

## Hurricane City Council Minutes – February 4, 2021

Minutes of the Hurricane City Council meeting held on February 4, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m. and electronically

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

**Also Present:** City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, GIS Joe Rhodes, City Recorder Cindy Beteag

### AGENDA

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

Chief Excell reported they have been tracking crime rates and psychiatric calls are up. Suicides numbers have also increased. Officers are responding to a lot of mental issue calls but they are not trained to help with mental problems. They lost an officer this year because of this issue. They have received applications for lateral transfer. The problem is Hurricane can't pay them what they are currently making. Every agency in Washington County is paying more than Hurricane. They are working with the Humane Society to get animals that can't be adopted be transferred to their facility in Salt Lake. They are still working on updating the hanger. His department has started getting their second shot for COVID. They are seeing more sickness from the second dose. He is receiving a lot of calls asking why the shots are not available in Hurricane. Unfortunately it is being run by the medical field and not controlled by Hurricane City. He is working with pharmacies to try to get them here.

Dave Imlay reported the bearings in unit 8 need to be replaced. It will be about a \$13,000 job. They will be looking at all the units to see if they need to be replaced as well. The crews are working along 600 North putting culverts in so they can set poles in the future. The holes are taking two days to dig and we can't be out of power so Rocky Mountain Power will feed power to us while they set the poles on 600 North. They will do the work for the Front 9 development at the same time. They signed up for the Muddy Creek Compressor Project. They can use up to thirty percent of CARES money to fund it. His two items on the agenda are centered on solar. One is to help developers that are installing items that aren't currently allowed and other is to help compensate for the time staff is spending on applications.

Mike Vercimak commented staff has been trying to figure out how all the utilities will be accommodated for all the projects that have been approved in the South of Hurricane. The road widening on 700 West between the animal shelter and Rainbow Canyon isn't on the schedule in the next five years. Joseph Prete mentioned a large lifted area of asphalt in that area too. Mr. Vercimak explained that is caused by large trucks braking and moving the asphalt. They need to wait until the Southern Parkway opens so they can close the road and fix it. A meeting was held between Mayor Bramall, Dave Sanders, Mike Vercimak, and Arthur LeBaron discussing north south connectors and they agreed to do the improvements on 920 West immediately.

Stephen Nelson reported the Romney Group has submitted plans for the Sand Hollow Mesa. It is a large development. The General Plan is on the agenda tonight but he is not anticipating it being approved. He recommended holding a workshop to address any concerns. The zone change application on the agenda had a split vote but all the other votes were unanimous recommendation of approval.

Fay Reber said he sent a MOU with Orgill to the Council. He added if work doesn't start within a year then the agreement is void.

**6:00 p.m. - Call to Order –**

Pledge: Willie Billings                      Prayer: Frank Lindhardt

Presentation of an award to a youth for community service-Rowdy Reeve & Jody Rich

Rowdy Reeve with Hurricane Family Coalition presented Timberly Oliphant with an award for her outstanding work within the community.

Approval of Minutes: December 8, 2020 Special Meeting and December 17, 2020

Joseph Prete motioned to approve the minutes with the correction that Dave and Kevin went to the SUU meeting not Dave and Darin. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**6:15 p.m. – Public Forum – Comments From Public**

Tamsy Thompson read an email from her sister that was sent earlier today in opposition of the zone change on Flora Tech Road. She works for Southwest Public Health Department and they have received a lot of calls regarding investigation of health issues on this property. It doesn't meet the requirements for a zone change. The current problems need to be addressed first.

Penny James Garcia is here to talk about the dirt road between the 17 and 18 holes on Sky Mountain Golf Course. A lot of people use the trail. There is a lot of dog and horse feces on the trail. She has a group of volunteers that will go pick it up on Saturday but she asked if the City could put up a sign that says to pick up after your pets.

Lea Thompson commented the situation across the road from her started 30 years ago. The City has allowed it to persist and grow. A zone change doesn't address the issues. She asked what uses are permitted there. She questioned what could be done besides a zone change to address the problems and not just keep kicking it down the road.

**NEW BUSINESS**

1. Consideration and possible approval of **local consent for a Single Event Beer License-** Washington County Fair

This is for the County Fair that will be held in April.

Nanette Billings motioned to approve the local consent for a Single Event License. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

2. Consideration and possible approval on a **zoning map amendment request located at 1355 S 3325 W from RA-1, residential agriculture 1 unit per acre, to MH/RV, mobile home/RV. Parcel numbers H-3-2-7-45031 and a portion of H-3-2-7-4501, located at Flora Tech Road.** Jason Park LLC Applicant, Jeremy Johnson Agent.

Jeremy Johnson explained they are coming back to request just a section of the property. They are being forced to upgrade the water system. They could do it with where all the houses are now but they

would like to relocate the residents closer to the road so they can be connected to sewer. He understands the problem on the property. He wants to move people to their own space easier so emergency personnel can find them. He agrees this isn't a perfect solution but it's the best solution they could come up with. He would like them to be able to connect to the sewer and not utilize the septic tanks. Nanette Billings suggested including a clause that states the water system has to be improved, the buildings have to be brought up to code, and the businesses are inspected and licensed. There is currently an auto repair shop and insulation storage that have been there for years. They are not permitted businesses and wouldn't be allowed there.

Mr. Johnson will improve the living situations whether this is approved or not. This will just allow them to place the trailers in a better location. They would need to move fourteen families. Eight acres is a broader area than what they need. Applicant would like to keep a row of trailers and move the other ones to the field behind them. It would be easier access for utilities. Nanette Billings commented these need to be long term rentals, not transient use. Mr. Johnson doesn't want the Council to hold him to that forever. He suggested allowing it when the City agrees the infrastructure is there to support it. Dave Sanders wants something in writing from Western Mortgage that says they can extend the sewer line. Public Works had to red tag this property three weeks ago for digging in a sewer line in a different location that was never approved. Mr. Johnson commented he was just trying to move the trailers to a better place so they could connect to the sewer. Mike Vercimak explained he can't do development without approval. Stephen Nelson mentioned there is an email from Western Mortgage in the packet. They have R1-15 zoning around this property. He thinks Mr. Johnson will have trouble extending the sewer to this property through Western Mortgage's property. They are requesting a 300 foot buffer between this development and their land. Staff would like to see a development plan for how they plan to accommodate the utilities. Ms. Billings thinks continuing the application until Western Mortgage has signed off access to the sewer is the best option. Mr. Nelson read the email from Tim Tippet with Western Mortgage. He doesn't interpret the email in support of the zone change even if there is a 300 foot buffer. Darin Larson pointed out Western Mortgage has granted the same use on the other side of their property and they didn't require the buffer there. The City's only option is to condemn the property if Western Mortgage doesn't agree.

Kevin Tervort motioned to continue the zone change request located at 1355 W 3325 West and directed staff to set up a meeting with Mr. Johnson and Western Mortgage before the next meeting. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

3. Consideration and possible approval of a **preliminary plat and preliminary site plan for The Estates at Sand Hollow**, a 216 lot subdivision located in the west section Sand Hollow PDO at Sand Hollow Parkway and 3150 S. Hurricane Hills Ranch Estates LLC Agent, Valerie Espinoza Agent.

Tony Carter stated there will be an entrance off Sand Hollow Parkway and 3150 South. The staff and JUC comments have been addressed on the preliminary plat but they would like to see enhanced golf cart crossing. The applicant is asking for variation from the PDO standard by having a 10 foot sidewalk on the outside of the development and nothing on the interior. A variation from the standard requires four votes from Council. Staff doesn't see a safety concern. It will be a good trail system. Mayor Bramall voiced concern of land locking the property to the North West. Council discussed the access and determined it wouldn't land lock anyone.

Kevin Tervort motioned to approve the preliminary plat and preliminary site plan for The Estates at Sand Hollow with a variance from the standard allowing the 10 foot trail and the two radio roads subject to staff and JUC comments. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

4. Consideration and possible approval on a **preliminary plat for Sky Valley Town Homes PDO, a 111 lot subdivision located at 3100 W and 600 N**. Frank Lindhart/Shoshone Land Company Applicant, Civil Science Agent.

Stephen Nelson explained this item and the next item were approved last year with a PDO development. The applicant was required to realign roadways to match the master plan and a limit was set of 400 units. Between the two plats there are 403 units but the applicant has agreed to keep it to 400 units. There are a couple notes on plat that need to be updated. The Planning Commission recommended a traffic study being done to ensure the accesses on 600 North are adequate. The traffic study just needs to reflect what improvements are needed on 600 North. Applicant estimates this will be a build out of ten years.

Nanette Billings motioned to approve preliminary plat for Sky Valley Town Homes PDO subject to staff comments. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

5. Consideration and possible approval on a **preliminary plat for Sky Valley PDO, a 292 lot subdivision located at Coronado Drive and 3000 W**. Frank Lindhart/Shoshone Land Company Applicant, Civil Science Agent.

Darin Larson motioned to approve preliminary plat for Sky Valley PDO subject to a traffic study and staff comments. 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 the **proposed new General Plan and General Plan Map Update**

Olivia Cvetko gave a presentation on the final draft of the proposed plan. The proposed map doesn't follow parcel lines which will allow the City to use discretion of what is best in the area and choose what one would be best. Joseph Prete stated he would like to see the existing map compared to the proposed map and the existing zoning map compared to the proposed General Plan map with an explanation of the changes. Nanette Billings commented we need the commercial to support the residential. Dave Sanders pointed out it says 70% of the residents don't work here. A plan is needed to keep people here to work. Stephen Nelson explained the ratio of how they calculated the commercial and residential. The map is a guiding document that needs to be reviewed every five to ten years to accommodate growth and changes. Council discussed commercial uses and where it needs to be located. Mr. Nelson recommends continuing this item so the Council can review everything. Council agreed to hold a work meeting before the next meeting.

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

7. Consideration and possible approval of an **Interlocal agreement regarding the Orgill expansion**

Kaden DeMille mentioned in the schedule 3 E it drops 10% drop a year. Orgill requested a different schedule but staff was not comfortable with that. Council agreed.

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

8. Consideration and possible approval to **waive road improvement fees for 50 feet along 920 West-Dusky Goulding**

Dusky Goulding is asking for exception to waive the curb, gutter and sidewalk requirement. He already has to give fourteen feet to the City and then pay for curb gutter and sidewalk on the property he is giving. It will impede the surrounding properties. Jones' got an exception to build behind him that he had to give access through his property and they weren't required to do anything. Mike Vercimak commented staff is only asking what the City has asked everyone else to do. As of Friday morning 920 West was designated as the next north to south road. The improvements would cost about \$5100. Nanette Billings commented they passed the cross country road section for this type of development. He's not building right on 920 West and has five acres.

Mr. Goulding commented he was granted no improvements on 1300 South on one acre but they are requiring more here on five acres and he has to give property to the City. If he is required to do the improvements, he wants to put them himself and not pay the \$5000. Darin Larson asked if the City would pay for curb, gutter, and sidewalk every else on this road as it is improved. Mr. Vercimak stated they will have to everywhere it isn't already there. Kevin Tervort commented this isn't frontage on a lot it is the access to the multiple properties. It is not prudent for them to install it right now. Council agreed an agreement would be best that it will be installed in a future date. Joseph Prete thinks the cross country road section and the curb and gutter exception needs to be discussed. His recommendation is to continue for two weeks so it can be looked at. Mr. Larson doesn't feel this counts as a cross road because it is a private driveway not a public road. Mr. Prete read 3.2.4.7 from the code regarding exceptions. Mr. Larson stated that wouldn't apply because this would be a waterway not curb and gutter.

Joseph Prete stated the cross country road section applies and motioned to approve waiver of fees. Seconded by Nanette Billings. Motion carried with Nanette Billings, Joseph Prete, Dave Sanders and Kevin Tervort voting aye. Darin Larson voted nay.

9. Consideration and possible approval of the allocation of funds for the **ad for LPGA tournament at Copper Rock-April 19-24<sup>th</sup>, 2021**

Two bids were received, one from a company in LaVerkin and the other is from Utah County. They came in close and both have great abilities but Council would like to support someone local.

Nanette Billings motioned to approve the ad for LPGA tournament to Tony Beatty for \$4500 coming from the contingency fund. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

10. Discussion and possible approval of **Resolution 2021-01 amending the Grid-Tied Generation Policy to allow for battery storage, new base rate and export rate for such installations**-Dave Imlay

Dave Imlay provided a summary for the next two items. This will require residents to be connected to the grid but can have as much battery storage as they want. He explained solar production effects on power prices based on time of day and year. If they go outside of policy then they will pay a different rate. It will be a flat rate of \$40 per month. There will still be a basic policy so if they stay within it they will be compensated. There is nothing in the policy that requires people to connect to the grid. Joseph Prete suggested changing to compensate residents the \$40 if they put power back. Mr. Imlay explained the City buys energy for 3.2 cents so if we allowed that we would buy it from them at 4 cents and they're connected to the grid at no cost. He is wanting to protect the grid and power prices as well as the solar uses.

Darin Larson motioned to approve Resolution 2021-01 as presented. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Dave Sanders and Kevin Tervort voting aye. Joseph Prete voted nay.

11. Discussion and possible approval of **Resolution 2021-02 establishing a Solar Installation Application and processing fee of \$150/application**-Dave Imlay

Staff spends 6-7 hours on each application. They don't want to overcharge but it does take staff time to review. Rick Hanson with Washington City is going to review the applications on their time to compensate for time we have given them. As long as the application isn't sent back, they won't be charged again. There is currently not a fee for this application.

Joseph Prete motioned to approve Resolution 2021-02 with the fee changed to \$75 per application. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

12. Consideration and possible approval for a **building permit for a model home in Lone Rock Condominiums**-Cory Andersen

The applicant is seeking a building permit for a condo unit. The ordinance reads, *a building permit for a single model home for the developer of the subdivision for which the final checklist for completion has been issued may be approved by the City Council*. This is a fifteen condominium unit not a single model home. The ordinance also requires them to be at final checklist and they are not. This is the affordable housing project. Darin Larson commented fifteen units' pushes what a model home is. Public Works feels a checklist is needed before they move forward.

Nanette Billings motioned a building permit for a model home but it cannot be issued until a punch list has been issued. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

Cory Andersen asked about the connection fee for sewer. It was their understanding the Council approved to waive it. He was advised the Council can't approve that. It would have to be approved by Ash Creek Sewer District. He will meet with Stephen Nelson to go over the development agreement.

**13. Mayor and Council reports**

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering – Copper Rock would like a sign at 3000 South to direct people to their project. Mike Vercimak will work on getting a directional sign at that corner. A lot of units have been approved but we won't have the water capacity without the Lake Powell Pipeline. He asked Council to be thinking of budgets and departments. They may need to look at making wages more competitive.
Nanette Billings	Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council - Inmates haven't been able to pick up trash on the road. The County has offered using their trucks and labor but it would cost all the residents \$0.18 per household. Youth City Council is doing a great job. There were 90 volunteers within the first day for the LPGA tour. The Diaz's talked about donating dinner and show to City employees and spouses in February.
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 – Mentioned the development sign on 960 North and 200 West that is in the roadway. Staff will address it.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District – This has been a bad year for water. By 2025 will be out of sustainable water. We need to be more forward thinking. Council discussed water usage within the County. There have been issues with the Kolob Recreation. The County and Water District have met with the State about it. There will be two camp hosts and a deputy up there. Designated campsites around the lake. It will be reservation only and the majority of reservations will be for locals. There will be a 14 day max. People can only reserve so many days in advance. No campfires allowed. Port a potties will be put around the lake. They will have a site across from the store that will be a fire station.
Kaden DeMille	City Administration –They have used CARES money to update software as part of that they are looking at updating the City logo. We will still keep the old one as the seal but update the logo to something simple. He passed out samples of what he had received and asked for Council's input. Council not crazy about any of them. Kaden will get more samples.
Bryce King	He has met with someone about adding more basketball courts. They are still trying to decide how it would all fit. They are talking about a 6000 square foot office and 31000 square foot gym space including basketball, volleyball and pickleball courts. The cost would be 4 million for four courts or 4.5 million for 6 courts. Kevin Tervort would like to

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	do a recreation bond and include the golf course expansion in it. Council discussed if this is the best area for this. Nanette would like to see Peach Days stay in this area.
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**Adjournment: 9:50 p.m.**