

Minutes of the Hurricane City Council meeting held on July 7, 2022, in the Council Chambers at 147 North 870 West, Hurricane, Utah, at 4:00 p.m.

**Members Present:** Mayor Nanette Billings and **Council Members Present:** Joseph Prete, Dave Sanders, Doug Heideman, David Hirschi, and Kevin Thomas

**Also Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Planning Director Stephen Nelson, Planning Technician Fred Resch III, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, City Recorder Cindy Beteag, Fire Chief Tom Kuhlman, Water Superintendent Ken Richins, Human Resource Director Selwin Lovell, and Ash Creek Sewer District Superintendent Mike Chandler.

## **AGENDA**

### **4:00 p.m. Work Meeting**

- 1. Swearing in of new police officers**

Cole Henson and Jordan Bogenhagen swore in.

- 2. Discussion regarding Sky Ranch Annexation**

Mayor Billings noted that this is a discussion meeting. Dayton Hall explained that a petition had not been filed; therefore, this is not an action item, and the City Council cannot make a decision or commitment.

Mark Hudgens reported that a large portion of the homeowners are interested in annexation. There are questions and concerns regarding the cost of utilities and taxes. Mr. Hudgens has studied these basic issues. Sky Ranch is a unique property and is the only private airport in the State. Most of the homeowners are pilots with aircraft and hangers. The homeowners want to ensure that their investment is safe and their biggest concern is the longevity of the airport. Mr. Hudgens presented a slide show to familiarize the Council and attendees with the area and airport. The presentation outlines the Homeowners Association requirements for a successful annexation. They would like to have confidence that the City will use its power to come to an agreement. He explained that runway protection zones and areas must be respected around the airport. Navigation easements are disclosed in the closing documents, which explain that there are noise and light from the airport. The disclosure protects the homeowner from nuisance lawsuits. He noted that the standard airport layout plan advised by the FAA provides an approach zone with a ratio of 1:20 and a surface area of 1,200 feet. FAA rules do not allow obstacles within 1,200 feet of the runway threshold. The group is concerned because the Solaroca development is directly under the flight path and was approved without any mention of the airport in the approval process. They attempted to contact the property

owner at the end of the runway to purchase the property. Stephen Nelson reported that he has talked with Solaroca, and they seem willing to amend their site plan to allow more protected areas. The North and South properties next to the runway are small, making it difficult to negotiate moving lots or decreasing density. Councilman Prete asked how the runway was approved without the required land. Mr. Hudgens stated that the runway was built and approved in the early 1980s. At that time, this type of growth was not anticipated. He questions how Solaroca was approved without consideration of the airport. Mr. Nelson explained that no recorded easements are protecting the airport on the southern end. Mr. Hudgens reviewed the main concerns. The bottom line is they need navigation easement agreements, protection zones, drainage control, and the ability to maintain the rural culture in the area.

Tim Anderson, attorney for Sky Ranch, reported that this is the only project of this type in Utah. Mr. Anderson reviewed several FAA rules. Special rules apply to airports to ensure safety, and Hurricane City also has codes regarding the airport. He reiterated that they want to ensure that the City enforces the same safety. The airport plan shows that the runway protection zone is 1,000 feet with an approach zone of 3,000 feet. Airports don't always have a protection zone, and uses on adjoining properties can be limited. They would like to look at compatible planning with the properties in the approach zones to ensure they are harmonious with the surrounding area. Mr. Anderson asked the City to impose a navigation easement using its eminent domain right.

Mr. Nelson agrees that adding protection around the airport is wise. However, imposing eminent domain to obtain an easement to preserve a private airport will cost Hurricane City citizens. He feels that overlay protection zones are a better way to protect the airport. Mr. Anderson doesn't think the eminent domain of airspace will cost much money. He is concerned about the density and trees shown on the Solaroca plan. Dayton Hall reported that eminent domain has to be for a public purpose. He is not sure that a privately owned airport is an acceptable purpose. Councilman Sanders thinks Grassy Meadows, Solaroca, and Planning staff should meet to come up with solutions. Councilman Hirschi asked why they want to be annexed into the City. Mr. Hudgens explained that it gives them the best chance for runway protection. They would also like to have a vote and be part of Hurricane City. Councilman Hirschi asked if the benefit of annexation is greater than the possible negative outcome. Councilman Thomas stated that he sees the need to protect the area and the pilots, but he feels that the cost of annexation will far exceed the taxes received.

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

Arthur LeBaron reported that the July 4<sup>th</sup> events were a success. He witnessed several children and adults walking between the truck and the float. In the future, parade entries will be provided with rules regulating the parade and a release form from the Utah Department of Transportation. The parade route will be chalked, hopefully preventing patrons from walking onto the road. He is especially concerned about the children who enter the road to pick up

candy. The chalk line has helped with this in the Peach Days Parade. Councilman Heideman reported that several cities in Northern Utah have set forth ordinances in response to the fatality at the 4<sup>th</sup> of July parade in Kaysville. He would like to adopt similar ordinances. Mr. LeBaron reported that Balance of Nature expressed interest in contributing to the 4<sup>th</sup> of July festivals in the future. SITLA sent the plat for the dedication of Three Falls to Salt Lake City for signature. The plat will be on the City Council agenda for acceptance when he receives the title report.

Ken Richins reported that the Water Department is fully staffed. Six Dixie Springs water system failures occurred in the past two weeks. Mayor Billings is reaching out for aid to help with the water system failure. Hurricane City inherited the HDPE pipe from the County, which has become a major issue from staffing and financial points. He expressed that Sky Ranch would be a wonderful neighbor. They have negotiated with Washington County Conservancy District, and the district has agreed to bring the water system up to Hurricane City standards. If they do that, the Sky Ranch annexation will not be a concern.

Mike Chandler reported that Interstate Rock is mobilizing the Big Reach 11 pipeline construction along Sand Hollow, and the blasting will start midweek. Interstates Rocks trial run of using a vibratory method to re-round the pipe on 3000 South was a success. He reported that the monthly rate and impact fees were increased during their previous board meeting, and the rates have not increased since 2008.

Scott Hughes encouraged the City Council to attend the UAMPS conference. Generators are operating, power prices are increasing, and loads are increasing.

Selwin Lovell reported that the City Policy manual is almost complete. The open positions are slowly being filled.

Tom Kuhlman expressed his gratitude for the working relationship with all of the departments in the City. There were thirty brush fires on July 4<sup>th</sup>, and twenty-three of reports were in St. George City. Next week the new ladder truck will be in service at the Coral Canyon Station.

Chief Excell echoed Chief Kuhlman's comments. He is also grateful for their working relationship with the Fire Department. Mr. Excell reported that two officers failed field training. The department is looking forward to working with the officers sworn in tonight. Mr. Excell explained that the Sky Ranch and Cliff Dwellers annexation will stress the department's resources. A third district and additional officers are necessary to serve the area. He reported that the FBI has taken the case in Lava Bluffs and discussed the fatal vehicle accident on 3900 West.

Weston Walker reported that the curb is cut, and bases are set for the crosswalk on 870 West. The flashing beacons are back-ordered, but the ADA ramp will be installed soon. The chip seal

on 900 South is complete and will be striped with a walking path for the kids. This project caused some controversy. However, Mayor Billings and Dayton Hall will meet with the property owner to address the concerns. The chip seal on 120 East is scheduled to start in August.

Fred Resch III sent out the first batch of citations last week. The fines start immediately and accrue daily, and he has not received any response. If no responses are received within the next week, the fines will be taken to small claims court. He is planning to send out another batch of citations next week.

Stephen Nelson received approval from the Utah Department of Transportation for the scope of the Downtown Master Plan. He is preparing the official RFP, which will be sent out before the next Council meeting. He has secured a booth area in Peach Days to hold the open house. The Housing Plan is moving along, and the first meeting with the Planning Commission is this week. The public hearing will be held on July 28<sup>th</sup>. The Planning Commission is officially reviewing a change to agricultural protection overlay regulations to allow areas less than five acres to be included within agricultural protections. The Commission is also considering allowing smaller lot sizes within RA developments if master planned roadway dedications are involved.

Dayton Hall explains the process of the consent agenda.

**6:00 p.m. - Call to Order –**

**Prayer:** Inger Durkin

**Thought and Pledge:** Inger Durkin

Declaration of any conflicts of interest

None

Introduction of the 2022-2023 Royalty-Tacy Wright

Bellarose Murie Miss Hurricane 2022 introduced the Royalty. 1<sup>st</sup> attendant Grace Durkin is the daughter of Inger and Frank Durkin. Miss Congeniality Tylee Davis is the daughter of Daniel & Skyler Davis.

Grace Durkin reported that she enjoyed working on the Easter Egg Hunt. Tylee Davis reported that her favorite thing was helping with the Washington County Fair. Bellarose Murie enjoyed raising money for the all abilities parking and working with the Easter Car Show.

**Public Forum – Comments From Public**

## Consent Agenda

1. Minutes for Special Meeting November 15, 2021
2. Minutes for Regular Meeting February 3, 2022
3. Minutes for Special Meeting May 18, 2022
4. Minutes for Regular Meeting May 19, 2022
5. Minutes for Regular June 2, 2022
6. Minutes for Special Meeting June 14, 2022
7. Amended Resolution 2022-29 regarding Animal Shelter fees to correct a clerical error
8. Consent to staff to issue a grading permit for Hurricane Power Substation located at 600 N 1150 West.

Kevin Thomas asked for item 2 to be removed from the consent agenda.

Joseph Prete motioned to approve the items from the consent agenda, excluding item 2. Seconded by Kevin Thomas. Motion carried unanimously.

Kevin Thomas stated on the February 3, 2022, correct line 19 to state that the downside is everyone will start paying immediately, and the payment will be full-sized to start. Correct line 23 to add upfront before the period. Correct line 25 to state that repayment is to twenty years. Remove the word and. Correct the sentence to read that the limited tax bond repayment can go up to thirty or forty years.

Joseph Prete motioned to approve the minutes of the February 3, 2022, Regular Meeting with the stated corrections. Seconded by Dave Sanders. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

## OLD BUSINESS

1. Ordinance 2022-11: Consideration and possible approval of a **Land Code Use Amendment to adopt Water Conservation standards** within Title 10 Chapter 39 - Subdivisions, Chapter 32 - Landscaping and Screening, Chapter 23 - Planned Development Overlay, and Chapter 33 - Design and Compatibility Standards.

Councilman Prete explained that the City Council has discussed water conservation for several months. He reviewed the email he prepared to summarize the documents in the packet, provide the key concepts, and give a chronological order of the discussions. The drafted ordinance proposes cutting out the grass in park strips, eliminating grass in commercial areas where the slope exceeds 15%, only allowing grass in active recreation areas, requiring developers to connect to secondary water, and requiring developers to submit landscape irrigations plans with a plan from the installer showing the use of water-efficient trees and

bushes. Stephen Nelson noted that there are two sections in the proposed ordinance. The first section covers commercial, industrial, and civic development. The second section, which mostly refers to common areas and park strips, applies to all new construction and residential development. Councilman Prete is not opposed to additional restrictions. He feels it would have been beneficial to keep the recirculation pump and the water-efficient appliances in the ordinance. The proposed ordinance also does not limit the lawn size in new construction. He agrees with the Southern Utah Home Builders Association's suggestion of focusing on what yields the greatest conservation. He feels that more restrictions on new construction will have greater results. Councilman Heideman agrees with Councilman Prete. He is comfortable with the commercial section but thinks the residential section should be revisited.

Councilman Hirschi feels confident with Ken Richins's revisions. He appreciates the use of suggestions rather than requirements. He feels that the City Council needs to reconsider the number of high-density projects within Hurricane City. Councilman Heideman agrees that the residential section needs to be revisited.

Kevin Thomas motioned to approve Ordinance 2022-11 as written. Motion dies for lack of a second.

Mr. Nelson reviewed ordinances that the surrounding cities have put in place. Ken Richins reported that the Water Department is changing the irrigation metering system to AMI metering. He is comfortable with the commercial section. He feels that conservation goals should be included in the residential section. He suggested applying landscape design standards to residential development and that new construction should meet the state standard. Mr. Nelson noted that focusing on the largest water uses is important. The biggest use of water in single-family homes is watering the grass. The Planning Commission and City Council has been hesitant in restricting grass for residential use. Councilman Thomas feels that requiring water sense appliances targets small water and will not make a significant difference. He would like to see restrictions on the amount of grass allowed in new construction. Mr. Richins reported that culinary water is the main concern. He noted that out of eight thousand meters, only fourteen hundred have irrigation connections.

Joseph Prete motioned to approve Ordinance 2022-11 as written with the following changes and additions. New construction has the following three requirements water recirculation pump, water smart sprinkler control, and grass restrictions that are double the amount of grass allowed than what is proposed by the district. The City Council discussed the unreliability and cost of water recirculation pumps. Joseph Prete modified his motion to delete the recirculation pump. Seconded by Kevin Thomas. Dave Sanders, Joseph Prete, and Kevin Thomas voting, aye. David Hirschi and Doug Heideman voting nay. Motion carried.

2. Consideration and possible approval of Resolution 2022-27 approving an **agreement with Natural Resources Conservation Service (NRCS)** regarding Warner Draw Watershed Supplemental Watershed Work Plan Agreement-Arthur LeBaron

Mayor Billings explained that NRCS is contributing seventy-five percent of the cost to replace the pipes that the Hurricane Canal Company flows through. Hurricane City is funding the additional twenty-five percent. The NRCS will fund fifty percent of the cost for landowners to sprinkle their property. Arthur LeBaron introduced Engineer Lance Smith from NRCS. Mr. LeBaron discussed the spreadsheet showing the estimated costs. The agreement does not list specific amounts. The cost is shown in percentages. The agreement does not mention forfeiting water rights. This is a joint project to fund the expansion of secondary water. This expansion will deliver water to Canal Company shareholders who cannot get water. This agreement also addresses the tailwater problems. Mr. LeBaron recommends approval of the agreement.

Lance Smith explained that the agreement is more of an MOU. The agreement does not commit Hurricane City to any money, and NRCS will provide the full cost of the design. When the design is complete, the City will have to decide if they want to continue. Washington County, Washington City, and St. George City have signed the agreement. The agreement is stalled pending acceptance from Hurricane City.

Dave Sanders motioned to approve Resolution 2022-27 approving an agreement with Natural Resources Conservation Service (NRCS) regarding Warner Draw Watershed Supplemental Watershed Work Plan Agreement. Seconded by Doug Heideman. David Hirschi, Joseph Prete, Kevin Thomas, Dave Sanders, and Doug Heideman voting aye. Motion carried unanimously.

3. Discussion and possible approval of **trading City-owned farming equipment for help with other items** regarding the Historical Committee-David Hirschi

This item was continued due to concerns regarding the promises made to the DeMille family. Councilman Hirschi reported that Historical Committee would like to trade farm equipment to Casey Lofthouse for the work he completed for the City. David Isom reported that the corn chopper will go to the City for Historic Preservation. Mr. Lofthouse is only interested in restoring the old wagon. Kaden DeMille reported that the City wants to incorporate some of the items into the function of that property. The intent was to restore the shed and add signage explaining the historical value of the items. Park impact fees were used to purchase the property, and Mr. DeMille wants to ensure that the intended purpose is fulfilled. Clint Lawton reported that they have taken implements off the property to store them on the museum property. The Historical Society would like to have the cement bucket that Mr. Lofthouse is willing to donate. Councilman Prete explained that during the previous meeting, Rand Lemmon raised concerns regarding the gentleman's agreement when the City purchased the property. Mr. Lemmon explained that the family had the property for sale for many years, and the allure of selling the property to the City was that the City would keep the equipment in honor of the

family. Mr. Lawton reported that the pieces worth saving are stored at the museum until the property is developed. He doesn't think the wagon is worth saving.

David Hirschi motioned to approve trading of the wagon for the restoration of the old cement bucket. Seconded by Kevin Thomas. Joseph Prete, Kevin Thomas, Dave Sanders, David Hirschi, and Doug Heideman voting aye. Motion carried unanimously.

4. Ordinance 2022-21: Consideration and possible approval of a **proposed Land Code Use Amendment to Title 10, a section of Chapter 7 - regarding conditional use permits and Chapter 15 regarding Highway Commercial building standards**. Ishraj Singh Applicant. Steve Beesley Agent.

Stephen Nelson reported that the City Council had expressed concerns about applying the exception throughout the community. He reported that the proposed ordinance is limited to specific parcels. Mr. Nelson cited the proposed changes. Councilman Prete likes the solution but questions if this will open the door for future property owners to ask for special treatment. He feels this will provide a way for landowners to go around the code. Dayton Hall reported that Hurricane City has never identified a zone by parcel number, and other property owners will likely seek the same treatment. However, the City Council has the discretion to approve or deny a zone change or ordinance amendment. Councilman Prete is also concerned because the Council has worked hard to accommodate one developer. A developer can claim mistreatment if the Council doesn't give them the same consideration. Councilman Sanders asked if the parcel west of the wash should be included because it fits the same criteria. Councilman Thomas feels that the proposed change is as good. However, the City Council can already see other areas that might fit the same criteria. Councilman Hirschi asked why an exception couldn't be made for one parcel because of the topography. Mr. Hall explained that exceptions are considered variances, and variances are based on State code. Exceptions are not allowed in the Land Use Code.

Kevin Thomas motioned to deny Ordinance 2022-21. Seconded by Doug Heideman. Joseph Prete feels this opens the door for similar land characteristics and anyone who wants to accomplish something their zoning does not allow. Dayton Hall would like to keep the wording that in no event shall any building exceed fifty-five feet in height in paragraph E. 1. Scott Gilbert urged the City Council to consider a variance if the City Council does not pass the ordinance. Mr. Hall stated that the variance request would go to the Variance Board.

Kevin Thomas amended his motion to reject Ordinance 2022-21. Except the line reading that in no event shall any building exceed fifty-five feet in height. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Doug Heideman, and Kevin Thomas voting aye. Motion carried unanimously.

5. 2022-PP-09 Consideration and possible approval of a **preliminary plat for Legacy Business Park, a 6 lot industrial subdivision located at 563 S Commerce St.** Liv Dalebout Applicant. Evans & Associates-Chad Spencer Agent.

Mayor Billings reported that the JUC comments were to keep the drainage pond out of the utility easement. Councilman Prete asked if there were concerns regarding the offshoot so close to the roundabout. Arthur LeBaron has no concerns as long the cul-de-sac requirements are met. Stephen Nelson reported that Planning Commission gave approval subject to Staff and JUC comments.

Joseph Prete motioned to approve the preliminary plat for Legacy Business Park, a 6 lot industrial subdivision located at 563 S Commerce St. Subject to staff and JUC comments. Seconded by Kevin Thomas. Dave Sanders, David Hirschi, Joseph Prete, Kevin Thomas, and Doug Heideman voting aye. Motion carried unanimously.

## **NEW BUSINESS**

David Hirschi motioned to move item 7 on New Business to item 1 on New Business. Seconded by Kevin Thomas. Motion carried unanimously.

7. Consideration and possible **approval of local consent for a single event liquor event for Trail Hero** - Dan Staheli

Mayor Billings reported that the event is expecting four to eight thousand attendees. Patrons will have a wristband with a pre-purchased tag and are allowed three drinks in a six-hour period. Dan Staheli explained that the wrist band is deemed invalid if broken. The beer garden area is fully fenced and monitored by licensed security.

Joseph Prete motioned to approve the local consent for a single event liquor event for Trail Hero. Seconded by Dave Sanders. Kevin Thomas, Doug Heideman, David Hirschi, Dave Sanders and Joseph Prete voting aye. Motion carried unanimously.

1. Discussion regarding **Hurricane City Code 10-51 and 10-49** - Historic Committee

David Isom explained that most of the historical buildings in Hurricane City are privately owned, and the owners maintain the properties. The Bradshaw House is the only historical building owned and maintained by the City. Clint Lawton provided history explaining how the City obtained the property. Mr. Isom provided a map showing the location of historic homes in the City. There are twenty-three homes in the historic district.

The Planning Commission became involved in this issues because a homeowner applied for a zone change to allow a short-term rental. The Historical Preservation Committee by code has a

duty to review proposed changes to historical homes and make recommendations to the Planning Commission. Mr. Isom provided a letter explaining the Committee's response to the Planning Commission. The Committee suggests adding short-term rentals as a permitted use. He provided pictures of homes from the early 1900s that were not maintained. The Committee believes that short-term rentals are better maintained than long-term rentals. The Committee wants the owners to have the financial incentive to improve their historic homes. Mr. Lawton explained that they are not forcing owners to change their homes. This is just an incentive for them to improve the lots. This is a way for the City to protect history without paying for improvements.

Councilman Prete feels it is worthwhile to preserve historical buildings. Generally, people renovate homes for financial reasons. However, there is a lack of adequate long-term rentals, and the City has too many short-term rentals. Mr. Isom presented three options. The first option is to continue allowing the historic homes in the City to deteriorate. The second option is for the City to purchase the homes and apply for grants to make updates. The third option is to incentivize homeowners to update their homes. Mr. Isom explained that there are standards that the homeowner would need to meet. Stephen Nelson reported that many cities create overlay zones and historic districts with certain standards that apply to historic homes. The City allows the owner to live in the home but pays the owner to upkeep the property. If the City chooses to go this route, Mr. Nelson suggests an aggressive approach with certain requirements to ensure that the historical nature of the home is preserved.

Councilman Thomas believes that the homes will be repaired because owners want short-term rentals, but the City already has too many vacation rentals. Mr. Nelson asked if the Council wants to pursue these changes. Councilman Prete feels it is worth pursuing with strict requirements. He suggests allowing short-term rentals in specific historic buildings within the historic district if they are improved, renovated, and restored adhering to strict criteria, with an owner or manager within five minutes of the property. Councilman Heideman and Councilman Sanders agree with Councilman Prete. Councilman Thomas does not want to move forward with the idea. He is concerned about safety issues when using older homes as transient lodging. Mr. Lawton reported that there are historical standards in place. The Homeowners can get grant money from the National Historical Society to upgrade the sewer, water, and electricity.

2. Ordinance 2022-39: Consideration and possible approval on a **Zone Change amendment request located at 650 S and 1100 W from RA-1, residential agriculture one unit per acre, to R1-15, residential one unit per 15,000 sq ft** to facilitate a lot split. Jaymie Wetzel Applicant. Jeffrey Hatcher Agent.

Councilman Thomas declared a conflict of interest. Mayor Billings noted the different lot sizes surrounding this property. The roadway dedication makes the lot smaller than the allowed lot size. Karl Rasmussen reported that the area is surrounded by R1-10. The Planning Commission gave a positive recommendation. Councilman Prete wants to ensure that the property is

restricted to two lots. Stephen Nelson reported that the property will not have the acreage for three lots after the roadway dedication.

Doug Heideman motioned to approve a zone change amendment request located at 650 S and 1100 W from RA-1, residential agriculture one unit per acre, to R1-15, residential one unit per 15,000 sq ft to facilitate a lot split. Seconded by Dave Sanders. David Hirsch, Joseph Prete, Dave Sanders, and Doug Heideman voting, aye. Kevin Thomas abstained. Motion carried.

**3. Consideration and possible approval of local consent for a full liquor restaurant license located at 82 N Coral Canyon Blvd - La Fonda Grill LLC applicant, Rosa Kundev agent**

Rosa Kundev has a restaurant in Mesquite and Overton Nevada. Cindy Beteag reported that the applicant was given good recommendations, and staff has no concerns.

Doug Heideman motioned to approve local consent for a full liquor restaurant license located at 82 N Coral Canyon Blvd. Seconded by Kevin Thomas. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Motion carried unanimously.

**4. Consideration and possible action to deny or accept for further consideration the Petition for Annexation for Cliffside parcel 3398-B-HV - Kent Stephens**

Martha Honey lives across the street from this property. She is concerned that this will be taken separately from the rest of the development. The zoning presented in the real estate agreement shows third-acre lots. The doors are in the front, so the backs will face their development. She doesn't think drainage has been discussed enough, and the annexation should be considered together.

Arthur LeBaron reported that the drainage drains through key drainage areas. Copper Rock has integrated drainage collection areas into the golf course. Any new development will have to address drainage. The citizens need to realize that if this is annexed, the City will not automatically make the improvements. When the property is developed, the City will maintain the infrastructure.

Mayor Billings reported that a letter was received from Ross Johnson, and he is concerned that the increased density is not harmonious with the surrounding area. Julie Croft also sent in a letter, and her primary concerns are the change in density.

Tara Paris is attending online. She appreciates the City Council taking the time to address this situation.

Kent Clayton reported that after speaking to the County, the Mayor, and City Staff, they felt that annexation of this area is favorable to all parties involved, and he thought that any application brought forward would be viewed favorably. He was unaware that Sky Ranch was

discussing annexation. He reported that this is a reverse island in the middle of various developments. There are issues with the water system and power services, and Ash Creek Sewer District wants a pump station and trunk line on the parcel. A drainage channel that goes through the property will be addressed when any development comes forward.

Mayor Billings reported that each Department Head has provided comments regarding this development's annexation. She read through the comments received. Councilman Heideman asked if combining this annexation with Sky Ranch was better. Stephen Nelson reported that it would be easier to address services if they come together. He explained that services are the biggest issue in this area. Planning for them regionally is better than individually. Although, there is no guarantee the surrounding areas will annex. Mr. Clayton stated they want to be part of the solution and felt their annexation might encourage other parties to request annexation. Mr. Nelson explained that the decision tonight is whether to accept the petition for further consideration. Several issues need to be considered. One consideration is whether this area is within the City's annexation area. Mr. Nelson provided the annexation area map. This property is within the annexation area map and does not overlap any other boundaries. Another consideration is whether adding this area helps with the goals of the different utility departments. He feels it will help with water, but other utilities are a mixed bag. There are boundary issues with how this affects the existing peninsula and will need further review.

Some other points to consider are police protection, planning and zoning, maintenance of dedicated City streets, and other services and utilities provided by the City. Mr. Nelson read through the annexation code within the State. The annexation deserves a further legal review for boundaries. Dayton Hall explained that if the Council does not deny the petition, it is deemed acceptable for further consideration. If it is denied, the applicant will have to go through this process later with Sky Ranch. Councilman Thomas favors not accepting the petition until it comes in with Sky Ranch. Councilman Sanders is comfortable with going forward and having staff do further research.

Dave Sanders motioned to accept the Petition for Annexation for Cliffside parcel 3398-B-HV for further consideration. Seconded by David Hirschi. Joseph Prete, Dave Sanders, David Hirschi, and Doug Heideman voting, aye. Kevin Thomas voting, nay. Motion carried.

**5. Consideration and possible approval of policies 623 and 703-709 of the updated employee policy manual - Sel Lovell**

Selwin Lovell explained that no changes were made to policies 702 and 705 through 709. The main changes were made to policy 623. These changes will allow part-time employees and elected officials to contribute to a 401 K, 457, or IRA savings account. Kaden DeMille reported that Council and staff previously discussed this, but after more research, the City found additional information that makes this an option. Policy 703 was outdated, and this proposal is to increase the hours of vacation received and how they are accrued. Mr. DeMille explained the

current vacation policy. Councilman Sanders asked how this applies to salary employees. Mr. DeMille reported that most exempt employees work more than forty hours weekly. Mr. Lovell explained how exempt employees are tracked. Councilman Sanders appreciates the paid military leave. Mr. DeMille reported that there will be a new policy manual. These sections are up for approval tonight, so they can be implemented simultaneously with the wage increase next week. There is a high turnover rate, and they want to explain the benefits to the employees.

Kevin Thomas motioned to approve policies 623 and 703-709 of the updated employee policy manual. With a clarification under the time of service section to make clear that zero to six months is a probation period with no vacation, and after six months to one year, forty hours of vacation is granted. Seconded by Doug Heideman. Joseph Prete, Dave Sanders, David Hirschi, Kevin Thomas, and Doug Heideman voting aye. Motion carried unanimously.

Selwin Lovell asked the City Council to reach out and keep in touch with the Department Heads.

6. 2022-LUCA-05: Consideration and possible approval on a **Land Use Code Amendment request to Title 10, Chapter 3, Chapter 13, Chapter 33, and Chapter 34 and Title 4 Chapter 2- with regards to site plan design, open space and amenities, outdoor lighting, and parking in new developments.** Hurricane City Planning Applicant.

Mayor Billings reported that the Planning Commission gave a positive recommendation. Dayton Hall reported that the Commission spent a lot of time reviewing this, and he is comfortable with their recommendations. Stephen Nelson provided a summary and presented a slide show highlighting the changes. Fred Resch III explained that multifamily developments have no open space requirements. The new code incorporates open space requirements and reduces the amount required. It also requires that the open space is an actual open space that residents can utilize. The proposal requires multifamily developments to provide a plan for pedestrian circulation. Mr. Resch III reported that another change is requiring outdoor lighting to be cut off and dark sky compliant.

Mr. Nelson reported that there are three main points to outdoor lighting. Shielding, color temperature, and intensity. The Dark Sky Alliance recommends 3,000 kelvins or below. Low kelvins are yellow, and high kelvins are blue or white. Scott Hughes provided examples of different kelvin levels. Chief Excell reported that darkness increases crime, thefts, and pedestrian accidents. Mr. Nelson reported that dark sky is not about decreasing the light. It is a way of focusing the light on a specific location. This will apply to any new lighting installed after it is adopted. Dayton Hall reported that there are no light cut-off requirements for single-family homes in this draft. Mr. Nelson would like to include a way to enforce light trespass. Councilman Prete likes the idea of open space, but he would like for it to be defined better and have a higher percentage required. Councilman Thomas asked if swimming pools count as open space. Mr. Resch III reported that a pool is considered an amenity, not an open space. The final

change is to allow parking along the street. Councilman Thomas wants to review the parking section further.

Joseph Prete motioned to continue consideration and possible approval on a Land Use Code Amendment request to Title 10, Chapter 3, Chapter 13, Chapter 33, and Chapter 34 and Title 4 Chapter 2- with regards to site plan design, open space and amenities, outdoor lighting, and parking in new developments. Seconded by Kevin Thomas. Dave Sanders, David Hirschi, Kevin Thomas, Joseph Prete, and Doug Heideman voting aye. Motion carried unanimously.

Mayor and Council reports

Mayor Billings	Airport, Administration, Police, Washington County Solid Waste District, Washington County Water Conservancy District, Youth City Council, Ash Creek Special Sewer District
Joseph Prete	Court, Prosecutors Office, City Attorney, Fire District, Economic Development, Agriculture Preservation, Industrial Park, Power, Power Board
Dave Sanders	Animal Control, Police, Emergency Management, Mosquito Abatement, School Crossing Guards, Victim Services
David Hirschi	Historical Preservation, Parks/Cemetery, Recreation/Pool, Water Department, Water Board, Ash Creek Special Service District, Tourism Board, Golf Course
Kevin Thomas	Planning Commission, Streets and Drainage, Public Works, Engineering, Planning Dept
Vacant	Building Inspections, Code Enforcement, Tree Board, Airport Board, Appeals Board, Beautification Board
Kaden DeMille	City Administration -

Adjournment: 10:35 p.m.