

Hurricane City Council Minutes – April 1, 2021

Minutes of the Hurricane City Council meeting held on April 1, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Power Superintendent Dave Imlay, Planning Director Stephen Nelson, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes, City Recorder Cindy Beteag and Fire Chief Tom Kuhlmann.

AGENDA

4:00 p.m. Work meeting to discuss The Gateway at Sand Hollow PID

Council Members Present: Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort

Also present: Randy Larson and Aaron Wade with Gilmore Bell, Mark Anderson and Marcus Keller with Zions Bank, Jeff Thomas with ProValue Engineering, Brent Moser, Brennan Brown with DA Davidson & Co, City Manager Kaden DeMille, City Engineer Arthur LeBaron, and City Recorder Cindy Beteag

Kaden DeMille started the meeting by giving an overview of what has happened to this point. He wants Council's opinion on moving forward. Brent Moser feels this is a great project for a PID. They will use this funding mechanism to put in all the major roads in this area at once. It will be broken into 3 districts. They are proposing fifteen acres as city parks. The future plans for Sand Hollow Road include trails on each side of it so they will incorporate more trails through this project. A PID allows all the major infrastructure to be built at once instead of piece meal. The end user is one that will pay for this funding mechanism. Some of the benefits they will receive are parks, trails, and they can offer the end user a fee credit towards their building permit.

Zion's Bank has run different numbers on 4, 4 ½, and 5 mill levies. Council discussed the different levels and what each one would cost the end user. The current property taxes are about 10 mill levies. Primary homes get a 45% deduction. Second homes and commercial properties would be taxed at full rate. Mr. Moser explained what roads the PID would fund. They want to keep the mill levy the same across all the districts. Brennan Brown explained when development occurs, they can refinance and lower the interest rate which will lower the mill levy.

Kevin Tervort commented this is just attracting more people. There is nothing here for the locals. This will price our kids out of homes. There are plans for new buildings for the Fire District and Ash Creek Sewer District which will also cause rates to go up. Mr. Moser stated there needs to be more supply so the costs can go down. This funding will allow them to install all the roads and infrastructure at once and add the trails and parks. If each developer builds just their section, it is done in pieces at different times. This will connect everything at once. Marcus Keller agreed. PID's were designed to help with master plans and help with connectivity. This is a big consideration. He stated there is a benefit to three parties: the resident, the city, and the developers. They need to make sure all parties are benefiting equally. The plan that has been presented is what they would like to see. Something more for the end users. This is a cleaner, nicer proposal with a low mill levy. He mentioned the developer will save money with PID financing as opposed to traditional financing that will hopefully be passed on to the end user.

Mr. Tervort stated we need a place for people to live. He does not want to become a resort town. Mr. Moser pointed out even if the PID is approved, the City still controls the zone and what is allowed. Costs of the roads will not change; this is just a different way to finance it. It does not affect the price of the house. Transparency about the PID tax is critical. Homeowners need to know. Mr. Prete commented most people don't pay attention to the property tax when they purchase. The city will get the angry calls. Mr. Moser pointed out most people won't pay attention because it is all paid through their mortgage.

Mr. Moser stated they want to keep the mill levy at 3 but there has to be flexibility for the unknown. Council agreed it is a good mechanism to build it all at once, so it isn't pieced together.

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

Dave Imlay mentioned an issue with Orgill has come to light. There is nothing in the agreement about power impact fees. Their transformers are huge, and it is costing us money to keep them running. They are doubling in size now, but they still don't need that big of a transformer. If they put a transformer in, they will have to pay impact fees unless they come to the council to waive them. If Orgill hooks into the existing transformer then they would not have to pay an additional impact fee. The City waived all the original impact fees anticipating the new transformers would be supplied by the existing transformers. The transformers would be utilized better if they can use them but if they can't the transformers would have to be changed to something smaller. Council discussed both options and decided to offer half the fees waived if they stay with the existing transformer and if not then they will have to pay the full amount or come back to the Council.

Tom Kuhlmann commented they are still working on item 2 so he asked for it to be continued to the next meeting. He asked if the City wanted the licensing fee for vacation rentals to include the inspection fee. Council would like to discuss that in the future.

Arthur LeBaron explained they need to evaluate where the utilities are when a lot line adjustment is requested. They may need to be moved. He hasn't been able to meet with Fay Reber about the access agreement for Kenneth Heaton, so it needs to be continued for a month. They are waiting for an item from Mr. Heaton before they can finish it.

Stephen Nelson reported he did an inspection of Paradise Ranch today with a hired inspector. He will get the report to the Council for review. New item #1 has changed from what the Planning Commissioners saw. They are now just asking for a lot line adjustment between lots 83 & 84. On item 7 the Planning Commission recommended approval if the legal situation was resolved. They recorded the lot split without City approval. Staff is working with them to get it resolved. The Planning Commission had concerns about changing the zone from planned commercial to recreational resort. Fay Reber mentioned all properties within the Elim Valley need to be subject to the communication easement being resolved. He stated item 13 is an indemnification agreement to not hold the City liable in regards to Elim Valley. He suggested moving that item up on the agenda to approve before the other items to protect the City.

Chief Excell mentioned Officer Torres is back to work. Officers have solved the auto pedestrian hit and run. They had it down to 2 seconds of what happened, and the suspect confessed. Construction burglaries are up again.

6:00 p.m. - Call to Order –

Pledge: Darin Larson

Prayer: Stephen Nelson

Approval of Minutes: 2/4/21 special meeting, 2/4/21, and 2/26/21 special meeting

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

Dave Sanders motioned to move item 13 to new business item 1. Seconded by Joseph Prete. 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

Mark Simmons is here regarding item 10. Perry Homes has submitted plans for phases 1-3 for the next section of Peregrine Pointe. There is no egress for the addition except in front of his house. They are proposing to add seventy more homes with no additional entrances. He understands 600 North curves and Perry Homes doesn't own the property right along the road but ideally there should be an access on the west end of the property. If not, all the traffic will have to go past his house. His house was one of the first houses that were built there. He was told they were view lots on that side, so they have a lower fence. He will hear the constant traffic. He asked for another access, so they aren't all accessing off the same entrance. 600 North is already busy. Traffic is becoming a problem.

OLD BUSINESS

1. Consideration and possible approval of a **cross access agreement with Kenneth Heaton-Arthur LeBaron**

Joseph Prete motioned to continue the cross-access agreement for one month. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

2. Consideration and possible approval of a **Resolution supporting a public safety false alarm policy-Tom Kuhlman and Lynn Excell**

Dave Sanders motioned to table the resolution supporting a public safety false alarm policy. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

NEW BUSINESS

1. Consideration and possible approval of **Indemnification Agreement between City of Hurricane and Western Mortgage- Fay Reber**

Fay Reber stated the lawsuit between Cypress Capital and Western Mortgage has concluded so Elim Valley was allowed to move forward but the communication easement over the entire property wasn't addressed. The effect is unknown of what it will cause. The City did an amendment that the easement wouldn't be in any public roadway. Western Mortgage has filed a lawsuit to dissolve the easement. This indemnification agreement will protect the City from the lawsuit if they approve developments within the Elim Valley area. If the Councils approves the following items on the agenda; they should be subject to the communication easement being resolved. Joseph Prete stated it needs the complaint number added to the agreement.

Joseph Prete motioned to approve the Indemnification Agreement subject to further review by legal counsel. 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 an **Amended Final Plat for Dixie Springs Subdivision Plat “A” Lots 82, 83, & 84** Amended. Richard Faddis Applicant, Marc Brown BCE Agent.

Applicants are just doing a lot line adjustment now. They are proposing to move the lot line to the west to provide a bigger side yard on the property. There are no issues with the water meter being in the wrong place. Lot 84 could be sold in the future.

Darin Larson motioned to approve lot line adjustment for lots 82 and 83. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

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

3. Public Hearing to take comments on:
 - a. A request for a **road abandonment located near Abbey Road on the West side of Sand Hollow Road.**

No comments.

Darin Larson motioned to move out of a public hearing. 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 of **Resolution 2021-06 pertaining to a road abandonment located near Abbey Road on the West side of Sand Hollow Road.**

Arthur LeBaron explained this is the old 4300 West alignment that goes across from Quail Lake Estates. It has been replaced by Sand Hollow Road. There is not a compelling reason to have this road. Gary Colf owns the property. He has agreed to develop the property with connectivity. Mr. Colf's proposal would solve the access issues. He has filed a zone change request for the property to the south and is the next item. There is an abandoned sewer line that they will clean up. Access will be off Sand Hollow Road. No one has paid for this road to be there. Joseph Prete commented there are other options rather than just giving the land away. Mr. LeBaron explained there are issues with other parcels in the area and the owner will redo a road that will make it better for all the parcels. The Planning Commission recommended a development agreement with Mr. Colf's zone change so if the Council wanted to add connectivity they could. Mr. Colf will be giving one and half times the property back to the City. This is more of trade than an abandonment.

Darin Larson motioned to approve Resolution 2021-06 pertaining to road abandonment. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

5. Consideration and possible approval on a **zoning map amendment located West of Sand Hollow Road near Abbey Road from RA-1, residential agriculture 1 unit per acre, to RM-2, multi-family 10 units per acre, and GC, general commercial. Parcel numbers: H-4-2-11-113, H-**

4-2-11-112, H-4-2-11-111, and H-4-2-11-121 Gary Colf Applicant, Bob Hermandson, Bush & Gudgell, Inc Agent.

Stephen Nelson explained they are requesting to expand the general commercial area with multi-family behind it. They met with Ash Creek and agreed to a thirty foot buffer on the west side by Ash Creek's fields.

Dave Sanders motioned to approve the zone change request subject to a development agreement and a thirty foot buffer. Approval is based on the infrastructure is there to support it and it is harmonious to the surrounding properties. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

6. Consideration and possible approval of Resolution 2021-07 approving a new Commercial Power Rate-Dave Imlay

Scott Hughes stated they are proposing a new commercial rate. This change will allow a customer to be relieved from a demand charge if they commit to follow the stipulation of that power rate. The Power Board made a change of what will happen if there is a violation. This will be a reduction because they will use power during non-peak hours. It would be beneficial to both parties. Prices go high during peak hours so if large companies are using a lot of power during those times it causes power prices to go up.

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

7. Consideration and possible approval on a zoning map amendment request located at Turf Sod Rd and 5000 West from RA-1, residential agriculture 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet. Parcel H-4-2-11-3301. Monte Slaven Applicant, Chris Wyler Agent

The property was previously owned by the school district and was recently purchased by Monte Slaven. Applicants are wanting to develop similar to Pecan Valley. Some residents had concerns with the size of the lots. Staff feels it is a good fit. Chris Wyler is working with STILA to get a second access. They are working on a water looping plan and a plan to bring more power. The property owners are aware of the issues, and they are working on resolving them. There is a grandfathering agreement between Chris Wyler and Ash Creek Sewer District so anyone that ties into the sewer line will have to pay towards that. Pecan Valley has R1-10 zoning, but they do have some larger lots. Nanette Billings mentioned she received some comments in opposition from Carson Tait. Trail space and road widening will be required on the north side of Turf Sod Road.

Joseph Prete motioned to approve the zone change request. 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 on a zoning map amendment located at Sand Hollow Road and Canterbury Road from PC, planned commercial, to RR, recreational resort. Parcel numbers: H-4-2-11-31031 and H-4-2-11-241. Smoothie Kings Holdings/Dave Nasal Applicant.

There was an illegal subdivision recorded on this property. They are working on resolving it. The Planning Commission gave a positive recommendation once this issue was resolved. Planned

Commercial zoning is pretty open to what they can do so staff feels the City would have more control with the recreation resort zoning. The property owner to the west have agreed to give them an access point to his property but they want them to design the subdivision first. Joseph Prete voiced concern of applicants not being present for their applications.

Kevin Tervort motioned to table the zoning map amendment. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

9. Consideration and possible approval on a **zoning map amendment request located at approx. 4650 W Turf Sod Rd from RA-1, residential agriculture, to R1-10, residential 1 unit per 10,000 square feet. Parcel H-4-2-11-320112.** Ash Creek Special Service District Applicant, Mike Chandler Agent.

This property is adjacent to the other parcel that was considered tonight. After the Planning Commission gave a positive recommendation, the applicant submitted a preliminary plat. Staff has the same concerns as the previous application regarding utilities. They have provided space for a power substation. Ash Creek's plan is to trade this property for property to the west of them which would be more valuable to them. Part of the agreement is the rezone takes place first. Staff feels this property would be better to develop than the property to the west. Arthur LeBaron mentioned the City will have to acquire property from Mr. Tait for the road. There is another access road to the south being discussed.

Dave Sanders motioned to approve the zoning map amendment request based on it is harmonious to the surrounding properties. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye. Kevin Tervort declared a potential conflict as he serves on the Ash Creek Sewer District Board.

10. Consideration and possible approval on a **preliminary plat for Peregrine Point West: Phases 1-3, a 74-lot subdivision located on 600 N and 3100 W.** Lagom, LLC Applicant, Greg Sant Agent.

The proposed property had a zone change last month. There is a 300-foot buffer on the west side for the M-2 zoning. Applicant tried working with Interstate Rock to put a road across their property, but they didn't want it there. The current layout meets the subdivision ordinance. He pointed out the Council approved a similar layout for the Front 9 at Sky Mountain. They are open to adjust the road sizes as requested by staff. Darin Larson asked if another access could be provided. Greg Sant explained it would be too close to the other intersection. He mentioned a future access road from Frank Lindhardt's property that they are hoping they can tie into. They could stub the road so it could be connected in the future. Arthur LeBaron agreed the current accesses are already a little too close, so he doesn't want another access on 600 North unless it ties into the road with the development to the south. He thinks it should be required to restripe 600 North and have a turn lane. Applicant has no problem providing that.

Darin Larson motioned to approve the preliminary plat for Peregrine Pointe West Phases 1-3 subject to staff and JUC comments. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Dave Sanders, and Kevin Tervort voting aye. Joseph Prete voted nay.

11. Consideration and possible approval on a **preliminary plat for Bajar, LLC Subdivision, a 3-lot subdivision located approx. 600 N Old Highway 91.** BaJar, LLC Applicant, Rosenberg Associates Agent.

Applicants are requesting to split thirty-three acres into 3 large lots. It is located on the north end of the Gateway Industrial Park. This is the property that the applicant wants to do equipment sales. Staff has no concerns. Arthur LeBaron stated Andrus Trucking is the largest equipment sales in the area. This will put a lot more trucks on Old Hwy 91. This property is quarter mile north from where an interchange is planned. The preliminary cost has come back around 24 million dollars for the interchange. There are about three crashes at this intersection every day. It would be a good idea to get the interchange built to take traffic off SR-9. Chief Excell agreed there are a lot of traffic concerns. Another access is needed with all the development in that area.

Joseph Prete motioned to continue the preliminary plat for Bajar due to no applicant being present. Seconded by Nanette Billings. Motion did not pass with Joseph Prete and Nanette Billings voting aye. Darin Larson, Kevin Tervort, and Dave Sanders voting nay.

Dave Sanders motioned to approve the preliminary plat for Bajar subject to the JUC recommendations. Seconded by Darin Larson. Motion carried with Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye. Nanette Billings voted nay.

12. Consideration and possible approval on an Amended Final Plat for Zion’s Gate Estates, Phase 2 Lots 54 & 55 Amended. Vincent Blackmore Applicant.

Karl Rasmussen explained this is a lot line adjustment, but since it is a subdivision it requires a plat amendment. The lots will still meet the standards. Council thought litigation had been resolved but felt it was a good idea to continue the item to make sure.

Dave Sanders declared a conflict and motioned to approve the final plat amendment contingent on all issues of the lawsuit being resolved. Motion died for lack of second.

Darin Larson motioned to continue the amended final plat for Zion’s Gate Estates. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

13. Discussion regarding codification of ordinances and the costs associated with it-Cindy Beteag

Cindy Beteag reported we have received a quote from Municode to do our code codification. They are \$5 cheaper per page but have a higher annual fee than who the City is currently using. Municode does offer more, and staff has had a hard time with American Legal updating the changes in a timely manner. Stephen Nelson stated he used Municode at his previous job and really liked their layout and feels like it is very user friendly. Council agreed it would be better to change Municode but it would need to wait until the budget year. Mr. Nelson mentioned other City’s are having the same trouble with American Legal.

14. Discussion regarding Hurricane Garden Homes installing gates across 1580 West and 1450 West-Arthur LeBaron

Arthur LeBaron commented it is a gray area if the roads in Hurricane Garden Homes are public or private. His understanding is they were intended as private because the developer didn’t want to build them to City standards however, the streets were required to be extended to 600 North. The need for connectivity is important. The City intended for the roads to be through streets from SR-9 to 600 North. Hurricane City currently does not have a standard for gated communities. If people are desiring to put gates, then there needs to be rules in place for people on roads that are serviced by municipals. He was

approached by Lester Dalton a few months ago and he told him he didn't know if there were rules on it. He explained utility locates came in for the gates and it flagged for him. He doesn't think gates should be approved on these streets and rules need to be put in place for future requests.

Dave Houston president of the HOA mentioned they have offered the streets to the City but nothing has materialized. They are having a lot of problems with large construction equipment coming through the subdivision from Painted Sands. Traffic has increased dramatically. They are trying to protect the safety of their community. The homeowners of the subdivision all voted and are in favor of the gates. They have saved up money for a while and have already put money towards the gates. He doesn't think the City should be able to stop them from gating private roads. They have spoken to the Fire and Police Departments, and they are okay as long as they are provided with access.

Lester Dalton commented he has been living there for twenty years. He has been in countless meetings trying to resolve this for many years. He doesn't think it is fair to not allow gates when they pay for the roads. If they maintain them, they should be able to gate them for their community. He mentioned the HOA agreed to turn over the roads to the City years ago but it never happened. When Painted Sands was approved the City required them to work with Hurricane Garden Homes because they needed a portion of 1450 West. They worked with the developer and came to an agreement. In exchange for them to give 1450 West they required the developer to resurface 1380 West. He talked to Mr. LeBaron at that point to see if the City would take the roads. He was told no; the roads were always intended to be private. He went to the HOA and they didn't want to dedicate them to the City. He talked to Mr. LeBaron and Clark Fawcett and both said there are no rules in place regarding gates. The only place there are regulations is in the fire code. They are happy to comply with any of those requirements. They just want to limit public access.

Due to substandard roads and language on the plat that prevents the City to take the road; however, the HOA can request anytime the City take the roads. Setbacks could also be an issue. Mr. LeBaron commented the other issue is connectivity. When this development was approved the City intended for them to be through streets. It would be a lot of impact to take the access away from residents. The streets were originally posted as private streets, but they haven't been for a while. The general public has always accessed the roads. Mr. Dalton stated he has asked multiple times what the City's plan is for those roads. It is not fair for them to maintain them when everyone is using them. He mentioned it hasn't been an issue until the last year when Painted Sands was developed. Mr. LeBaron commented there has been a dirt road connecting to 600 North since 600 North was built.

Stephen Nelson commented gated communities should be discouraged in the future. He would like to see integrated communities. Mr. Dalton stated the connectivity needs to come at the expense of the public not private owners. Chief Excell stated he doesn't like gates, but he can see their problem. Police don't enforce speeding etc. on private streets. If the City wants connectivity, then they need to take the roads. Mr. Dalton said there are ways to accommodate the public safety issues. Mr. LeBaron stated he and Mr. Dalton have both gone back and forth on who owns the roads. There needs to be a discussion on who owns and maintains them. He agreed large construction equipment coming through the subdivision is a safety concern. Mr. Dalton commented the homeowners are not interested in making the roads public.

Kevin Tervort commented if they lock it down then their options are locked. When it all has to be replaced, it will be a great cost. Mr. Dalton stated if they continue to do preventative maintenance and close the roads to the public, they will last a lot of years but if the public continues to use them it won't

last a year. Nanette Billings mentioned she spoke to St. George. Their public safety workers have a code to some of the gated communities and others have a guard. Mr. Dalton stated they will have keypad so the code can be provided to public safety personnel. One gate will be at the bridge on 1580 West and the other at the top of 1480 West. A third gate will be installed in the future when development to the north starts. Fay Reber commented if they block access to 600 North then it could be a legal issue. If public has had access for a ten period, then there may be a dedicated roadway according to State code.

Ben Packer moved in the subdivision three years ago. If the City wants the road, they can take them but the City has ignored the problem and they felt this was their only recourse. They will have to go back to HOA if the City wants the roads. He doesn't think it is fair to not allow the gates if they are private roads. All of the City should burden the cost of the roads if they are public, not just their subdivision. Darin Larson commented their subdivision will be greatly impacted when Painted Sands is completed. Mr. LeBaron stated they can talk to the contractors in the preconstruction meetings to not drive that way. Mr. Packer pointed out these roads were never intended to be main arterial roads. Mr. LeBaron's biggest concern is the large loads going across the bridge. Mr. Houston commented they don't want to give the roads up. They have voted for the gates. Mr. Reber advised them to be careful of where they put the gates. Mr. Dalton stressed they have been trying to solve this for twenty years and haven't gotten anywhere. They felt this was their only option. Mr. LeBaron pointed out they have never brought this to the Council. They have only talked to staff. He asked if the Council would approve to accept the streets. Council wants more details before they make a decision. Dave Sanders mentioned Sky Mountain came in with similar issues. They asked the City to take over the streets and the Council agreed. These roads are on the master plan which is even more reason to accept them. The roads won't be up to standards, but connectivity is more important. The HOA is past wanting to dedicate the roads. They want the gates. They have put a lot of money towards them already. Mr. Reber recommended them going back to the association to see if they will dedicate the roads.

Mr. Dalton commented if everyone can't come to agreement and they keep the roads then they have lost time, broke the contract with the gate installer and they would lose money. They are spending a lot of money on the gates, and they redid 1580 West at their expense. They didn't even get notification about the meeting tonight. They intend to proceed and get gates installed. Mr. Reber commented if they do that, they are forcing the City's hand. The problems now aren't the same problems that where there ten years ago. Blue stakes have been out and marked everything. They are ready to start work. They have been in discussions with the fire department to allow whatever they need.

Joseph Prete stated they need to have a work meeting to discuss the problems before the next meeting. They should have come to Council before they voted to purchase the gates. It will cause more problems if they proceed. Mr. Dalton commented there is nothing in the City code that states they needed Council approval before they did anything. Their community wants the gates and there is nothing in the current code that says they can't. Mr. Reber stated State Code states if an access is used for ten years, then it is prescriptive easement. Mr. Houston asked what would happen if they proceeded with the gates. Mr. Reber explained the process. Everyone agreed to meet on April 8th at 4:00 p.m. Council asked staff to look at improvement costs and more detail on the history.

15. Mayor and Council reports

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| Mayor Bramall | Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering - |
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| Nanette Billings | Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council – She has 200 tickets for the LPGA tour. She will get with staff to see who they should go to. Many tickets have already been sold. There are couple lunches and dinners for the Council to go to. There is a Michael Martin Murphy concert on Friday. The advertising videos will be available by the 15 th . They will go to the golf channel, and she will get a copy to Bryce. They will be put on the agenda for Council. Kaden mentioned SUU did receive the MOU and they said they will respond soon |
| Darin Larson | Planning Commission, Economic Development, Planning Department, Power and Swimming Pool – Easter Car show is this weekend. It was the first event that was canceled last year. They are already at 230 cars which they usually get more on the day of. County Fair is in two weeks that will bring more people too. He appreciates all departments that have helped get ready for the Car Show. |
| Joseph Prete | Court, Water, Recreation, Tree Board and Beautification Committee -Water and Recreation departments are hurting for employees. Water Department trying to figure out how to proceed. Ken is presenting it to the Council at the next meeting at 4. Ken believes the impact fees collected by the Water District aren't being used correctly. Raising rates is one way to help. Recreation is looking at restructuring how things are ran. Kaden commented they need to decide what the Council wants for the recreation programs. Community has expectations to have them, but they need more employees. Kevin commented local teams are sick of not being able to use the fields. Joseph wants a family friendly community, and the REC department plays a big part in that. |
| Dave Sanders | Emergency Management, Streets & Drainage, Prosecutor's Office, Code Enforcement and Building and Inspections – Building and Planning departments are stretched really thin too. Kaden commented they are just trying to get to July when we can get more help. Departments are burning out. He is expecting a lot of new hire requests. |
| Kevin Tervort | Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District – He received an email regarding buildup of trash near Sky Mountain. Staff will look into it. He just toured a Sewer Treatment Plant in Alabama. He thinks they will build the one like it. It will sit on half acre in Confluence Park. It will be more expensive up front, but it will run on 55% less power. No odor no unsightliness. It should be up and running in a few years. He watched a council meeting from back East and they charged \$25 a day for not being in compliance. |
| Kaden DeMille | City Administration – There is a water line that feeds the golf course. Greg Sant approached Jeff to see when the City was moving the line. It has never been negotiated. Kaden walked the course with Jeff and line is not right under a house. Greg has come back and said they will pay all cost to move the line. Water pressure is already an issue. Arthur stated the language on the preliminary approval that shows were the line is and that they will preserve the water line so they should stay where it is. If it is moved, he should have to pay for water model to see what is needed for pressure. If it can't water the course, then it needs to stay where it is or put in a booster. Council okay with staff working with developer. Hurricane was awarded 2.13 million dollars in CARES money. They will present a plan at the next meeting. |

Adjournment: 9:52