

Minutes of the Hurricane City Council meeting held on October 7, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, City Engineer Arthur LeBaron, HR Director Beccie Williams, City Recorder Cindy Beteag, Deputy Fire Chief Kevin Gildea, Ash Creek Superintendent Mike Chandler, and Recreation Director Kole Staheli

AGENDA

4:00 p.m. Presentation and discussion on floodway modeling options on Gould Wash-Arthur LeBaron

Present: Darin Larson, Nanette Billings, David Sanders, Joseph Prete, Arthur LeBaron, Stephen Nelson, Kaden DeMille, Scott Hughes, and Cindy Beteag. Jamie Huff and Angelia Crowther were online.

Arthur LeBaron explained the purpose of this meeting is to discuss the two different scenarios that have been presented from FEMA on the floodway for Gould's Wash. He asked Jamie Huff and Angelia Crowther from the Utah Division of Emergency Management to explain the different methods. Ms. Huff stated they are conducting a study for multiple washes in Washington County in order to more accurately portray the floodway and update the maps. The current map was adopted in 2009. There is a letter of map revision that became effective in 2017. They started the current study in 2018. They received funds from FEMA to do the study. They have been developing data for the 110 miles of wash since 2018. They need the City's input on the next step. She showed Council the current map and explained what each color means. Mr. LeBaron stated the previous study showed water going down the channel, but the new study shows water leaving the channel. The new study will show where the water goes and how it poses as a hazard. Ms. Huff explained FEMA doesn't allow them to downgrade a floodway. Their challenge is to include a floodway that meets FEMA mapping guidelines. There are two approaches that we can move forward with. One option is the regulatory floodway option, and the second option is administration floodway option. Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Administrative floodway appears similar to the current effective Floodway, but it is not a regulatory floodway. Ms. Huff explained the pros and cons of each option. They prefer the regulatory option.

Nanette Billings asked if we could leave it how it is currently mapped. Ms. Huff stated FEMA is not willing to abandon the study because the maps show the current floodway is flawed. If the updated maps are approved, it would expand the floodplain and floodway. There is still a couple of years before this study is finalized and updated maps are effective. At that time, existing homeowners in the new floodplain would be required to have to flood insurance. Mr. LeBaron is working with the NRCS to design a detention basin. His hope is these two processes will combine but there might be a few years with this new mapping before then basin is finished. There is a risk, and something needs to be done. Council asked if other options were available. Deeper wash, concrete washes etc. Mr. LeBaron explained we have 2000 cubic feet per second of water that our current wash can't accommodate. We would have to take a lot of homes and infrastructure out to make that work. Making the wash deeper wouldn't help, only wider would. The NRCS project will help with a lot of the concerns. Mr. LeBaron explained if the

new map was approved and then the NRCS improvements are done, we would have to do a Letter of Map Revision. That is an easier process. Joseph Prete commented there is a strong argument to abandon the study and not change things since we already have something in motion. Mr. LeBaron agreed but the risk is here today. We have to decide what is the bigger liability. Today's decision is what option to do. No communities have the administrative floodway in Utah.

Mr. LeBaron stated if we did the administrative option the City would have to require a hydraulic analysis on every new structure. Ms. Billings thinks administration would be better because it is less area. Council wants more time to think about it and have time to look at all the pros and cons.

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

Mike Chandler mentioned their bidding for the Reach 11 project is on Tuesday. They anticipate starting in late November. It will have a lot of impact on Sand Hollow Road. The City is not participating in this project. Power poles may not need to be moved in the Sand Hollow area.

Scott Hughes commented they are moving forward on getting capacity out South. They are looking at taking power down 1100 West. Dave Sanders stated water and roads need to be done at the same time. Arthur LeBaron pointed out the need right now is power but if we are doing easements then they need to be big enough to accommodate all needs. Mr. Hughes stated they are looking at ordering another transformer because they are two years out.

Kevin Gildea stated they are extending offers for employment but are still hiring for other positions.

Kole Staheli commented the fall recreation leagues are running smoothly. Programming is very successful. We have more kids signed up for dance than ever before. They were able to involve special needs citizens in some of the programming. Darin Larson mentioned the Rotary Club wants to partner with the City to do an all-ability park. Mr. Staheli stated they are gearing up for a few upcoming events like the neon night run and the annual tree lighting in November.

Chief Excell introduced new employees, Sadie Lewis and Baylee Bradshaw will be on Animal Control. Tanner Pike and Jeremy Lambson will be at the Police Department. Riley Rodriguez was also hired and will come to a meeting in the future. Jimmy Duffey will be coming back as a reserve. There will be a swearing in ceremony next week and Council is invited. Officer DeHart resigned, and we lost Officer Carlson. Officer Torres is now the K9 unit. He will go to the academy next year to get certified. There was a press release today on yesterday's incident. All agencies were involved including SWAT. Steve Gilbert offered his helicopter to help find the suspect. Twelve vehicles were shot by the suspect. There was one injury from glass breakage but no fatalities. Four of the vehicles that were shot were in Hurricane. The suspect shot at our officers. They returned fire but did not hit him. The suspect is in the hospital in critical condition from a self-inflicting gun wound. He has an intensive background of charges.

Arthur LeBaron stated they are dealing with a lot of development inquires. He is spending a lot of time on right of way acquisitions and the bell tower project. The money is adding up fast for the bell tower. He is still working on 700 West north of 100 North. There are still a few holdouts on the 2800 West right of ways acquisition and then it will be ready to be bid out. He met with IHC last week regarding 100 North. He expects some revised drawings soon. Their construction drawings are still a few weeks out and then they'll have to do a final site plan.

Stephen Nelson went to Utah League last week. Most cities are feeling the push with development. He mentioned Mr. Resch has sent the first batch of enforcement letters. Mr. Nelson is working on plans for south of town. He will bring options to the next meeting.

6:00 p.m. - Call to Order –

Pledge: Nanette Billings Prayer: Joseph Prete

Mayor Bramall joined the meeting at 6:08 p.m.

Approval of Minutes: June 03, 2021, and June 17, 2021

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

Public Forum – Comments From Public

OLD BUSINESS

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

Council directed staff and the Planning Commission to look at this code to reevaluate requirements on building permits for larger lots. The current code requires a property owner to dedicate road frontage and make improvements. We have had a couple property owners come in and the Council waived the requirements. The proposed code gives some exception to the requirement. Stephen Nelson read the proposed changes. There has been debate on who should make the decision of what the rough proportionality is. The proposed updates do allow a property owner to appeal staff's decision, but it gives a checklist for the Planning Commission to consider. Fay Reber made suggestions to item F giving power to the Planning Commission. Several Department Heads have concerns with this because it could cause problems in the future if the roads are hodgepodge and owners aren't required to dedicate roadways. Another concern is making a big change could open doors that we don't anticipate. Darin Larson likes to streamline the process, and this has a lot of layers. Nanette Billings feels this gives residents other options. Joseph Prete commented rough proportionality is hard to determine the right number. There have been a lot of issues over the last few months. He doesn't think 2.25 acres is arbitrary. He thinks it would be beneficial to vet Stephen Nelson and Dayton Hall's comments and come to an agreement.

Nanette Billings motioned to continue the Land Use Code amendment. Seconded by Joseph Prete. Council asked staff to have two versions next time to compare. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

NEW BUSINESS

- 1. Consideration and possible approval of a Domestic violence Proclamation-Lindsey Boyer, DOVE Center**

Joseph Prete asked where the facts stated in the paragraphs come from. Tiffany Mower explained they are researched facts that the Country Attorney's Office reviews. The numbers are a little different from last year, but they had to use the same number due to COVID and timing. Ms. Mower is the Victim Service Coordinator for the eastern part of Washington County. She is part of the group called the Washington County Coordinated Response Team. This team works with goals to help survivors and those affected by domestic violence. In Utah 1 in 3 women or 1 in 7 men are affected by domestic violence. It has been on the rise since COVID. Along with the numbers come more aggressive violence. Our community is growing rapidly so we need to work together and spread awareness. We need to teach safe and healthy standards. She thanked the Council for joining in their effects.

Nanette Billings motioned to approve the Domestic Violence Proclamation. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

Darin Larson motioned to go into a public hearing. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

2. Public Hearing to take comments on the following:

- a. A request for a right of way abandonment of 290 North and Old Hwy 91

No Comments.

Darin Larson motioned to go out of public hearing. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

3. Consideration and possible approval of a right of way abandonment of 290 North and Old Hwy 91

The applicant wants to consolidate lots to make them more build-able and bring the cul-de-sac into compliance. There is Rocky Mountain Power easement in the back. Staff sent letters and called Rocky Mountain to see if they have any objections, but they haven't heard anything back from them. Council discussed their easement and if they could access it another way. There is already a utility easement, but we don't want to limit their access to the easement. It is all overhead power in this area.

Nanette Billing motioned to approve the Resolution abandoning 290 North with the condition the easement to Rocky Mountain easement will be on the final plat before it can record. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

4. Consideration and possible approval of a proposed amended final plat, the Port at Gateway, Lots 1, 3, & 3A Second Amendment, located at 290 N and approx 5450 W. Rick Norton Applicant, Pro Value Engineering Agent.

Stephen Nelson stated the same condition should apply to this one. There are extra approval boxes on the plat that need to be removed. They need to add an amendment note stating what has been amended.

Dave Sanders motioned to approve the amended final for the Port at Gateway with the condition the easement to Rocky Mountain will be on the final plat before it can record, and the above changes are done. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

5. Consideration and possible approval of adoption of a Letter of Map Revision on Gould Wash-Arthur LeBaron

The appeals period that was advertised has ended and no comments were received. It is ready to now be adopted. The FEMA study is not far enough along for them to submit an appeal. Joseph Prete asked if

this will create exposure to the City due to what was presented at the work meeting. Arthur LeBaron stated no this is based on what is approved now. FEMA sent a letter of determination stating they are okay with it pending going through the appeals period.

Nanette Billings motioned to approve the adoption of a Letter of Map Revision on Gould Wash. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

6. Consideration and possible approval of a **proposed zone change located at 1205 S 400 W from RA-0.5 to R1-15 to split the lot that complies with the zoning. Parcel number H-3-2-3-226. Beau Davis Applicant.**

Beau Davis wanted to split the parcel into two half acre lots, but the lot size wasn't right because a previous owner dedicated some land for the road. To meet zoning requirements, he needs it rezoned to third acre to split the lots. Stephen Nelson explained when property is dedicated to the City the current use is grandfather in but not future uses. The simplest solution is to change the zone.

Joseph Prete motioned to approve the zone change based on staff comments regarding the four criteria points and the Planning Commission recommended approval. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

7. Consideration and possible approval of a **proposed zone change request located at 65 E 200 South on the portion that is RM-1, multifamily 6 units per acre, to GC, general commercial to match the rest of the property. Parcel number H-63-B-1. Saint Paul Catholic Center Applicant, David Bittmenn Agent.**

The Catholic Church has a thrift shop that is overflowing. They want to expand to the proposed property, but they need a zone change to do that. They will have to do site improvements. This change conforms to the future downtown plans.

Darin Larson motioned to approve the zone change based on there are adequate facilities to it, it is harmonious the surrounding uses, no negative effect on the adjoining properties and it matches the General Plan. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

8. Consideration and possible approval of a **proposed amended final plat for The Port at Gateway, Lot 2 Amendment, located at 290 N and Old Highway 91. CWZ Inc Applicant. Clint Waters Agent.**

Stephen Nelson explained now that the cul-de-sac has been approved to be shorter, the future road is no longer needed. Staff would like assurance no other water lines are needed and fire has signed off. He would like construction drawings signed before this is recorded. The plat needs an amendment note, owners' dedication block and remove some of the blocks on the bottom.

Joseph Prete motioned to approve subject to staff and JUC written comments and comments as stated on the record. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

9. Consideration and possible approval of a grading permit for parcels H-WALM-A & H-3-1-31-3000 east of Walmart-Colt Stratton

Colt Stratton stated this property is east of Walmart. They would like to grade it to match the existing pads. They are working on the town homes behind it, so they want to blast it and grade it before the town homes are built to avoid future problems. Council doesn't approve grading permits; they grant permission for the Zoning Administrator to issue the permit. They will submit bonding and a grading plan for staff to review.

Dave Sanders motioned to approve staff accepting an application for a grading permit. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

10. 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 – Ironman World will be here in May and LPGA will be at Copper Rock. Does the City want to allow families to host people, or should they be required to stay in hotels or vacation rentals? Mayor stated leave it up to the people to choose.
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee – He attended Utah League and one of the classes was on drones and their future involvement. He also attended a PID presentation. There were two speakers one pro and one reluctant who had more restrictive rules than we do. He thinks Council should listen to the presentation.
Dave Sanders	Emergency Management, Streets & Drainage, Prosecutor's Office, Code Enforcement and Building and Inspections -
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District -
Kaden DeMille	City Administration – Our Airport Attorney will be at the next meeting. April Hill has relocated out of State. Crystal Wright has taken her place. Kendra Rich will step into payroll, and they will open up the utility position. The bid for the equestrian park didn't include lighting and possibly stadium seating. He is looking at apply for transient room tax money to help pay for them. He will be gone tomorrow for Economic Development Director interviews.

Closed Session

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

Adjournment: 8:40 p.m.