

Hurricane City Council Minutes – February 18, 2021

Minutes of the Hurricane City Council meeting held on February 18, 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, and Dave Sanders. Kevin Tervort was excused.

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, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes, City Recorder Cindy Beteag, Water Superintendent Ken Richins, Recreation Director Bryce King, and Fire Chief Tom Kuhlman.

AGENDA

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

Stephen Nelson stated the Dennett project asked to be on the agenda tonight for a variance on their landscaping. He determined it should go to the Planning Commission and it is on their agenda next week. He agrees with the applicant and has told them they can move forward but the Planning Commission will still review it next week. The ZRC, Zion Regional Collaborative, was able to get the highway between LaVerkin and Zion as a National Scenic Byway. It opens it up for trail ways and grants. There will be a press release soon. A workshop with the Planning Commission for the General Plan was scheduled for March 2nd @ 5:00 p.m. Brad Oliverson will meet with staff next week so that item can be removed from the agenda.

Mike Vercimak reported the slurry seal has started and the street sweeper is running again.

Bryce King is working with Copper Rock on event permits. They are working on signage and radio ads. The concert is planned at Copper Rock not at the Community Center. They are getting ready to hire for the pool season. They are working on the Desert View remodel at the Community Center.

Chief Kuhlman reported calls continue to grow. The growth is creating the need for more facilities. They are in the process of hiring an office specialist. They are working with the State Legislature on alternatives for helping with the cost of building new facilities.

Chief Excell said they have a new officer from Ivins starting next Tuesday. They had another officer resign Tuesday. There are some agreements on the agenda with Utah Human Society to help with overcrowding. Mr. Reber reviewed it and had no concerns. He sent an email regarding concerns with First Friday. They are getting a lot of self-harm calls daily.

Dave Imlay mentioned emails he has sent out regarding the energy market. They work hard to keep the cost down. They have built up reserves over that last four years. Dominion Energy's restriction on gas usage will be lifted in the morning. They will be working on 600 North starting Monday. Power will be fed through Rocky Mountain for two weeks. It will only be the loads within the Clifton Wilson substation. 1100 West is the road the power department would like to see completed so they could do a transmission line. He mentioned the Romney group is adverse to overhead power lines but if the Council approves that it would cause no development south of them. Mr. Nelson commented he felt they understood it needed to be above ground.

Ken Richins stated the Mayor brought up north south access roads at staff meeting yesterday. 2100 West is an access road that would really help the water department. It would make them more hydraulic

efficient. It needs to start now so we don't get behind. He asked the Council if they could start on property acquisitions.

Fay Reber mentioned the judge told him yesterday they want to add another day of court each week. It will have drastic impacts on the prosecutor's office.

Arthur LeBaron stated the Romney group has taken over for Toquerville Enterprises. There is still a lawsuit with Toquerville Enterprises and UDOT regarding the interchange. He is trying to be an objective third property to help solve the issues. SR7 and 3000 South won't be completed until May.

6:00 p.m. - Call to Order –

Pledge: Tom Hirschi

Prayer: April Pinkston

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

Mike Jensen commented the issues he was going to discuss were resolved.

Fred Hernandez stated there are 587 plus veterans in the Hurricane Cemetery. It has been his honor and privilege to be the coordinator. He asked for council support on Wreaths across American. They would also like to ask citizens to help find their veterans so the wreaths can be placed on their grave. The cost is \$15 per wreath. There are other entities that contribute. He is hoping to get a commitment from the City on an amount and then they can look into donations for the rest.

NEW BUSINESS

1. Consideration and possible approval of a **PDO application for Sand Hollow Mesa, a proposed 1,022.5-acre mixed use development with a proposed 3,660 units located south of 3000 S, and bisected by the Southern Parkway.** Parcel Numbers attached to the report. RG Sand Hollow, LLC Applicant, Anthon Stauffer Agent

Josh Romney stated he is working with the Spilsbury's on this project that is currently zoned R1-10. It is adjacent to a pristine recreational area. They have hired Hoyt Cousins to create a development that emphasizes on the surrounding beauty with trail systems and open spaces. They have spent a lot of time looking at historical homes in the area and will try to match them. They are very conscious of water usage. They plan to take advantage of the natural beauty and not change the look. The property is lacking major utilities. Karl Rasmussen handed out a proposed utility plan showing a water loop system. They are planning on doing a one acre substation for power. Stephen Nelson pointed out staff hasn't reviewed the utility plan yet.

The proposed plan has 25% single family, open land area is 278 acres, and public land is 78 acres. Nanette Billings voiced concern of the density and if there is enough water for this development. Mr. Romney stated they focused on affordability by offering smaller homes which will be less water usage. They have met with the Water District to discuss water capacity and needs. The number of units is in compliance with the acreage. They are just in more dense pods. They will have over 20 miles of trails. They will have to designate what roads are ATV allowed. Applicants think most people will want a small house with a large garage for their toys. This is a multiyear project that each phase will have to come back for approval. There were no public comments when it came to the Planning Commission. They anticipate it being a good mix of full term and short term people. Mr. Nelson commented there are still some details that need to be worked out with the development agreement so it might be appropriate to continue the item for two weeks.

Darin Larson motioned to continue the PDO application for Sand Hollow Mesa for two weeks. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

2. Consideration and possible approval of a **Memorandum of Understanding and agreement with Utah Humane Society**-Lynn Excell

The Humane Society built a facility in St. George. This agreement allows them to transport animals from Hurricane City at no cost if we are overcrowded. If an animal is violent, they do have to be put down as a last result.

Nanette Billings motioned to approve the Memorandum of Understanding and agreement with Utah Humane Society. 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 **monument honoring Hurricane High to be placed on City property** near the Fine Arts Building-Boyd Bradshaw

The old high school was torn down in 2004 and the monument on the front of the school was going to be demolished with the building but some residents saved it. The former Mayor wanted to do a monument with it if the City purchased the property. Boyd Bradshaw found the monument in the cemetery. They also saved the bricks from the high school. He had Jim Humphries draw up the monument using the bricks with a plaque at the bottom. He thinks the area north of the Fine Arts Building would be the perfect place. Council discussed different areas where it could be located. The City is accepting applications for RAP tax right now and this would qualify if they apply.

Nanette Billings motioned to approve the monument honoring Hurricane High School on the property using RAP Tax subject to a RAP tax application being submitted and approved. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

4. Consideration and possible approval for a **single event beer license local consent for First Friday @ Legacy Park** an ongoing event from March-October 2021-Ed Tracey

Ed Tracey explained this event has been held the first Friday of each month March-October on Tabernacle Street but St. George didn't approve it this year so they moved it to the County Fairgrounds. They are aware of the problems Chief Excell mentioned in the pre-meeting and they are working on addressing the problem. They are okay approving a couple months to see how it goes and then coming back. It has never been a problem with the beer garden or the adults; it is the kids. Chief Excell pointed out the County Commission has already told them yes so he doesn't think it would be a problem to try it for a couple months and then come back to re-evaluate. The State has COVID requirements that they will adhere to. Darin Larson stated he thinks the location will help the problems they have had in the past.

Dave Sanders motioned to approve local consent for First Friday for March only and then reconsider the remaining events after the first event. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, and Dave Sanders voting aye. Joseph Prete voted nay.

5. Consideration and possible approval of a **Resolution opposing the name change of Dixie**

Nanette Billings asked for this to be on the agenda just for the sake of standing up. The college is worried about enrollment and students getting a job because their diploma shows Dixie. Dixie does not

mean segregation. Southern Utah never would never have used Dixie if it was used in a negative way. Dixie is used in many businesses, streets, and subdivisions. Mayor Bramall commented Dixie stands for State's rights. It would cost hundreds of thousands of dollars to change the name. Darin Larson agreed but feels there are valid concerns with the college for wanting to change the name. Dave Sanders commented there is pride in keeping the name. He is in support of keeping the name. Joseph Prete agrees with all the comments but his concern is the perception that it will give the community. Dixie doesn't mean segregation or racist in Southern Utah. It is our heritage. The college will lose sponsors if they don't change their name.

Dave Sanders motioned to approve the resolution opposing the removal of Dixie in Dixie State University. Seconded by Nanette Billings. Motion carried with Nanette Billings, Joseph Prete, and Dave Sanders voting aye. Darin Larson abstained.

6. Consideration and possible approval on a **zoning map amendment request located at 55 North 3700 West from HC, highway commercial, to GC, general commercial, to have onsite storage.** Parcel number H-4-2-1-1400. Jason Stubbs Applicant, Ryan Scholes Agent.

Highway commercial doesn't allow storage. The applicant is cleaning up the property but staff isn't sure if the tower will get torn down. Council discussed if demoing the tower could be required.

Darin Larson motioned to continue the zone change request until the applicant is present. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

7. Consideration and possible approval on a **zoning map amendment located at approx. 3300 West 600 North from M-1, light industrial, to R1-6, residential 1 unit per 6,000 square feet, to develop the Peregrine Point West subdivision.** Parcel numbers H-3-1-30-320 and H-3-1-30-321. Lagom LLC Applicant, Greg Sant Agent.

Applicant is proposing a different plan that was presented in December. The property owner agreed to not change 300 feet on the north end of the parcel. There will be 19 acres instead of 25 acres. The lots in Peregrine Pointe that buffer this property range from 6-9 thousand square feet. This plan addresses the concerns the Council previously had. Stephen Nelson mentioned Interstate Rock has concern with the portion that extends more to the west on the south end. Mr. Sant stated he didn't think they would blast that close to the water plant. Arthur LeBaron asked if they would be able to acquire the silver of land between this development and 600 North. Mr. Sant commented Interstate Rock refuses to sell it to them because they want to use it as storage. Joseph Prete is uncomfortable with putting residential that close to mining. He thinks the General Plan should be changed to have something between residential and mining. Nanette Billings agreed. Residents know the mine is there but they still complain. Mr. Sant said they will have a disclosure as part of the selling process and language will be recorded on the plat. The General Plan shows this as residential and that is why the owner invested in this property. They have complied with what the Council recommended last time.

Darin Larson motioned to approve the zone map amendment located at approximately 3300 W 600 North based on it is conducive to surrounding land, the infrastructure is there to serve the development, and it is in harmony with the General Plan. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, and Dave Sanders voting aye. Joseph Prete voted nay.

8. Consideration and possible approval of a **preliminary plat for Redstone Spring Estates Phase 2, a 10-lot subdivision located on Redstone Drive and 3400 W.** Big Rock Homes Applicant, Eric Boucher Agent.

The Planning Commission unanimously recommended approval. They liked leaving the private drive as not part of this development. It only is an access for two homes who do not want it to be a public road. Arthur LeBaron pointed out the road on the north is part of the property. The house on the ridge has an easement through it. Stephen Nelson explained the subdivision wouldn't include the trees along the private drive. It would be subdivided where the picket fence currently is. This development would give another access for Redstone Springs Ph 1. They are working with Western Mortgage on where the sewer will connect. Joseph Prete voiced concern if nothing is in writing from Western Mortgage that says they will allow them to connect. Ash Creek's will serve letter was conditional on if the easement was in place. Mr. LeBaron mentioned if this is approved he would like to see less driveways on 3400 West. That is his concern with approving another road right by the private drive. 3400 West is a major collector road and they need to observe access management standards.

Dave Sanders motioned to approve the preliminary plat for Redstone Springs Ph 2 subject to an easement for the sewer line being approved and staff comments with the exception of no connection to the private drive. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

9. Consideration and possible approval of an **amended final plat for Fairgrounds lot 25-28, a 35 unit development located at 392 S and 368 S Commerce Street.** Todd Baldwin Applicant

The applicant wants to combine four lots and condo minimize 35 units to rent or sell for different businesses. They submitted the final plat today but staff hasn't had a chance to review it all.

Darin Larson motioned to approve the amended final plat for Fairgrounds lot 25-28 subject to a final review by staff. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

10. Consideration and possible approval to **start construction on The Villas at the Haven before infrastructure is completed**-Brad Oliverson

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

11. Consideration and possible **approval to waive road improvements fees on 1500 West**-Tom Takau

Tom Takau is building a home on 1500 West around the corner from where Mr. Diaz was approved to waive the road improvements. He is requesting the same waiver of fees based on the country cross road section. Arthur LeBaron explained the required improvements would entail roadway widening and a paved asphalt path. There is a three or four drop from the road to his property. Council discussed the requirements for Country Cross Roads and the elevation differences in the area. Staff is only requiring what the Council approved. The active transportation plan only shows a path on one side of the road. Council can decide how much is proportionate to this property so the improvements can be done now or in the future. There is a lot of development that has been approved south of this area so Council

needs to decide what road will be the north south access. This is the first application since the Country Cross Road standard was approved.

Joseph Prete thinks the City should pay for the path and develop all of it at one time. Mr. LeBaron commented the path is only on one side of the road so the fairest way to fund it is to charge both sides of the road the same improvement costs. Mr. Prete feels that taking money and just holding it for future use can cause legal issues. The current ordinance allows the City to put the funds in an account for future road improvements. The City pays for the road improvements when the road is on the master plan to be improved at that time but if the property wants to develop before it is planned then it is their responsibility to pay for the improvements. Mr. Nelson explained the State code allows the City to require property owners to improve the roadway that accesses their property or pay a fee for the City to do the improvements later. Mr. Prete feels just dedicating the land is enough and the applicant shouldn't be required to do the improvements in addition to donating the land. If Mr. Takau doesn't want to build yet, then he wouldn't be required to do any improvements at this time.

Kelby Iverson feels the agriculture clause in the old ordinance should have been transferred to the new cross country road section. Mr. Takau is keeping this in one family as agriculture. This isn't a subdivision. He doesn't think a single lot development should be required to do all the improvements. The cost of the property and the cost of the improvements need to be known before a decision can be made. Mr. Prete commented that the exception Mr. Iverson mentioned is only about the curb and gutter. Mr. LeBaron stated it would be more proportional to not look at the frontage but to look at the minimum lot frontage for that zone but that is not in the ordinance.

Joseph Prete motioned to continue the road improvement fee discussion for two weeks. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye. Council directed staff to compile some rough numbers.

12. Consideration and possible approval for a single event beer license local consent for the Mountain Bike Festival-DJ Morisette

The Mountain Bike Festival will be held March 26-28th. This will be the tenth year and they have had a beer garden every year with no issues.

Joseph Prete motioned to approve a single event beer license for the Mountain Bike Festival. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

13. Discussion regarding 920 West, 1100 West, 1500 West, and 3400 West-John Bramall

Mayor Bramall started the discussion stating right now all traffic is coming down 700 West. There needs to be another road for north south traffic that continues farther south. Future roads that are planned are 1100, 1500, 2100, and 2600 West. He suggested doing a stem road on 920 West of about twenty eight feet pavement with no sidewalks and start property acquisition. Arthur LeBaron showed where property needed to be acquired to complete 920 West. Copper Rock has done a lot of work on 2100 West and Cordero is working on a water line. The Water Department needs 2100 West completed for water connectivity. 920 West improvements need to be put in the budget next fiscal year. Council discussed doing a bond and do it all at once so it isn't pieced together. Mr. LeBaron suggested putting together a list of costs for all the corridors. They need to pay attention to Purgatory Road too. Kaden DeMille commented if Mr. LeBaron can put together a list then he can look at funding. Council needs to

understand the money would be committed for a few years. Council discussed doing spine roads for now and then the developers finishing the road as they develop. 1100 West is on the COG from 600 North to south limits. A spine road includes two 12 foot lanes and a four foot shoulder. It takes about ninety days to get funds from COG. 1100 West is needed for power transmission. 2100 West would be needed for water and natural gas. Mayor Bramall suggested putting funds into 920 West this year and 1100 West next year but get engineering going on 2100 West this year. Staff feels some developers will partner in funding some of these roads. Mr. LeBaron can apply for COG funding but there are a lot of applications going in right. There is a revolving loan fund with a lot of money but no one wants to apply for a loan. He thinks they should eliminate the revolving loan fund and put it into the corridor preservation. Council agreed 920 and 1100 are first priorities. Then go back and fix 700 West once they are completed. Council discussed 2600 and 2100 West for which one would be best for the water loop.

14. 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 – Applications will start at the end of March for the new youth city council. The City did a good job getting information out regarding Blue Cans.
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool –Commented every item was unanimously approved last week at Planning Commission
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 -

Adjournment: 9:35 p.m.