

Minutes of the Hurricane City Council meeting held on February 17, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 3:00 p.m.

**Members Present:** Mayor Nanette Billings and **Council Members:** Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman – Joseph Prete joined the meeting at 4:17 p.m.

**Staff Present:** City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimack, Planning Director Stephen Nelson, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, Deputy Fire Chief Kevin Gildea, and City Recorder Cindy Beteag

## **AGENDA**

### **3:00 p.m. PID Meeting**

Mayor Nanette Billings noted that the discussion about the presented PIDs regards infrastructure in the community. Infrastructure is the responsibility of the City Government, and the city organizes ways to provide infrastructure for new developments.

Bench Lake PID –Brennen Brown explained that there are 155 acres in the petition and 5,000 acres in the annexation. He provided a signed petition from property owners who want to be included in the PID. Property owners that join the PID are subject to the tax to pay off the bond for the infrastructure. Engineers have reviewed the project's budget to ensure the accuracy of the cost associated with the infrastructure. The price for the infrastructure is sixty-five million. They are proposing to finance this in the PID. This can be funded through property tax or a Special Service Area Tax. (SSA) Bench Lake PID is proposing a mill rate of 2. Based on the mill rate, this is \$200 a year per a \$100,000 of taxable property value. The County Tax Assessor calculates the taxable value. SSA is a fixed payment. If the SSA tax is not paid, the bondholder can foreclose on the property. A bondholder cannot foreclose on a property if the property tax is not paid.

Karl Rasmussen stated that seventy percent of the land in the Bench Lake PID has approved zone changes. Secondary water will be included in the PID, and the water district approved an easement for the water line on the east side of the property. There are two four-million-gallon concrete water tanks. In this proposal, areas are set aside in Copper Rocks for public safety buildings. Medical facilities are planned in the Balance of Nature project. Council discussed how many units can be built in this area. Stephen Nelson explained that the City allows development under four units per acre in this area. There are 4,000 units on the preliminary site plan. If this is approved with quarter-acre lots, there is a potential of 17,000 units. Mr. Rasmussen explained the location of roads

and connections. The roadways will match up with the master planned roadways, and tie into existing roads to prevent more congestion between 700 West and 1100 West. Bench Lake PID loops the water and the roads together. The PID only includes infrastructure, it does not include the development of the subdivision.

Councilman Kevin Thomas asked how a pioneering agreement would work for a property owner who joined the PID late. Mr. Brown stated that it is at the City's discretion to require new owners to pay toward their portion of infrastructure. The more property owners that join the PID, the quicker the bond will be paid down. Marcus Keller with Zion's Bank reminded everyone that a property can not be annexed into the PID without 100% consent. They will include as many property owners as they can when the PID is approved.

Councilman Dave Sanders asked about credits for impact fees already paid by landowners. Randy Larson explained that the City can credit the property owners who have paid impact fees for their infrastructure. Councilman Thomas asked if this would tie into the existing water line on Rlington parkway. Ken Richins stated that the waterline on Rlington is stubbed further than the paved road and is the correct size. The sewer lines are not the correct size.

Mr. Brown pointed out that there is an overview of the drafted governing document for all the PID's in the packet. There are no pioneering agreements in the governing documents. If this moves forward, City Council will want to review these documents.

Mr. Brown discussed the Sand Hollow Mesa PID. This is the Romney Group project. He reviewed their proposed phasing. The project is approved for 3,660 dwelling units and 130 acres of commercial. They are requesting 3 PIDs because it makes sense financially to do this in phases. The total cost for infrastructure is 120 million. The Romney Group has set aside areas in each PID for public use and public safety buildings. They propose a max of 4.5 mills and a max debt limit of 150 million. Stephen Nelson reported that the City does have a PID policy that maxes the mills at ten, and the State code allows fifteen mills.

Kachina Ridge has seventy-five acres in the PID area, and there will be 500 condo units, vacation rentals, and a hotel. The annexation area is 2,500 acres. He listed the planned infrastructure for this PID. Mr. Nelson noted that the Kachina Ridge zoning and development agreements are approved. Mayor Billings asked about the water rights for the hot springs. Ted Fullerton stated that laws for geothermal water do not require owning water rights as long as it is below your property and runs to the aquifer. He noted the location of the planned water tanks. They have identified where to drill to hit the hot springs. Ken Richins discussed the water tank locations. Mr. Brown discussed the tax revenue these developments bring to the city. He thinks it is wise to invest in the infrastructure now. Three owners in the PID have discussed creating a committee to provide attainable housing.

Councilman Sanders is concerned about the location of the development. This area has sheer cliffs and limestone. SR-59 traffic is already a problem, and this will increase traffic and cause more issues. Mr. Fullerton explained that they have done extensive research and know where to develop, and he thinks this is smart growth. Bruce Barrett explained that a record number of tourists go to Zion every year. The surrounding areas need gateway resorts. He agrees that SR-59 is a problem. Addressing the roadways has to happen this is a way to do that. Mayor Billings agrees that this area needs more attractions and lodging because Zion cannot manage all tourism. These applications will be on the March 3<sup>rd</sup> agenda.

### **5:00 p.m. Pre-meeting**

Weston Walker - The Street Department is still working on the roads for the chip and slurry seal. Straight Stripe has been helping them with sealing because they are having trouble with their machine. They have some vests that people can wear during the trash cleanup. They have replaced six signs due to vandalism and theft in the last week. Councilman Heideman asked about the cost difference for chip seal versus slurry seal. The road conditions are considered when choosing between chip or slurry seal. Mike Vercimack stated that there are different types of road surfaces. Slurry seal is used on newer roads that do not have structural defects because it rejuvenates the surface. Chip seal is used on roads that have structural defects. Chip seal is more expensive, but it provides more substance to the road. There is more money in this year's budget for road repair, so they are ahead of schedule. He noted that each sign cost about \$150.

Mike Vercimack - Public Works is staying incredibly busy. Building permits are increasing again, and there were two preconstruction meetings today. He voiced appreciation for everyone's hard work in trying to keep up with all the developments.

Aurthur LeBaron reported that single chip seal is \$2.25 per square yard. Double chip seal is \$4.41 per square yard. Slurry seal is \$1.37 per square yard. The chip seal bid needs to be reviewed and compared to the budget, so he asked for this item to be continued until the next meeting. The slurry seal project is ready to be awarded. Mr. LeBaron is working with Washington County and Washington City on the design of Purgatory Road. Federal aid is funding the design. Washington City and Hurricane City are splitting the local match, estimated at \$16,000 per city. The 600 North trail project is in the planning and funding phase. Hurricane City must match the funding received from the County. The project is separated into three phases. He thinks the next priority should be a trail from the Main Street trailhead to the bridge.

Councilman Heideman asked about the bus route from St. George to Zion. Mayor Billings stated that Hurricane City is not participating right now. State sales taxes are funding the bus line. Until the City commits to having a stop, they will not receive any of

the taxes. Mr. LeBaron reported that the sales tax goes to the County if there is no transit system in the City. He thinks the City would benefit by having a bus stop.

Chief Excell swore in the new officers. They have filled the records clerk position. Two cadets will graduate on the 10<sup>th</sup>, and three in the academy will graduate in April. They will do another citizen academy in the future. He discussed the Garrity Bill going to the legislature tomorrow. The media is pushing hard against the bill.

Ken Richins - The backup generator for the west well was tested and is working. This is a great accomplishment, and there is now a backup plan during a power outage.

Kevin Gildea reported that the recruiting academy is going well. They lost the use of the ladder on their ladder truck and a computer on an older truck. The cost of new trucks is exceptionally high. Call volume continues to increase.

### **6:00 p.m. - Call to Order**

Mayor Nanette Billings welcomed everyone to the meeting.

#### **Prayer:**

Led by David Hirschi

#### **Historical Thought:**

Paula Hirschi

Ms. Hirschi shared a story about Mary Jane Leavitt Abbott.

#### **Pledge:**

Ms. Hirschi

Mayor Billings asked for a motion to continue Old Business items #1 and #4. Kevin Thomas motioned to continue Old Business items #1 and #4. Seconded by David Hirschi. Motion carried with Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye.

### **Public Forum – Comments from Public**

### **OLD BUSINESS**

1. Consideration and possible approval of a **Franchise Agreement between Hurricane City and Infowest**

**2. Consideration and possible approval of a reduction in park and road impact fees for an apartment complex located at approximately 6129 W 100 South H-4-2-4-3211 - Kyle Arbizu**

Kyle Arbizu was present. Stephen Nelson reported that there is not enough information to make a recommendation. He doesn't think the applicant was quoted the right amount, so he would like to look into it further. He is meeting with the applicant next week.

Kevin Thomas motioned to continue a reduction in park and road impact fees for an apartment complex located at approximately 6129 W 100 South. Seconded by Doug Heideman. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**3. Consideration and possible approval of Modified Agreement between Hurricane City and Stratton Brothers Partnership-Fay Reber**

Ken Richins explained that in the late 70s, Stratton Brothers wanted to annex into the City, and the City wanted to acquire their water rights. They came up with a specific number of connections in return for the water rights. Due to clerical error, some of the water rights were missed. They are requesting to add more water rights for twenty-four more connections. The Water District approved this amendment and agreed to recognize the additional connections.

David Hirschi motioned to approve the modified agreement between Hurricane City and Stratton Brothers for twenty-four connections, and the District recognizes the waiver of impact fees for the connections. Seconded by Doug Heideman. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**4. Consideration and possible approval of an updated preliminary plat for Peregrine Point West Phase 1-4 Amended, located at 600 N and 3100 W. Perry Development Applicant, Greg Sant Agent.**

Greg Sant representing Perry Development was present. Mr. Nelson read the terms of the agreements. There was an easement not included in the original plat. Staff and the applicant have agreed to terms on compensating Perry Homes for the extra dedication. The ten feet they are dedicating gives the City room to work on the power poles. The setbacks apply to the whole development. The Three Rivers Trail goes through this property, so Perry Homes is providing a trail that will connect to the Three Rivers Trail. Last week, he met with Interstate about the intersection on 600. The concerns have been addressed.

Kevin Thomas motioned to approve an updated preliminary plat for Peregrine Point West Phase 1-4 Amended, located at 600 N and 3100 W. Seconded by Dave Sanders.

Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

## NEW BUSINESS

### 1. Public Hearing to take comments on the following:

Joseph Prete motioned to go into a public hearing. Seconded by Doug Heideman. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

- A. A sensitive land application for Mountain View Estates, a 37 lot subdivision, located at 1300 W 650 S

no comments

- B. A sensitive land application for Mesa Cove, a 91 lot residential subdivision, located at 1117 W 600 N

no comments

Joseph Prete motioned to go out of a public hearing. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

### 2. Consideration and possible approval for a **preliminary plat and sensitive land application for Mountain View Estates Preliminary Plat, a 37 lot subdivision, located at 1300 W 650 S**. Craig Engel, RAC Inc Applicant. Marc Brown Agent.

Craig Engel was present. Stephen Nelson stated that their engineer provided an updated letter. They are now proposing thirty-seven lots. During the construction drawings, they realized the larger lots did not work with moving the road, road grading, and the taller slopes. The Planning Commission recommended approval. Mr. Nelson reported that this does meet the R1-10 zoning. The City requires larger lots when a slope is more than ten percent. If the developer provides a sound engineer principle letter, the Council can deviate from that requirement. There are eight lots with more than a ten percent slope. Councilman Prete asked why this changed to thirty-seven lots. Mr. Engel stated that to reduce road grade to meet fire access requirements, they needed to reduce some of the slopes and had an imbalance of cut and fill. To cover that expense, they are requesting additional lots. He feels a two-wall system is more stable than a large wall system. This makes the drainage, road grades, and lot sizes more consistent. Mark Brown stated that lots 28-32 still average 17,000 square feet. The entire subdivision does not average under 10,000 square feet.

Councilman Hirschi asked about the market value of the homes. The City needs affordable housing. Mr. Engel explained that the homes will not be in the affordable range because of the views and lot sizes. He is working on an affordable housing project in LaVerkin and would like to work on a similar project with the City.

Dave Sanders motioned to approve the preliminary plat and sensitive land application for Mountain View Estates Preliminary Plat located at 1300 W 650 S. Seconded by Joseph Prete. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**3. Consideration and possible approval on a preliminary plat and sensitive land application for Mesa Cove, a 91 lot residential subdivision, located at 1117 W 600 N. GVS Holdings LLC Applicant. Dwain Schallenberger Agent**

Stephen Nelson explained that the density is approved for RM-2 on the south and R1-10 on the north. The project meets the appropriate densities. Dave Nasell had a conversation with the charter school, and they want the road to T, where the elementary ends. The school's final plat plan is an s curve. The applicant moved the road because the charter school was unwilling to participate in the road and did not want to sell the property. Arthur LeBaron stated that the road will tie into Valley Academy. Mayor Billings is concerned that if this is approved and the road is not developed, it will never get developed to the school. Mr. LeBaron stated Valley Academy submitted a site plan which includes 1040 west connecting to 600 N. The City needs to hold them to that expansion.

Mr. Nelson explained that the development has a PDO overlay. Councilman Prete feels that this is a good location for multi-family units. It is within walking distance of two schools. He asked if they were taking any measures to provide attainable housing. Mr. Nasell would like to keep costs as low as possible, but that is based on the price of building supplies. Councilman Sanders commented that attainable housing is not practical with the economy, and material and land costs are sky-high. If the Council is serious about attainable housing, the City could require large developments to provide a portion of affordable housing.

Kevin Thomas motioned to approve subject to staff and JUC comments on a preliminary plat and sensitive land application for Mesa Cove residential subdivision, located at 1117 W 600 N. Seconded by Doug Heideman. Motion carried with Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye. David Hirschi, nay.

**4. Discussion and possible approval of an Equestrian Park grand opening celebration- Rob Goulding**



Charles and Cheryl Reeve were present. Mr. Reeve does not know when the park will open. Rob Goulding is excited about the park and the other opportunities that facilities could provide. Mr. Reeve read over the grand opening ceremony prepared by Mr. Goulding. They would like tentative approval to move the project forward. The City Council is highly in favor of this and feels this is a fantastic opportunity. The County contributed \$300,000 to the equestrian park. Mr. Reeve asked if the City could contribute money towards the grand opening Kaden DeMille will look into that. The old rodeo grounds will be converted into a baseball field.

**5. Consideration and possible approval of a Certificate of Sale and Restrictive Covenant for purchase and acceptance of property from SITLA.**

Arthur LeBaron reported that the documents on the agenda are standard documents that SITLA requires when they transfer property. The City is asking to purchase property for a wellsite, and they are working to acquire another property for parks and trails. SITLA is amicable to this proposal. Councilman Prete suggested that approval should be subject to legal review. Mayor Billings noted the concerns mentioned in the staff meeting.

Doug Heideman motioned to approve, subject to City Attorney review, a Certificate of Sale and Restrictive Covenant for purchase and acceptance of property from SITLA. Seconded by David Hirschi. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**6. Consideration and possible decision on the flood modeling approach for Gould Wash.**

FEMA is working on updating the flooding mapping in Washington County. Hurricane City has received a lot of criticism on the current map. The original mapping does not represent the flood risk in the City. The wash does not hold to the 100-year flood plan. There are two exits from the wash that cause flooding in the City. FEMA needs the City to decide on an administrative or regulatory flood plan to move forward with the study. When a municipality identifies risk, it must be addressed. The City currently has a regulatory flood plan based on the Code of Federal Regulations. The regulations have been adopted by ordinance. Citizens could oppose the remapping because it might require flood insurance on more properties. Fay Reber read the sanctions for non-participation in the National Flood Insurance Program.

Tyler Vanderhorst and his wife have extensively researched flood mapping. If the maps are not adopted, the repercussions do not go into effect immediately. Other cities have not adopted the maps, and FEMA has not officially adopted the maps. This is a study being presented to FEMA for adoption, and adopting this will restrict current residents and new buildings.



Harmony Vanderhorst has read the information presented to the City. She is very informed and represents hundreds of citizens that will be affected if this is changed. Property costs are already up, and the council members represent the citizens. This process does not need to move forward. The current plan is not jeopardizing the citizens.

Drew Ellerman was previously a floodplain administrator, and he currently works for Washington City. He would prefer Hurricane City to look for ways to mitigate the issues and wait until FEMA forces the City to adopt the mapping.

Arthur LeBaron agrees with most comments. He clarified that the discussion is not regarding adopting a map. This is a discussion about how the study is completed. He suggests a presentation from FEMA before they make a decision.

Richard Hirschi stated that no one in the City received money after the flood in 1991. The government does not fix anything, and they aren't there to hand out money if it floods.

Cecil Dutton's property line is on Gould's Wash, and he is concerned about how this affects the citizens. This map has identified problems, and the City should fix this before the problem occurs.

Mr. LeBaron is working with NRCS on a project to retain Gould's Wash. Mayor Billings asked if cementing the wash would be a better way to mitigate the wash. Mr. LeBaron does not think the citizens will like that. The wash is natural, and he prefers steering the design to a more natural approach. We can't build detention upstream because of the cost. The State Flood Plain Manager will be here in March and can provide more information to the Council. Councilman Prete asked if any other City in Utah has acted on this map. Mr. LeBaron does not know if other communities face the same issue as Hurricane City. Mr. Reber recommended continuing until after meeting with the State Floodplain Manager.

Councilman Hirschi stated that no one is in favor of the administrative floodplain. The Council represents the citizens, and they don't want a change.

Mike Sheers reported that floodways were changed in Idaho, and everyone had to have flood insurance even if they were not close to a floodway. FEMA gets a portion of the flood insurance, and he thinks that is why they continue to include more areas in the flood mappings.

Councilman Prete thinks the Council needs more information. Councilman Heideman would like to continue until the representative comes.

David Hirschi motioned to deny moving forward on the flood modeling approach for Gould Wash. Seconded by Kevin Thomas. Motion carried David Hirschi, Dave Sanders, Kevin Thomas voting aye. Doug Heideman and Joseph Prete abstained.

**7. Consideration and possible approval of a contract award for a slurry seal project.**

Arthur LeBaron recommends awarding the bid to American Pavement Preservation in the amount of \$195,218.66. They have worked for the City before, do a good job, and are the low bidder.

Kevin Thomas motioned to approve the contract award for a slurry seal project in the amount of \$195,218.66 to American Pavement Preservation. Seconded by Doug Heideman. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**8. Consideration and possible approval of a contract award for a chip seal project.**

Arthur LeBaron advertised three bid schedules. Single chip, double chip, and chip sealing the dirt road on 900 South. Dirt road requires a different kind of product. The price for double chip and chip sealing 900 South exceeds the budget. He recommended continuing until they identify a way to fit this in the budget.

Joseph Prete motioned to continue awarding the contract for a chip seal project. Seconded by Kevin Thomas. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**9. Consideration and possible approval of a grading permit for Dennett Construction south of Quail Creek Industrial- Doug Dennett**

Doug Dennett stated that this is ten acres zoned for RV parking which will help the County Fair with parking. He would like to move forward with the project. He has withdrawn the preliminary plat application.

Stephen Nelson reported that they are coming in before they have any approvals. He read the code 10-723. The code states that the Council can approve an authorized zoning administrator to approve the grading permit. This allows them to start the grading before they get all the approvals. Usually, the grading permit is not issued before the approved plans. Mr. Nelson recommends that the Council require a reclamation plan and bonding. He wants a permit provision that prevents them from doing more than the grading. The entire parcel must be graded because a lift station is necessary for future improvements to the new road.

David Hirschi motioned to approve only for the grading and subject to a reclamation plan and bonding the grading permit for Dennett Construction south of Quail Creek Industrial. Seconded by Kevin Thomas. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**10. Consideration and possible approval of a grading permit for Scholzen Products-Bruce Ballard**

Joseph Prete motioned to table approval of a grading permit for Scholzen Products. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**11. Discussion and possible approval of event parking at Sand Hollow on the Washington County Water Conservancy District's property - Dan Staheli**

Dan Staheli was present. Mayor Billings stated that her meeting with Zach Renstrom was postponed until Tuesday. The Water District owns the four corners going into the Sand Hollow. Sand Hollow prefers that the parking area is fenced, so it is only used during events. Mr. Staheli stated that large events are coming to Southern Utah. A concert is planned this fall with an expected attendance of 40,000 people, and there is no parking in this area. This parking would allow them to comply with event parking. The park is closing during events because there is no parking. They will provide a shuttle service to get into the lake. Stephen Nelson stated that the City can allow temporary parking, but it has to be on the same property as the venue. The Water District has an application on file for a rezone. He needs to study it more. Mayor Billings will talk to the Water District and State Park before any decisions are made. Chief Excell and Mr. Vercimack would like to participate in the discussion. Councilman Sanders would like to have a traffic plan for the next meeting.

Doug Heideman motioned to continue event parking at Sand Hollow on the Washington County Water Conservancy District's property. Seconded by Joseph Prete. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**12. Consideration and possible approval of a Zone Change Amendment request located north of 3000 S and west of 2100 W to amend the zoning boundary on 160 acres already approved as R1-10 PDO, planned development overlay, and M-1 zone, light industrial, from 26.7 acres of M-1 to 31.83 acres of M-1 with the remainder remaining R1-10 PDO, Parcel number: H-3373-NP. Molly's View LLC Applicant. Richard Wedig Agent.**

Mayor Billings reported that the Balance of Nature project needs to increase the industrial area. The Planning Commission gave a positive recommendation. There are 325 units proposed in the original application. If they increase the M-1 zoning, the 325

units are still compliant. Stephen Nelson does not recommend reducing the number of units. He reviewed the development agreement and discussed the necessary updates to the agreement. Councilman Prete feels that Balance of Nature is a great asset to the community. Mayor Billings reported that their runner bringing a sapling starts in Alabama in April and will be in Hurricane City in July. They want to do a celebration around the 4th of July.

Joseph Prete motioned to approve with the Planning Commission recommendations the zone change amendment located north of 3000 S and west of 2100 W. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**13. Consideration and possible approval for a preliminary plat for Gateway at Sand Hollow Commercial, a 6 lot commercial subdivision,** located between SR-9 and Sand Hollow Road. Western MTG and Realty Co Applicant. Brent Moser Agent.

Karl Rasmussen stated that this is part of the Sand Hollow Gateway PID. There will be a roundabout on Sand Hollow Road separating this subdivision. He discussed the businesses planned in the area. Construction drawings were signed today for Resort Blvd and Glampers Road. The funding is in place, and the applicant hopes to start soon. Stephen Nelson's concern is that the Utah Department of Transportation (UDOT) has not responded regarding their property that adjoins this development. Arthur LeBaron reported that state code requires that UDOT is notified when a land-use development affects their property. UDOT has forty-five days to respond. He recommends that this is continued until UDOT has responded.

Kevin Thomas motioned to continue until staff has met with UDOT. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**14. Consideration and possible approval of an amended final plat for Pioneer Estates Lot 5** located at 252 S 1430 W. Pat Stone Applicant

Pat Stone explained that they are requesting to split their one-acre lot into two lots to build two separate homes. Councilman Prete mentioned that a utility easement needs to be recorded on the plat. Stephen Nelson explained that the City utilizes the easement on the north of the property for utility services. The presented plat has eliminated the easement, but it must be retained.

Joseph Prete motioned to approve the amended final plat for Pioneer Estates Lot 5 located at 252 S 1430 W. with the condition that utility easement is added to the plat. Seconded by Kevin Thomas. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**15. Consideration and possible approval of a preliminary plat for Sand Hollow Mancaves located at the northeast corner of Sand Hollow Road and Abbey Road. Dixie Man Caves LLC Applicant. Jason Miller Agent**

Jason Miller discussed the concept of the mancaves. The Planning Commission requested CCRs, which he has provided. Stephen Nelson explained that these are luxury storage units. He thinks the Planning Commission had concerns of overnight use, long-term residential stay, and industrial warehousing is not permitted in this zoning. They want documentation showing restrictions that keep the project within the permitted zoning and list the intended use. Mr. Miller stated that the CCRs address those concerns, and he provided their proposed plan. The bathrooms and showers are permitted.

There will be an HOA to enforce the CCRs. A property management company will manage the property. The estimated cost for a unit is between \$450,000 and \$600,000, depending on what the owner wants inside their unit. These units are in high demand. Mr. Nelson noted that infrastructure and road improvements are necessary. Staff comments need to be included in the motion. CCRs are typically reviewed with the final approval.

Joseph Prete motioned to approve the preliminary plat for Sand Hollow Mancaves located at the northeast corner of Sand Hollow Road and Abbey Road, subject to staff and JUC comments. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**16. Consideration and possible approval for a preliminary plat for Elim Estates, a 135 lot subdivision located at approximately 1400 S 4300 W. Bright Ideas REI Applicant. Adam Allen Agent.**

Adam Allen was present. The subdivision is in the Sand Hollow Gateway, on the northeast corner of the Marla Subdivision. There are 135 lots with R1-8 zoning. The PID to the north will have parks and amenities. Stephen Nelson stated that the infrastructure needs to be updated. Parks and other amenities are not required in single-family zoning. The density is already set, and this matches the zoning.

Kevin Thomas motioned to approve the preliminary plat for Elim Estates, a 135-lot subdivision located at approximately 1400 S 4300 W subject to staff and JUC comments and the road alignment up. Seconded by Dave Sanders. Motion carried with Dave Sanders, Kevin Thomas, and Doug Heideman voting aye. David Hirschi, nay. Joseph Prete abstained.

**17. Discussion and possible decision on renewing the contract with Granicus or hiring a new position for licensing and reviewing vacation rentals - Mayor Billings**

Granicus cannot enforce the code. The City's current code does not allow enforcement. They monitor the number of vacation rentals and provide the information to staff. The contract with Granicus is \$47,000 a year. Mayor Billings questioned if having a full-time employee was the better option. Kaden DeMille stated that the Granicus contract is less than a full-time employee. Councilman Prete explained that unlicensed vacation rentals had become a big problem in the past year. The City contracted with Granicus to locate all the rentals. The State does not allow the City to use advertisements to enforce vacation rental ordinances. Granicus helps the City gather sufficient evidence to enforce the ordinances. He would like to renew the contract for another year.

Joseph Prete motioned to approve renewing the contract with Granicus in the amount of \$47,000. Seconded by Dave Sanders. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**18. Discussion regarding a water conservation ordinance**

Mayor Billings reported that the Water Board and Planning Commission have reviewed the proposed ordinance. Councilman Prete provided the Council with Southern Utah Home Builders Association positions on the water issue. Mayor Billings reported they are in favor of the hot water recirculation, but they do have other concerns about some of the recommendations. Stephen Nelson stated that Water Board knows water conservation is important, and they want to work with other entities, but they want to retain the rights of the City to make their water conservation choices. The Water Board would like more incentives as opposed to more restrictions.

Mayor Billings expressed that the City does need to conserve water and be good stewards. It is important to learn how to access and retain water. Ken Richins stated that the water conservation ordinance requires all new developments to adopt the landscape ordinance, but they are not requiring existing properties to remove their grass. Councilman Prete asked Drew Ellerman how Washington City is addressing the ordinance. Mr. Ellerman stated they are in the process of adopting the ordinance with some changes. St. George City adopted a stricter policy because the City consumes more water than any other City in the United States. Mr. Ellerman will send over the ordinance Washington City is proposing.

**19. Discussion and possible approval of a part-time position to transcribe meeting minutes-Mayor Billings**



Mayor Billings noted that the minutes for City Council and Planning Commission are six months behind. The City is considering hiring an outside source to transcribe the minutes. This is a part-time position.

David Hirschi motioned to approve a part-time position to transcribe meeting minutes. Seconded by Joseph Prete. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**20. Discussion on short term rental ordinance-Mayor Billings**

Stephen Nelson stated that staff has been working on this ordinance for a long time. Currently, code enforcement is managed through the criminal system, making it difficult to enforce. This proposal is to move to the civil enforcement system. This allows staff to issue a citation. There has to be a fee schedule for the fines and an appeal process. The hearing officer must have a neutral position and should not be an employee. The goal is to start with this ordinance focusing on short-term rentals and incorporate other nuisance penalties in the future. Councilman Prete would like to have standards that only allow the hearing officer to waive the civil penalty on the first violation. He would like staff to research whether the City can record liens on properties for unpaid citations.

**21. Discussion on the infrastructure needed in Hurricane City- Mayor Billings**

Mayor Billings turned the time over to Kaden DeMille to discuss infrastructure and working with the PIDs. Mr. DeMille feels that the City should be cautious about the infrastructure they allow to go through the PIDs. The City should only be responsible for the infrastructure, not waterways and amenities. There are options to finance the infrastructure through PID's with an SSA tax or property taxes. The PID is proposing property taxes. There are other fundings that developers can use, but they could be more harmful to the residents. Another option is to have the developers install what they need as they go.

Councilman Prete believes there is an infrastructure gap. The City does not have regional roadways, water, sewer, power, or public facilities in the southern part of the City. Developers want to build projects further away from the current infrastructure. The easiest way to develop is to start with the infrastructure in place and work outward. Extending infrastructure to the south end of town is more expensive because of the distance. Large developments are expected to provide benefits that are proportionate to their impact. The added value being presented by the PID's is not necessarily an added value. There is an infrastructure problem, but it can be addressed in other ways. He questioned if a dual-track impact fee makes sense. Arthur LeBaron stated that dual-track impact fees could be an option by having each region analyzed. Ken Richins stated that impact fees cannot be used as collateral. They can be used to pay down the



debt, but the City cannot bond against them. Mr. DeMille agrees that this is not an easy decision. There are pros and cons with however it is funded.

Councilman Sanders acknowledged that the previous Council made these decisions. All these developments are approved. There are benefits to the PID. We need connectivity from the south to the center of town. The north-south corridor is another necessity. The City has to find a way to get infrastructure to the south. He is unsure if bonding is the best way to do that.

Councilman Prete reported that there are two types of possible bonds. The City can borrow money and use the revenue to pay it back. This type of bonding does not affect taxes. The second is the general obligation bond which requires voter approval and is harder to pass. The City does not want to go the route of general obligation bonding. Mr. Demille noted that using the revenue to pay back the bond takes money from other areas.

Mayor Billings suggested approving the PID for the major infrastructure, and the developer has to fund the rest. Councilman Prete stated that if the PIDs are not passed, the City needs to prioritize infrastructure and get a plan for moving forward.

Mr. Vercimack suggested that there is more to learn about PID's. This is a complicated situation, and the City is collaborating with developers to address the infrastructure. They did come in below the mill levy. Councilman Hirschi thinks approving the PID will speed up growth. Once approved, he feels like the developments within the PID will feel entitled to more zone changes. Councilman Prete is also concerned with the size of the PID's. These areas are going to be bigger than the existing Hurricane area.

**22. Closed Session** Joseph Prete motioned to go into a closed session. Seconded by David Hirschi. Motion carried unanimously with David Hirschi, Joseph Prete, Dave Sanders, Kevin Thomas, and Doug Heideman voting aye.

**Adjournment** 12:23 p.m.