

## Hurricane City Council Minutes – October 21, 2021

Minutes of the Hurricane City Council meeting held on October 21, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

**Also Present:** City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Kole Staheli, Weston Walker, Planning Director Stephen Nelson, City Engineer Arthur LeBaron, City Recorder Cindy Beteag and Fire Chief Tom Kuhlman.

### AGENDA

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

Scott Hughes explained the Risk Management item is an update of what we had before. It currently lists Dave Imlay as Power Superintendent. This change will update it to his information and Crystal's so they can operate legally buying and selling power. He explained they were purchasing power a day ahead, but in the summer the daily price was cheaper than the day before. So, it caused a deficit. The solution is for us to buy at the day ahead price, but UMAPS haven't made that decision yet. Kaden DeMille mentioned they will keep April Hill on payroll as a part time employee to help Crystal get trained. He feels we are running a little short on resources. It needs to be addressed but it is a complicated process.

Ken Richins has two items on the agenda. They had two bidders for the Dixie Springs Well contract. They both came in higher than the engineer's estimate. The low bidder put in some exceptions that weren't allowed. The engineer recommended rejecting the bids. In a few weeks, they will come back to bid the materials so they can get more competitive bids. He also has a Resolution on the agenda to approve him to apply for a water smart grant. He applied last year but it wasn't approved.

Chief Kuhlman reported they just had three brush fires within an hour today. Burn season is open.

Chief Excell commented the CORE group expressed gratitude to Council for their support. The two officers that were involved in the Rockville shooting are back to work. Two new officers started on Monday. They will start the academy on November 1<sup>st</sup>. Officer Rodriguez is at training this week. This Saturday is drug take back day at Lin's to collect any unneeded prescription drugs. Trunk or Treat is this Saturday at Grandpa's Pond. He advised everyone to lock their cars. There have been a lot of thefts lately. Twenty-seven vehicles have been hit in Hurricane since June. One school crossing guard has been out for a month with sickness, but they will be back on November 1<sup>st</sup>. Spay and Neuter cost at the Shelter needs to be reevaluated. He questioned if increasing the adoption fee to offset that cost was the best solution. He will bring ideas to Council for review. Radio station is relicensed for a year. They are still four officers short.

Kole Staheli reported they are trying to find a strong leadership to be over the pool. It is difficult to find good candidates for seasonal work. Our pool is aging. He has concerns with the age and condition. He would like to take care of as many items as they can during off the season. It doesn't appear there will be a lot of returning lifeguards. It is hard to get them certified at the pay rate we are offering. They did purchase two tarps, but they arrived with holes in them. The shipping company wouldn't let us reject the shipment. They are still working on who has to pay for it. Trunk or Treat is this Saturday at Grandpa's

Pond and then Neon Run will follow that. The annual Christmas Tree lighting is scheduled for November 29<sup>th</sup>. Hurricane High School Swim Team uses the pool until January.

Council discussed putting flags up on the power poles for Veteran’s Day and leaving them up until the power department puts up the Christmas lights.

Weston Walker said they will have dumpsters the next two weeks for the Community Cleanup. He is looking at a maintenance plan to decide what roads need to be sealed. 3000 South has sunk again in a couple places and will need to be fixed.

Arthur LeBaron reminded the Council the Gould’s Wash modeling item was carried over from last meeting. He hasn’t received answers back from FEMA, so he advised Council to continue or table the item. Joseph Prete stated he would like a better sense of what repercussion the City would have if the map isn’t changed. Mr. LeBaron stated when the City’s identifies a risk it is our responsibility to make sure citizens understand the risk. Nanette Billings stated she spoke to an engineer, and they said the City needs to answer two questions when determining if this is changed. What is the method and process? What is the impact? Mr. LeBaron explained the current mythology is flawed. Any work that goes along the floodplain has to do a floodplain development permit. He recommends going with the regulatory floodplain option. If there is a way to wait to approve anything until the project is complete, then he agrees waiting is best. Costs are starting to come in for the bell tower. It is higher than what was expected. He went to Manti and saw several bells on display. A big tower will be nice, but a smaller version would be more cost effective and still be able to display it. They have received plans from Intermountain Health Care.

Stephen Nelson gave Council a flyer for the Downtown Walking Survey. There will be a kickoff next Thursday. Chamber of Commerce is helping advertise and he handed out flyers to businesses today. Building permits and planning applications will be moving online. There will be a training next week with the contractors. The Planning Commission’s schedule will be a little different in November and December. November they will meet the 17<sup>th</sup> and December will be the 2<sup>nd</sup> Thursday.

**6:00 p.m. - Call to Order –**

Pledge: Mitch Cloward                      Prayer: Stan Dutton

Mayor Bramall announced two items have changed. Scott Stratton is applying for RA-0.5 not R1-10. The Gould’s Wash discussion will be continued because we didn’t get answers back from FEMA.

Approval of Minutes: June 23, 2021, special emergency meeting, July 1, 2021, and July 9, 2021 special meeting

Nanette Billings stated line 24 for June 23<sup>rd</sup> “are” needs to be “area”. July 1<sup>st</sup> line 166 change “to” to “if they”. She stated she didn’t second the motion on June 23.

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

Presentation of an award from The Healthy Dixie Council

Benjamin Ray, chairman of Healthy Dixie Council, explained who they are. They wanted to recognize the Council with an award for passing the Active Transportation Plan. They want to promote changes that lead to a healthy way of living. He presented Mayor Bramall with a plaque.

**Public Forum – Comments From Public**

Rosa Mizell (online) stated her and husband have invested a lot into their townhome in Zion Village. They have been treated horrible by Mr. Rice. A lot of things they were promised haven't been completed or honored. They are always being disrespected when they deal with Mr. Rice. The homeowners don't get all the information. It is not possible to have a good relationship with him.

Jeff Child is also an owner in Zion Village. He is representing many other homeowners there. He knows the Planning Commission recommended approval but no one in the development received notice of the meeting. They have concerns with some of the details. They would like the following concerns addressed before it is voted on. 1. The proposed parking area 2. Control and interaction of the HOA's association with Zion Village and Red Cliffs Development. 3. Construction of residential townhomes. 4. Failure to complete items identified in Zion Village area as original planned. Mr. Child went through each item and explained why the residents have concerns. His statement is attached to the packet.

Mike Bird commented the majority of the people in the Bench Lake area want it to remain agriculture. The Council should uphold the principals of democracy. The Planning Commission recommended to deny this request. A lot of money was spent on the General Plan, and we shouldn't turn around and change it. The citizens depend on the zoning as their protection. It is wrong to always do what the developer wants and not the citizens.

Dayton Hall reported he attended a training conference last week and one of the sessions was regarding PID's. They allow development in places where it wouldn't be feasible. He thinks Hurricane is growing just fine without PID's. He stated with a district you have to draw a line somewhere. People in the district pay more taxes. Infrastructure is not a tangible asset for the people in the district. Nicer facilities are tangible. The City needs to be cautious when reviewing these.

Cecil Dutton came for the floodplain discussion. He would like to see the Council try to fix the map that shows homes in the floodplain instead of making everyone pay flood insurance. The Council needs to look at zone changes to see if it is a good thing for the City and the citizens. We don't have cheaper housing because of vacation rentals. Businesses should be located off the future freeway ramps. We need to prepare for the future.

Dan Borter is here to discuss the Scott Stratton amendment. Changing it to half acre follows the masterplan. Only allowing one acre lots without water is problematic. The homes they sell are drought friendly and conserve water. This area doesn't have any water. Half acre makes more sense.

Drew Ellerman is here for the floodplain discussion. He asked if there was a proposed plan that he could look at. He mentioned Lester Dalton is a great floodplain administrator. The two of them will meet with Mr. LeBaron to see if there is anything they can do to help. He feels commercial use is best for PID's. He works for Washington, and they try to stay away from PID's in residential.

Heather Ence has 3 pages of signatures of residents against the critical infrastructure district. If this passes and the mining is moved to the top, they won't be able to have any recourse on disturbances.

Stan Dutton has been a builder here for 17 years. He stated smaller homes are going to keep our kids here.

Craig Perry has lived here for 17 years. We need to follow the masterplan. There needs to be substantial changes to change the zoning. He asked the Council to keep old business item 1 as one acre. PID's encourage rapid growth. Boulder City passed an ordinance that required the citizens to vote to change anything over one acre.

Sandy Catoor commented last time she was here she was blindsided with this request but in the meantime, she has been educated. There is anything from quarter acre to five acres around her. Changing the zone gives her an option to keep smaller acres for her kids. It is not agriculture ground. There is no water, and she has heard it will sink if there is water put on it. She should get the same option of changing the zoning just like others in the area.

Gretchen Woods stated her neighbor Wendy Goldrich couldn't be here but sent her comments. She wants to protect the agriculture in the area. Please follow the plan. It is what the citizens want. If the line keeps moving it will push agriculture out of the area.

Howard Woods lives across the street from old business item 1. The General Plan does show it can it go down to half acre. He doesn't mind if that is what is on the plan. He would love for it to stay but understands it isn't always an option.

## **New Business**

### **1. Update from Intermountain Healthcare on the Hurricane campus**

Mitch Cloward introduced the members present. They have been working with the Planning Commission and the City Engineer on road alignment and the alignment of the access. They have resolved most of the issues. They were hoping to be moving dirt by now, but things have delayed them. They just received preliminary site approval. Their final site plan will be reviewed in November. They have hired Jacobs Construction as their contractor. A freestanding emergency department will be the first step in their expansion. Floors plans and elevations were shown to the Council. They plan on being completed by end of 2022 depending on materials.

## **OLD BUSINESS**

### **1. Consideration and possible approval of a proposed zone change amendment request on 57.5 acres located at approx. 3071 S 1100 W from RA-1, residential agriculture 1 unit per acre, to RA-0.5, residential agriculture half acre. Parcel numbers: H-3343-A-4, H-3343-A-1, H-3396-A, H-3396-C, H-3396-D, H-3343-A-4. Troy Catoor, Moses Russ and Judy, and Diamond Edge Construction LLC Applicants, Scott Stratton and Troy Catoor Agents.**

Stephen Nelson stated he sent an email out to the Council today that had the Planning Commission's recommendation. They did recommend denying the application, but the original request was for R1-10 not half acre. It was floated at the meeting that they may approve RA-05. The General Plan shows residential agriculture. The zoning the applicant is seeking is considered a possible zone under the General Plan. The parcel to the south of this development was granted critical infrastructure on the gravel pit so any future development will need to list that on the plat.

Scott Stratton supported the critical infrastructure next to him and they support his half acre request. His request follows the General Plan. He doesn't think the five-acre parcel just north of the 3000 South

will ever change. They will work on a buffer between his development and the gravel pit. Possibly do it as a parking area for residents to access the caves and trails in the area. He would like to maintain the house that is there. Nanette Billings commented only two percent of Hurricane is zoned agriculture. It's difficult when people want to change the zoning, but this request matches the General Plan. It gives residents the opportunity to have animals. Joseph Prete stated this is a different request than what was presented to Planning Commission, so he doesn't know how they feel about this request. He thinks this proposal is more reasonable than what was previously presented. All agriculture isn't farming. He doesn't think going from one acre to half acre makes it affordable. He worries about the encroachment of the agriculture in this area. He doesn't think this is harmonious with the surrounding uses. Ms. Billings stated the infrastructure also isn't there. Mr. Prete pointed out just because the General Plan allows a range of options doesn't mean they have to approve it.

Dave Sanders stated there didn't use to be people in this area, but they moved there and now more people want to. He thinks this will be good project and not all the lots will be half acre. Some will be larger. Ms. Billing asked if it needed to be continued until the PC can review it. Mr. Nelson explained it meets General Plan and they are requesting larger than what was originally requested. Legally it doesn't need to, but the Council can request it. Mr. Stratton commented they would like to put larger lots along 1100 West, but it will depend on water. Mayor Bramall stated he thinks this is an area with highly collapsible soil.

Darin Larson motioned to approve the zone change request on 57.5 acres located at approx. 3071 S 1100 W from RA-1, residential agriculture 1 unit per acre, to RA-0.5, residential agriculture half acre based on it matches the General Plan, it is harmonious with surrounding development, and it will not negatively affect the surrounding property owners. Approval acknowledges that facilities are not in the area, but the City does have the capacity to serve it depending on what is built first. Seconded by Dave Sanders. Motion carried with Darin Larson, Dave Sanders and Kevin Tervort voting aye. Joseph Prete and Nanette Billings voted nay. Mr. Prete feels better about this request than the last and applauds the applicant for their changes.

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

Fay Reber explained Dayton Hall, one of our Planning Commissioners, prepared an ordinance that came to City Council last meeting. It was continued so staff and Mr. Reber could review it. The final edits are presented tonight. C 1-4 is the same other than format. Paragraph 5 was added. Paragraph 6 was also added and needs to be discussed. Joseph Prete feels it should be removed. Council's intent was to encourage agriculture lots. Council agreed. Mr. Reber stated paragraph D is the same but reworded. He streamlined item F so the Planning Commission can factor in different items. Item G allows the applicant to appeal their decision to the Appeal Board. Mr. Hall agreed with all the changes other than item 6 which he feels should be removed as well.

Stephen Nelson stated the criteria doesn't address the requirement about proportionality or roadway dedication. Mr. Reber explained dedication is still required but rough proportionality is decided by the Planning Commission. Mr. Hall stated every property is different so instead they did section F where applicants can ask for an exception.

Joseph Prete motioned to approve the Ordinance amending the Land Use Code to Title 10-chapter 7 subject to paragraph 6 section 2C being removed. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

Dayton Hall mentioned other communities have ordinances that address large verses small subdivisions and what is required for each of them. Council agreed it should be looked at. Ms. Billings suggested looking at planter strips as well.

## **NEW BUSINESS**

### **2. Appointment of various board members and express gratitude to Gerald Pratt for his service**

Nanette Billings motioned to approve Scott Freeman, Bill Stokes, and Art Granger to the Airport Board and expressed gratitude to Gerald Pratt for his services. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye. Kevin Tervort abstained.

Dean McNeil asked to be removed from Power Board due to wife's health. Mayor Bramall is recommending Dave Imlay to replace him.

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

### **3. Public Hearing** to comments on the following;

- a. A proposed Critical Infrastructure Materials Protection Area, Parcel ID H-3-1-30-31021, H-3-1-31-431, H-4-1-25-2202, and H-4-1-36-100

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

Becky Patrick commented she just found out about this proposal. They want to know what will be stored there and how it will affect them. Their block wall is already getting cracks and she feels blasting closer to them would affect it even more. The dirt is also problematic. She doesn't want the trucks going back and forth. Fay Reber explained if this is granted then a nuisance ordinance can't be passed if they are being responsible with what they are doing. Ms. Patrick stated they were disappointed to move here and realize the property isn't residential. She asked the Council to take the residents into consideration.

Heather Ence has lived here for twelve years. She understands the blasting is part of mining but if they start dumping dirt and gravel at the top it will affect them directly. It will make it difficult to make any complaints on future problems. Noise and dust will increase.

Dan Mckee lives across the street from the pit. They are a good company that is run well. He has already lost sentimental items in his home from the blasting. The dirt and the dust in their home is incredible. His concern is if the dirt, blasting, and early hours come closer it will affect them. 600 North is already a bad street. They need to address the blasting, dust, and dumping. There are already have negative effects and it will create problems with the neighbors.

Mike Andrews lives in Peregrine Pointe. He understands this allows Interstate Rock to operate under State regulations. His question is if they acquire additional land would the new land be grandfathered into this approval. Fay Reber read State code that allows them to expand the mining operation. Stephen Nelson mentioned there is a development agreement that Interstate Rock waived their expansion rights. Mr. Andrews asked Council to work with Interstate Rock to restrict the area.

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

4. Consideration and possible approval of a **proposed Critical Infrastructure Materials Protection Area, Parcel ID H-3-1-30-31021, H-3-1-31-431, H-4-1-25-2202, and H-4-1-36-100. Interstate Rock Products Inc Applicant.**

Chase Stratton explained the parcel closest to 600 North is the flat portion. He gave a history of the zoning for all the parcels. This protects them from the City changing any zones and what is allowed. It also gives them another measure that anyone within 1000 feet is notified they are there. Nanette Billings commented everyone understands the importance of their business. This gives property owners the notification that they are there. Mr. Stratton pointed out nuisances can still be filled if it is detrimental to health and safety. Stephen Nelson read the State Code addressing nuisances. Mining is also regulated by other entities.

Mr. Stratton stated they are already on the top. There is already a crusher and crusher belts. They are actively blasting. They do plan to expand and mine to the blue line that aligns with the power building. The minimum distance from Coronado Ridge is 300 feet. Peregrine Pointe is closer to them than Coronado Ridge.

Nanette Billings motioned to approve the Critical Infrastructure Materials Protection area. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Dave Sanders and Kevin Tervort voting aye. Joseph Prete voted nay. He feels they have the legal rights to continue what they are doing without this added protection

5. Consideration and possible approval of a **donation to the Foster Grandparent and Senior Companion Program**-Joanne Lyman, Five County Association of Governments

Joanne Lyman from Five County explained they have two programs. One is companions that take seniors on errands and visits them and the other is grandparents that go to schools to read. They pay them \$3 an hour. Hurricane has three companions. The Foster Grandparents had to stop during COVID and they lost a lot of their participants. Senior companions only stopped for a month last year. They have to have match money for grants. They apply for a grant from Americor.

Darin Larson motioned to donate \$1000 to this project from the contingency fund and thanked them for their service. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**6. Consideration and possible approval to award the Dixie Springs Well contract-Ken Richins**

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

**7. Consideration and possible approval of a Resolution to apply for a water smart grant for the Dixie Springs Well-Ken Richins**

Joseph Prete motioned to approve the Resolution to apply for a water smart grant. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**8. Consideration and possible decision on floodway modeling options on Gould Wash-Arthur LeBaron**

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

**9. Consideration and possible approval of the UAMPS Power Exchange Member Risk Management Policy-Scott Hughes**

This is an update to the policy to add Scott and Crystal, so they can purchase power.

Darin Larson motioned to approve the UAMPS Power Exchange Member Risk Management Policy. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**10. Discussion regarding PID's within Hurricane City**

Joseph Prete read his concerns and gave a breakdown of what a PID is. It is attractive on the surface, but he has serious concerns. He feels they are a dangerous tool. Nanette Billings commented she has spent a lot of hours researching this and agrees it is a dangerous tool. It is just kicking the problem down the road.

Kevin Tervort thanked Mr. Prete for putting in his work but he isn't as skeptical. Growth is a big issue. A PID will accelerate growth. He thinks we should let the two that have approved play out and not approve any more for a while. He thinks commercial makes more sense than residential. Mayor Bramall likes Herriman's requirement that it is paid off when the lot is purchased. We need to slow the growth and keep the costs down. Darin Larson commented it is a disservice to promote the events but still want to slow the growth. Dave Sanders agreed Herriman's is a good idea. Mr. Prete stated he is not completely opposed to PID's but a lot of research still needs to be done.

**11. Consideration and possible approval of a proposed zone change located at approximately 4700 S and 2600 W from RA-1 to R1-10. Parcel numbers H-3-2-32-310 and H-3-2-32-320. Calypso Ridge Properties Applicant, Karl Rasmussen Agent.**

Planning Commission recommended approval subject to conditions. The General Plan shows this as single-family zoning. The biggest concern is there is no infrastructure in the area. The Planning Commission suggested a development agreement that the developer wouldn't develop until the infrastructure is there. Stephen Nelson suggested more language to limit what can be built. He mentioned three other requests in this area have been tabled so they should all be treated the same. If Council wants a development agreement to move forward, then staff is happy to get that done. This consists of 105 acres.

Joseph Prete pointed out one of the standards when reviewing a zone change is that the infrastructure is there. He thinks they need to pay attention to this requirement. A move around approach in a slow-paced economy might be a good idea to keep things moving but we have rapid growth. Nanette Billings commented the City is starting to develop from the outside in. Darin Larson feels the development agreement protects the City. If the utilities aren't there, they can't develop. Approving them now gives the owner the ability to move forward and plan. Dave Sanders mentioned if the zone change is granted then it allows developers to work together to bring the utilities to the area. Karl Rasmussen stated they won't get preliminary plat until the utilities and development agreement have been approved. Mr. Prete stated approval will speed up growth. Verifying infrastructure is there in the review process means something and shouldn't be disregarded. He feels they need to be more careful when approving applications like this. Ms. Billings stated this matches the master plan, but it is not harmonious to the surrounding properties right now because nothing is developed there. It will affect adjacent neighbors and the infrastructure is not there. Stephen Nelson mentioned the standards are not cut and dry. He explained they don't all have to be met. Each one should be weighed. Mr. Larson stated there are five other applicants that want the same zoning so it would be harmonious if they were all approved. Future water and power lines have to come through middle of this development. Mr. Nelson stated if Council wants to motion to approve this, then he suggests the development agreement is reviewed before it is approved.

Nanette Billings motioned to continue zone change request until a development agreement has been presented to work towards an affirmative vote. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Dave Sanders and Kevin Tervort voting aye. Joseph Prete voted nay.

**12. Consideration and possible approval of a proposed zone change request located at 600 N and 2170 W from R1-6 and R1-10 to R1-6 and R1-10 with a PDO. Parcel numbers H-3-1-33-44001,**

**H-3-1-33-441, and H-3-1-33-4420. Red Cliffs Development, Jay Rice Applicant. Alpha Engineering, Jared Madsen Agent.**

Mayor Bramall mentioned the comments from the current property owners that they would like the promises kept before another development takes place. Stephen Nelson explained the applicant brought an application a few weeks ago for a zone change request for vacation rentals that was denied. Now they are presenting a PDO to allow them to do some parking and duplexes. Jay Rice stated the two acres were listed wrong on the last application it showed commercial instead of R1-10. Nanette Billings stated a lot of homeowners feel there has been a lot of empty promises. She asked if there would be storage units on site. Mr. Rice explained the storage units would be able to be rented by the owners of Zion Village at an extra cost. Parking won't cost extra in the normal stalls. Each development would have their own HOA. Ms. Billings asked if something could be done to include other owners in the HOA instead of just the applicant. Mr. Rice stated no, he is the declarant and stays in charge until it is completed. The agreement allows him to stay as the HOA owner for three years after it is completed. He wants to stay in charge until it is completed.

Mr. Rice stated he has discussed the garbage issue with the current owners, but no one wanted dumpsters near their home. This proposal is for long term residents. Darin Larson feels there will be competing uses with the two developments. He stated being proactive with the ownership group would be the most beneficial. Ms. Billings commented other owners need to be involved in the HOA. Mr. Nelson stated Zion Village problems shouldn't affect this development. They should be treated differently. He thinks the parking should be designated to Zion Village. He hasn't seen where overflow parking is needed for long term duplex rentals. Joseph Prete asked if parking was promised to the owners of Zion Village. Mr. Rice stated he told owners he would donate land for parking. This will increase HOA fees. He has installed more parking in phase 2. He can't cover all the bills. This is what he promised the homeowners. He is putting in a second amenity package that wasn't originally planned. Under the current zone he can't do commercial parking or duplexes. This change would allow both. It does not increase density. The parking problem isn't the single cars, it is the long trailers and toys. The road had to align with Fire Rock and The Retreat @ Sky Mountain Apartments.

Nanette Billings motioned to approve the proposed zone change request located at 600 N and 2170 W from R1-6 and R1-10 to R1-6 and R1-10 with a PDO based on the Planning Commission and staff comments. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye. Kevin Tervort voted nay.

**13. Consideration and possible approval of a preliminary plat for a proposed recreation resort containing 35 units plus a restaurant, located at 475 N State Street. Corporation of the Episcopal Church in UT and Shamo Christen D and Charos Applicants. Matt Lowe Agent.**

Karl Rasmussen stated they added more parking stalls per unit. The stub into the project is a public road but then it turns private. The restaurant will be mostly drive through. A drainage report will be needed before staff knows if the detention basis will be adequate for the water shed. Joseph Prete asked if the City had safe guards to ensure the water drainage will be addressed. Arthur LeBaron stated there is a storm drain manual in place.

Joseph Prete motioned to approve the preliminary plat for a proposed recreation resort containing 35 units plus a restaurant, located at 475 N State Street. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**14. Consideration and possible approval of a preliminary site plan for a proposed commercial building located on the southwest corner of Sand Hollow Pkwy and Caddy Lane. Hurricane Hills Ranch, LLC Applicant, Valerie Espinoza Agent.**

Stephen Nelson explained they are proposing a resort building to be used as a check in for their resort with a small restaurant. They show fewer parking stalls than what is required but the Planning Commission has the authority to waive that requirement. They approved what is proposed. Staff recommends the road to be public.

Joseph Prete motioned to approve the preliminary site plan for a proposed commercial building located on the southwest corner of Sand Hollow Pkwy and Caddy Lane subject to staff and JUC comments. Seconded by Nanette Billings. Motion carried with Nanette Billings, Joseph Prete, Dave Sanders and Kevin Tervort voting aye. Darin Larson abstained.

**15. Consideration and possible approval of a proposed amended final plat for Dixie Springs Plat E Amendment "A". Lots 88 and 89. Steve Brinkman Applicant, Ethan Anderson Agent**

The applicant's home is on the north side, and they want to build a pool house on the other side. When lots are combined, utilities are usually capped off to the second lot, but the applicant is asking for a sewer connection to the back lot.

Joseph Prete motioned to approve the amended final plat for Dixie Springs Plat E Amendment "A". Lots 88 and 89. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**16. Consideration and possible approval of a proposed zone change amendment request located at approx. 4800 South and 1500 West from RA-1, residential agriculture, to R1-10, residential one unit per 10,000 square feet, with a PDO, planned development overlay. Parcel numbers H-3403-W, H-3403-X, and H-3403-U. The Will Group Applicant, Tyson Williamson Agent.**

Tyson Williamson explained they originally came with a denser plan, but the Planning Commission recommended them redoing it. They are proposing one acre lots along BLM and there will be parking for ATV's. Their goal is to capture the quiet nature of that area. They feel this one is connecting to other developments in the area. Utilities are close to the development. Stephen Nelson pointed out this has the same issues as the previous application so it should be treated the same. Mr. Williamson disagrees because the utilities are closer to them. They will have multiple phases. Mr. Nelson stated they first came in at 3.5 units per acre but with the Planning Commission's recommendation, they are now showing 2.5 per acre. Planning Commission felt because they are providing transition areas that it meets the spirit of the General Plan. Joseph Prete stated he has the same concerns that he voiced in item 12. He Likes the design but is reluctant to approve based on his previous comments.

Dave Sanders motioned to approve the zone change amendment request located at approx. 4800 South and 1500 West from RA-1, residential agriculture, to R1-10, residential one unit per 10,000 square feet, with a PDO, planned development overlay subject to staff recommendations. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Dave Sanders and Kevin Tervort voting aye. Joseph Prete voted nay.

**17. Discussion and possible approval regarding allocation of funds for City Bell**

Arthur LeBaron stated there is about \$25,000 left in the budgeted amount for this project, but he is estimating an additional \$68,000. He went over each item and what it will cost. Mayor Bramall wants a tower to be proud of. Joseph Prete commented the things we do to preserve our heritage is a good investment. He loves things that make a landmark. Nanette Billings stated all the Historical Committee want the tower that was proposed. Kaden DeMille stated they can pull the funds from RAP tax but that will circumvent the process. Council wants to pull money from somewhere else to cover it.

Nanette Billings motioned to approve the money for the additional cost of the bell tower. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**18. 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 – City wide cleanup. Pickle ball lights will be on in two weeks for Dixie Springs
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee -
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 -

**Closed Session**

Joseph Prete motioned to go into a closed session to discuss the character, professional competence or physical or mental health of an individual and to discuss pending or reasonably imminent litigation. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**Adjournment: 11:40 p.m.**