

Hurricane City Council Minutes – September 16, 2021

Minutes of the Hurricane City Council meeting held on September 16, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

Council Members: Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort. Mayor Bramall excused.

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, City Engineer Arthur LeBaron, Street Superintendent Weston Walker, Parks Superintendent Darren Barney, HR Director Beccie Williams, City Recorder Cindy Beteag and Fire Chief Tom Kuhlman.

AGENDA

4:00 p.m. Work Meeting – Discussion regarding water conservation in new development- Zach Renstrom, Washington County Water Conservancy

Zach Renstrom commented with the current drought and rapid growth there has been a lot of discussion regarding water. He met with City Mayors at the first of the summer and they asked the Water District to come up with some ideas. They are presenting information to different Council's for feedback. Then they will have a Water Summit the first of December. The goal is to have an uniformed plan across the district. He reported the current water levels as of yesterday for Sand Hollow at 68%, Quail Lake is lower because they will be doing work there, Kolob at 50%, and Gunlock is about 50%. There is a site above Kolob that measures snow depth and soil moistures. He showed the Council graphs of the rainwater that has been received this year and explained what they monitor. We need to make sure we are using water wisely. Washington County has decreased water usage by 30 % per capita. Most cities have time of day water restrictions, so the next step is water efficiency standards for new construction. They met with home builders association, and they requested a default uniformed option that is very easy but with an option to be able to apply for an exception. That is how they come up with traditional conservation and the water sensor. The traditional conservation is a few simple requirements. If someone wants to do something unique, then they have come up with a plan on how to conserve water in other ways i.e. lower flushed toilets. One of the things they are recommending is less lawn areas.

Stephen Nelson went over what Hurricane currently requires for landscaping in commercial. He recommended not allowing sod in parking strips. Mr. Renstrom gave recommendations for inside, outside and landscaping ideas. He commented commercial is similar to residential other than requiring a recycle pump at car washes, put golf courses on a budget, don't allow water features, and regulate water misting. Nanette Billings commented she is not in favor of limiting landscape areas to 2500 square feet for residential. We are trying to promote water conservancy not penalize people for using water.

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

Arthur LeBaron stated on the equestrian park bid Interstate Rock isn't interested in matching the low bid, so staff recommends offering it to JNJ. They are still working on the bell project. He is still trying to secure the 2800 W right of way.

Mike Vercimak reported 3000 S is patched and ready for Iron Man. They have a meeting tomorrow for the flaggers.

Weston Walker mentioned he had a sweeper out on 3000 South today to clear the road. They almost have a full staff.

Lieutenant Brisk explained what roads will be closed for Ironman. The police academy is tonight.

Chief Kuhlman has crews coming back from California. They have secured land on Kolob to do a fire station. It will house the Water District, Sherriff Office, Beehive Communications and Fire District.

Darren Barney is excited to get the Equestrian Park done. The Parks Department is still recovering from Peach Days. They are still down on staffing. He met with someone with the Rotary Club who would like to help with an ability park in Hurricane. The Youth City Council and other community members want to help with it too. He doesn't have a timeline for when the lights will be installed on the pickle ball courts in Dixie Springs.

Kole Staheli explained they didn't approve reservations on the ball fields in March and April because they are in use with our local teams. Darren Barney commented the constant use of the fields last year put a strain on the Parks Department staff. Council thinks we need to change the reservation fee for out of area users. The Recreation golf team placed 2nd in the Chambers tournament. Fall programs are up and running. They will be posting a position for an aquatic's coordinator. He received an email from Utah Department of Health saying Hurricane is a hot spot for COVID. There will be a free mobile testing next week at the Community Center.

Ken Richins thanked the Parks Department for all their work.

Scott Hughes mentioned they have a position open for a substation tech. He just heard they are losing a lineman so another position will be opening soon. UAMPS has a tool kit coming up in conjunction with Utah League. October 5th will be their Public Power Day.

Beccie Williams reported what jobs are currently open.

Stephen Nelson introduced Fred Resch III as the new Planning Assistant and Code Enforcement Officer. They are working with a new program for building, planning and code enforcement. Everything will move over by the end of the month. The disk golf course is being installed this week. Caution signs will be installed soon. They are looking at different ideas to kick start the affordable housing plan. He is still working with Fay on old business item 2, so it needs to be continued. Some Department Heads have asked him to look at doing a moratorium on building in the south end of town to figure out infrastructure plans.

6:00 p.m. - Call to Order –

Pledge: Mike Vercimak Prayer: David Hirschi

Approval of Minutes: Approval of minutes: May 20, 2021, June 9, 2021 Special Meeting, and August 4, 2021 Special Meeting

Nanette Billings motioned to approve all minutes. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

Public Forum – Comments From Public

April Pinkston is concerned with our community and having Afghanistan's take over. We are called infidels because we were born Islam. According to their faith they can kill infidels because they are

Islam. They have no intention of living under our constitution. She fears for our country. She apologized for being abrupt last week.

OLD BUSINESS

1. Consideration and possible approval of a proposed **zone change amendment request on 327 acres from RA-1, residential agriculture one unit per acre, to R1-10, residential one unit per 10,000 square feet. Parcel ID's H-3402 and H-3401-A.** Silver Flats LLC/ Duane Fielding Applicant, Jon Jensen Agent.

Jon Jensen commented they asked for this item to be back on the agenda. It meets the General Plan. Neighbors to the west and east have already been approved. They understand the concerns, but they are willing to do a development agreement that restricts development until the infrastructure is there. Joseph Prete commented the Planning Commission voted 4 to 3 in favor. There was a dissenting opinion that raised issues about the infrastructure, the density, the north south corridors, and the inadequate services. The Planning Commission had concerns about density, infrastructure, and roads. Stephen Nelson explained they voted in favor because they felt if the applicant got the zoning, they would help develop the infrastructure. He stated the other Commissioner's didn't vote for it because it doesn't meet the criteria of the infrastructure being in the vicinity. Darin Larson commented they are acknowledging the infrastructure is not there. They want to participate in getting it there. If they don't have a vested right to proceed, then they don't know if the development is feasible for them. A power transmission line was planned along SR-7, but the easement hasn't been secured. Lowe's haven't signed off at this point. Another concern is there isn't water storage in this area. Mr. Prete pointed out denying a zone change only cuts it off for a year before they can apply again. Dave Sanders stated Council is talking about a PID later tonight. If he is put off for a year, then he may not be involved in the PID. Nanette Billings read over the staff comments. She has a hard time approving zone changes when none of the infrastructure is there. Mr. Prete stated they have received notices from power and police that services are not there. Council needs to make course corrections when there is a problem. Now is the time to say no.

Mr. Jensen commented they have a different perspective. They acknowledge the problem but need approval to work with surrounding property owners to get the infrastructure there. The same problems existed with the other applications so why did they get approved. Mr. Prete feels we got ahead of ourselves in approving the other applicants. Dave Sanders stated the roads need to be developed. The only options are the PID or bond. Getting it all done at the same time would create fluid infrastructure.

Darin Larson motioned to table the zone change with a condition it isn't put back on the agenda until a discussion has been held about infrastructure. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

2. Consideration and possible approval of a proposed **Land Use Code amendment to Title 10-chapter 7, regarding Building Permits.**

Dave Sanders motioned to continue. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

NEW BUSINESS

1. Consideration and possible approval of awarding a contract to construct the Hurricane Equestrian Park-Arthur LeBaron

Mike Vercimak stated this was advertised for bid, and we received five bids. Civil Science provided a bid tabulation and a recommendation. Staff supports their recommendation of offering the bid to JNJ Engineering for \$1,804,900.00. The second lowest bidder was within the 5% so they gave them option to match the low price but they didn't say they wanted to. Darin Larson declared a conflict of interest.

Nanette Billing motioned to award the contract to JNJ Engineering for \$1,804,900. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

J Var Dutson voiced concern regarding the local preference. They only live 30 minutes away and his son lives here in town. This is where he does business. He thanked Council for the opportunity to construct the equestrian park.

2. Consideration and possible approval of a proposed amended final plat, located at 4146 W 2780 S Cir. Daniel Sanger Applicant.

The Planning Commission unanimously recommended approval. They are just combining two lots that they own. They asked for a garage across the property line but that can't be approved unless it is combined. JUC requested to make sure the water connection is capped off on the second lot.

Joseph Prete motioned to approve the amended plat subject to staff recommendations. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

3. Discussion regarding a PID for the Bench Lake area-Brennan Brown

Matt Ence with Snow Jensen and Reece law firm is representing a team with a potential solution to the challenges Hurricane is having. He is looking for direction on what the Council wants with PID's. Brennan Brown with DA Davidson stated they are trying to figure out how to get a large amount of infrastructure to this area and how to fund it. They would like to get as many property owners involved as they can. They feel a PID is the best solution. He mentioned how Council previously talked about the piece meal approach, but they felt it was better to have a unified plan. They have talked to the Romney Group, Copper Rock, Balance of Nature, Lowe's, Spendlove, Scott Nielsen, and Cordero. They are still looking at how the districts will work. Karl Rasmussen feels this is the way to go to get everyone to work together. Mr. Brown explains the different payment options; prepayment, taxes, PID fee, or have the option to pay upfront. There are some challenges so he thinks the easiest way is to do a property tax, so it is a flat rate across of the properties. Hurricane is one of the front runners with PID's but there are a few in line with us. Ivin's has one that is almost approved. Mr. Ence mentioned the project that was approved in Ivin's carries over to Santa Clara so he anticipates they will come to Santa Clara for a PID approval too.

Kevin Tervort is fairly in favor of doing it. We need a way to develop. Dave Sanders stated what works in the past doesn't work today. We need to think outside the box in order to get the funding and infrastructure. This does that. Nanette Billings stated the cost of the lot will still be market value plus the

infrastructure is added on top so the consumer will be paying twice. Mr. Brown explained it's not a doubling of the taxes. This is a solution where growth pays for growth. He agrees the end user will pay for it. What's important is the disclosure, the rate and the type of infrastructure that's being financed. Regional infrastructure benefits the whole community. Joseph Prete has a lot of concerns with PIDs. He likes the idea of uniformity and getting everyone to work together to solve this program. Hurricane has unique challenges because we are so spread out. He thinks there is a concern of Hurricane residents on the speed of the growth here. Mr. Sanders thinks we need to move forward and look into it further. A representative from Balance of Nature stated they are bringing jobs to this community. All the developers are on the same page to get this approved.

Darin Larson was excused at 7:30 p.m.

Ken Richins commented there is so much building interest in every direction of the City. His department is overwhelmed. They have on their budget to build a two million gallon well south of town but after meeting with this group of developers they realized that is only half the capacity of what will be needed in the next fifteen years. We can't bond for the all the demands in Hurricane. He thinks this is an option for the City to get the infrastructure developed. The City is going to have to explore an option like this if it is going to be developed. Mike Bradshaw stated they are out of lots to build in Copper Rock. This will help bring infrastructure to them too so they can continue to grow. We need to get homes for people. If we don't home values will continue to go up. Council agreed this needed to be discussed further.

4. Consideration and possible approval of a Resolution approving an Interlocal agreement with Washington County for funding of an OHV Staging area at Sand Mountain

This will give us a staging area that is paved from the end of Sand Hollow Road to SR-7. Great project.

Dave Sanders motioned to approve the Interlocal agreement. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

5. Consideration and possible approval of a Resolution approving an Interlocal agreement with Washington County for funding of the 600 North Trail

This is a great project from Grandpa's Pond to 200 West. The funds are not all due this year. It will be paid over the course of the project. Kaden DeMille stated we did set aside some RAP Tax money for trails. This was one of the highest priorities people wanted to see when the General Plan was adopted. There is enough money in the budget to cover the approved jobs for this fiscal year. We can work out the details in the future of where the funding is coming from.

Nanette Billings motioned to approve the Interlocal agreement. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

6. Consideration and possible approval of a Resolution addressing mandatory vaccines

Nanette Billings explained she feels this is important for three reasons 1. it gives people a choice 2. making sure people's rights aren't taken away 3. It addresses consumers as well. Private businesses can stop anyone from going into their business, but she doesn't want to see people denied going into public

buildings. She read the resolution. Joseph Prete commented vaccines are an interesting topic. He thinks government is overreaching mandating vaccines, but he is not a fan of this type of resolution. They don't accomplish much other than draw unwanted attention. Dave Sanders agreed. He stated let the Congress deal with it on their level. He thinks it would be a mute decision at this point. Kevin Tervort agreed the resolution isn't necessary.

Dave Sanders motioned to deny the resolution. Seconded by Joseph Prete. Motion carried with Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye. Nanette Billings voted nay.

7. Mayor and Council reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering -
Nanette Billings	Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council -
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee – He mentioned the Powers and Duties book that has a section for legal standard of review for how they make their decision. He thinks there is great danger in approving zone changes just so the applicants can get things in place. He invited council to slow down and have stricter rules.
Dave Sanders	Emergency Management, Streets & Drainage, Prosecutor's Office, Code Enforcement and Building and Inspections – Commented Peach Days turned out great. He thanked everyone that was involved.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District -
Kaden DeMille	City Administration -

April Pinkston stated the citizens need to know the Council will stand up to vaccine mandates.

Closed Session: Dave Sanders motioned to go into a closed session. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

Adjournment: 9:30 p.m.