Dam Safety has assisted with other similar projects. Councilman Prete raised two questions: first, regarding the City’s obligations to acquire land, perform land treatments, and honor agreements with landowners—what happens if the City makes a good-faith effort but cannot fully meet these commitments; second, how future problems requiring corrective action would affect State and Federal funding. Mr. LeBaron explained that the City recently navigated a similar process with the Frog Hollow Dam, securing outside funding that minimized local contributions, and noted that once the NRCS is involved, they do not abandon a project. Regarding the first question, he noted the project has been ongoing for many years without significant issues. Councilman Prete expressed caution, describing the situation as “untested waters” since the City has not yet attempted property acquisition. Dayton Hall stated that the agreement stipulates construction cannot begin without 50% landowner approval. Councilman Excell asked if any major obstacles were anticipated. Mr. LeBaron indicated that none were expected, and that as the project gains momentum, funding strategies can be addressed. Kaden DeMille noted that he has not yet reviewed funding for the project. Mayor Fawcett added that upcoming MS4 regulations will require adoption of an impact fee and an increase in the drainage fee. Councilman Excell stated that these changes are intended to protect public safety. Councilman Prete asked about the City’s ability to influence or modify the agreement. Mr. LeBaron stated that modifications are unlikely, but highlighted that the NRCS is allocating over sixty million dollars for the project, which will provide significant benefits to the City.

Lynn Excell motioned to approve the Supplemental Watershed Plan Agreement #10 with NRCS. Seconded by Dave Imlay. Motion carried unanimously.

4. Consideration and possible approval of a request for a General Plan Amendment from "Single Family" to "Multifamily" for a property located at 1015 N 200 W; File No. GPA26-01; Parcel number H-3-1-27-2106; Adam Nielson, Applicant; Karl Rasmussen, Agent

Karl Rasmussen explained that Adam Nielson is seeking to build a duplex to provide housing for his children or friends, as part of an affordable housing effort. Initially, neighbors opposed the request because they believed multiple six-plexes with up to thirty-six units were planned. After clarification, neighbor concerns were alleviated. Mr. Nielson shared that one neighbor even

apologized for rallying opposition once she understood his actual plans. Councilman Ellerman suggested that applicants personally visit neighbors when notices are sent for zone change requests to explain their proposals. He noted that he is generally opposed to spot zoning. Drawing on his previous experience with R1-2 zoning, which allowed two units per acre to encourage infill development, he indicated that the Council could place limitations on that zoning including spacing requirements, minimum lot sizes, and parking considerations. Councilman Prete asked how a duplex differs from a home with an accessory dwelling unit (ADU). Councilman Ellerman clarified that an ADU requires the property owner to reside on-site, whereas a duplex does not.

Mr. Nielson stated that he supports the concept of R1-2 zoning to limit development to a duplex, highlighting the need for affordable housing. He explained that sewer service would need to be extended to the property, though it could continue on existing septic if necessary. Connecting to the sewer is preferred, but he noted that more than one unit is required to make the project financially feasible. He also indicated a desire for separate utility meters for each unit, which is not possible if the property remains a single lot. Councilman Prete asked whether the property could be divided into two lots. Mr. Rasmussen responded that the lot does not have sufficient frontage, and Prete confirmed that a flag lot would not be allowed due to a nearby power line. He inquired whether a PDO (Planned Development Overlay) could be considered; Gary Cupp noted that requires a minimum of five acres. Councilman Ellerman suggested that adjusting the minimum lot width might be the simplest solution. Councilman Prete proposed maintaining the current eighty-foot minimum for R1-10 but allowing the Council to consider appeals for narrower lots. Councilman Imlay expressed concern that these adjustments are an attempt to circumvent spot zoning, noting that the Planning Commission and staff recommended denial. He stated that a single-family home with an ADU is likely the most practical option. Councilman Excell agreed. Mr. Nielson stressed the city's need for affordable housing and reiterated his support for R1-2 zoning, urging the Council to consider long-term solutions. Councilman Excell stated that while he would be open to revisiting R1-2 zoning in the future, the current proposal as presented cannot be approved.

Mayor Fawcett highlighted the importance of protecting residential neighborhoods and maintaining a balanced mix of housing types, expressing his opposition to spot zoning. Mr. Rasmussen asked whether the applicant could seek a variance for smaller lot frontage through the Appeals Board. Mr. Cupp explained that while this is technically possible, approval is unlikely because the variance cannot be self-imposed; the applicant would need to demonstrate a hardship specific to the property. Councilman Prete stated he is not in favor of multifamily development in this location but is more flexible regarding spot zoning and is open to considering slightly smaller lots. Councilman Ellerman noted that adjusting lot width would likely not lead to many requests due to the lot configuration. Councilman Prete added that spot zoning is somewhat outdated, and modern planning trends encourage integrating multiple uses within neighborhoods. Mayor Fawcett commented that he has no objection to R1-8 zoning adjacent to R1-10. Mr. Nielson noted that there are self-help lots across the street.

Councilwoman Werrett stated that changing from R1-10 to R1-8 is not a significant alteration and expressed a preference for the ADU option as the simplest solution. Councilman Ellerman clarified that an ADU would require the units to be on the same meter and under the same ownership.

Joseph Prete motioned to deny the request for a General Plan Amendment from "Single Family" to "Multifamily" for a property located at 1015 N 200 W. Seconded by Amy Werrett. Motion carried unanimously.

5. Consideration and possible approval of Zone Change Amendment Ordinance No. ZC26-01 to rezone a property located at 1015 N 200 W from Single Family Residential R1-10 to Multiple Family Residential RM-1; File No. ZC26-01; Parcel No. H-3-1-27-2106; Adam Nielson, applicant; Karl Rasmussen, agent

Dayton Hall explained a zone change request that didn't comply with the General Plan could be approved if the Council stated why they are deviating from the plan.

Joseph Prete motioned to approve the Zone Change Amendment Ordinance No. ZC26-01 to rezone a property located at 1015 N 200 W from Single Family Residential R1-10 to Single Family Residential R1-8. Seconded by Dave Imlay. Dayton Hall asked if the applicant was agreeable to the proposed change since it is different than what was applied for, and Mr. Nielson confirmed that a Single Family R1-8 zone was acceptable. Motion carried with Joseph Prete, Dave Imlay, Lynn Excell, and Amy Werrett voting aye. Drew Ellerman voted nay.

6. Consideration and possible approval of Ordinance 2026-03, a Land Use Code Amendment to Title 10 Chapter 7 regarding conditional use permits for metal buildings; File No. LUCA26-01; Hurricane City, Applicant. -Gary Cupp

Gary Cupp explained that metal buildings currently require a conditional use permit in both residential and commercial zones. The Planning Commission expressed a desire to stop reviewing these applications. As a result, the proposal is to remove the conditional use requirement and allow staff to review them instead. Mark Sampson added that these applications were routinely placed on every Planning Commission agenda and had to be approved if all conditions were met. Since staff already ensures that all code requirements are satisfied, it is more efficient for approval to occur at the staff level rather than through the Commission.

Lynn Excell motioned to approve Ordinance 2026-03, a Land Use Code Amendment to Title 10 Chapter 7 regarding conditional use permits for metal buildings. Seconded by Joseph Prete. Councilman Ellerman confirmed there are architectural requirements in place. Motion carried unanimously.

7. Consideration and possible approval of the Municipal Advisor Agreement with Zions Public Finance - Kaden DeMille

Kaden DeMille explained that the City’s contract with Zions Bank for financial services is set to expire next week and requires renewal. The City is currently finalizing financing for the pool and city campus projects. He recommended continuing the relationship with Zions Bank, noting that the new contract maintains the same rates as the previous five years.

Dave Imlay motioned to approve the Municipal Advisor Agreement with Zions Public Finance. Seconded by Joseph Prete. Motion carried unanimously.

- 8.** Consideration and possible approval of awarding the bid for the chip seal project - Arthur LeBaron

Arthur LeBaron stated the numbers are within budget and below the cost estimate.

Dave Imlay motioned to award the bid for the chip seal project to Holbrook Asphalt in the amount of \$543,593.10. Seconded by Lynn Excell. Motion carried unanimously by roll call vote.

- 9.** Consideration and possible approval of awarding the bid for the slurry seal project - Arthur LeBaron

Councilman Prete confirmed the recommendation is the lowest bidder and there are no concerns with the qualifications.

Joseph Prete motioned to award the bid for the slurry seal project to American Pavement in the amount of \$530,225.23. Seconded by Amy Werrett. Motion carried unanimously by a roll call vote.

- 10.** Discussion regarding creating an Affordable Housing Committee - Mayor Fawcett

Mayor Fawcett explained his plan to form a committee to address affordable housing, consisting of a builder, developer, realtor, mortgage broker, Planning Commission member, and a Council member. The committee’s first task would be to define “affordable housing.” He proposed meeting with each stakeholder group to hear their concerns and then having the committee brainstorm solutions to address those issues. Mark Sampson suggested that some of the challenges may stem from the City’s internal processes. Mayor Fawcett acknowledged both perspectives but noted the importance of giving all parties a chance to share their views. He asked Mr. Sampson to represent the Planning Commission on the committee. Councilman Ellerman volunteered to serve as the Council representative. Councilwoman Werrett noted that public perception is a key factor and stressed the Council’s role in demonstrating that affordable housing can be achieved without compromising neighborhood character. Mayor Fawcett added that new developments should not simply increase density in areas people still cannot afford. He stated that clear definitions are essential and noted that affordable housing should be distributed throughout the community.

Councilman Prete noted that while the Water District faces water supply challenges, they have invested in strong marketing materials. He expressed support for Mayor Fawcett’s suggestions but acknowledged that some constraints are non-negotiable. He noted the importance of identifying viable solutions that can then be promoted. Mayor Fawcett pointed out that impact fees are likely to be a frequent topic and stressed the need to educate the public about how

these fees are used. Councilman Prete asked whether reduced impact fees for affordable housing could be incorporated into the City's impact fee study and offset by other types of development. Dayton Hall explained that the City cannot charge any applicant more than their proportionate share, but noted that a mechanism already exists in the City Code to lower impact fees for affordable developments if certain criteria are met. Mayor Fawcett added that he hopes to coordinate with other agencies to encourage similar reductions for their impact fees. Councilman Ellerman remarked that controlling land costs is the starting point, but affordability solutions must continue through the entire development process to be effective. Councilman Prete pointed out that affordable housing is about providing a roof over one's head, not necessarily homeownership. Mayor Fawcett suggested appointing Kevin Thomas to the committee, citing his valuable insights from prior Council service. He also encouraged exploring additional funding sources. Councilman Ellerman recommended bulk purchasing as a way to reduce costs, while Councilman Prete suggested seeking donations from wealthy residents interested in supporting affordable housing. Mayor Fawcett welcomed all ideas to advance the initiative and asked the Council to provide any recommendations for committee appointments as he reviews potential members.

11. Mayor, Council, and staff reports

Gary Cupp mentioned Bob Peterson has requested to be removed from the Appeals Board.

Fred Resch III stated he has been responding to a few items on code violations. He did send out two citations on unlicensed short-term rentals. The Planning Commission had a short agenda where they approved a preliminary plat for a recreational resort by Sand Hollow and final site plans for a pool building and the Sky Rim Townhomes.

Dayton Hall explained there was a potential revocation hearing for Brian Sanderson's residential hosting license on a previous agenda. He has been working with the owner's attorney on a resolution of the violations and he is hoping to have a settlement agreement soon. He has two litigation updates for a closed session.

Kaden DeMille explained that the City had two options for financing the pool: direct placement with a financial institution or accessing the open market. The City chose the open market to secure a more favorable interest rate. As part of this process, a bond rating was required. The City received an AA rating—the highest achievable given the City's location and economic factors—demonstrating financial stability and positioning the City to obtain the best bond terms. He noted that final numbers are expected on February 25th.

Councilman Prete mentioned he attended a Solid Waste meeting and if anyone wants a tour of their facilities to let him know. They raised an issue about batteries because they get run over and start fires. They are encouraging communities to have a battery collection area for residents to dispose of them.

Mayor Fawcett stated that he has requested a meeting with staff to address issues related to vacation rentals, particularly regarding renewal processes. He acknowledged staff frustration when they followed established procedures but the Council subsequently approved an appeal.

His goal is to bring a proposal back to the Council to provide clear direction so staff understands the Council's expectations moving forward.

Councilman Ellerman stated there is an Ash Creek Board meeting next week, but he will be out of town. Mayor Fawcett stated he will be there.

Councilman Excell reported that he attended the Planning Commission meeting and the Mosquito Abatement Board electronically, though he has not yet had a chance to meet with planning staff in person. He expressed appreciation for the work of the Commissioners. He also met with Streets Superintendent Hayden Roberts and was impressed with his leadership style. He stressed the importance of being prepared for storms and praised the Streets Department for effectively identifying and addressing problems during recent events. He commended Mr. Roberts and his crews for their diligent work on potholes. He also noted that the new traffic pattern on 600 North by Gould's Wash is problematic but acknowledged that plans are already in place to improve it. Councilman Ellerman raised a concern about a recently constructed block wall on 700 West, noting that visibility for left turns is obstructed. Arthur LeBaron explained that the City no longer requires permits for block walls, though he agreed that this particular wall does not meet standards and suggested the ordinance may need revision. Councilman Ellerman recommended marking the corners as unbuildable areas on the plat. Mr. LeBaron added that a punch list has been requested and that the necessary fixes will be completed before plat approval.

Councilwoman Werrett reported that Lee Beatty informed her of a trailhead near Confluence Park with a monument on the property, which they are interested in deeding to the City. She also noted that Wells Fargo is requesting liability indemnification for the historic home located on their property. Additionally, she mentioned that someone had asked why the City does not display the old state flag. Councilman Excell explained that state law requires all government locations to fly the current state flag.

Cindy Beteag asked for the Council's input on the Civic Clerk software. She explained the Council is the only board that is utilizing it so staff is trying to determine if something else could be used that is more cost efficient. Council stated they are utilizing Civic Clerk, and they find it helpful to have it in front of them during the meetings. They are open to exploring other options if Civic can't offer a better deal.

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

Joseph Prete motioned to go into a closed meeting at 9:28 p.m. to discuss pending litigation. Seconded by Amy Werrett. Motion carried unanimously.

Adjournment: Joseph Prete motioned to go out of closed session and adjourn at 9:38 p.m. Seconded by Drew Ellerman seconded. Motion carried unanimously.