

Hurricane City Council Minutes – May 6, 2021

Minutes of the Hurricane City Council meeting held on May 6, 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 excused.

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Water Superintendent Ken Richins, Planning Director Stephen Nelson, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes, City Recorder Cindy Beteag, Deputy Chief Kevin Gildea, and Ash Creek Superintendent Mike Chandler

AGENDA

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

Chief Excell introduced new officers Jared Barker, Kaison Kennedy, Nikita Newport, and Todd O'Bray and gave a brief introduction of each one. They lost the crime reports for one day, but it has been fixed so it won't happen again. They had 2640 cases at this time in 2019. They have 2766 cases this year. The County Attorney is reviewing the case on the hit and run. The vehicle that was involved is in Hurricane. They found good evidence. There was an event every weekend in April. Due to that, they had over \$14,000 in overtime. Officers were present for the fatality in Ironman. They were also involved in helping with the bike accident. World Ironman will not allow cars near the event.

Ken Richins is here to answer any questions on the water rate increase. They are short one employee, but they had a good interview today with someone from Salt Lake. They also interviewed two high school students.

Kevin Gildea stated they have completed interviews and made offers to six seasonal officers. They are having difficulty finding vehicles. They will be testing next month for paramedics and EMTs. They intend to hire twelve paramedics in the next year. Their heavy rescue vehicle is being repaired. There was a fire on Kolob last week that was delayed due to communications.

Mike Chandler mentioned they were approached to install a new pump station by Sand Hollow State Park to accommodate more campsites. It will also support three phases of the Romney group project. They are trying to develop a regional system to address all the needs in the area, not just the campsites. There is a group of developers trying to extend the sewer to Leeds. Capacity is keeping up with the growth. They are two months in design on the Confluence Park Plant. That will delay anything needing to be done in Hurricane by four years. Lagoons will probably convert to clean water storage.

Arthur LeBaron commented we have people at UDOT looking out for us. He had someone from traffic and safety take the time to call to help with the hit and run using their footage. Frog Hollow Dam rehabilitation project is estimated to cost about 5.4 million. NRCS is a federal agency that will fund at 65% and Utah Water Resources can fund up to 85% of the remaining 35%. We can use in-kind efforts to match our obligation. His hope is to use material as our match. In order to apply for the funds, he needs a resolution approved that states we will match the funding. We are really close to going to construction as soon as funding is solved. They have also been working on the Gould's Wash flood control with NRCS. He is working on the environmental impact statement. Discussed costs that could be associated with it. All plans include the wash being concrete lined. SR7 will open on May 19th with a ribbon-cutting at 10:30 a.m. UDOT Region 4 has applied on behalf of Hurricane City for funding for Purgatory Road. There is an

item on agenda regarding standards. People have been putting standards on plans that weren't officially adopted. They have reviewed the standards with each department and are comfortable with what is proposed. If approved they can put it on the website. Next Thursday they will start working on taking the bell out of the red church.

Stephen Nelson reported Sand Hollow Mesa has signed the development agreement so they will start moving forward. Utah League partnered with the Ombudsman office to revamp the land use website. Planning Commissioners must do four hours of land use training each year. They will have an online training to facilitate the training.

6:00 p.m. - Call to Order –

Pledge: Ken Richins Prayer: Kevin Gildea

Approval of Minutes: March 04, 2021, and April 08, 2021 Special meeting

Nanette Billings motioned to approve both sets of minutes subject to a few grammar changes. Seconded by Joseph Prete but he wants to make sure the motion is worded correctly on the 4/8/21 meeting because it could be subject to a lawsuit. Fay Reber stated he doesn't think the matter is appealable. The City is only asserting its rights according to the State code regarding prescriptive easement. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

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

NEW BUSINESS

1. Discussion regarding changing the **uses allowed in Planned Commercial zones**-Vincent Blackmore

Vincent Blackmore owns My Place Hotel. It is working well but he is worried about what is going to be built around them. The hotel is full most of the time. They want to do an apartment complex around the hotel with vacation rentals on the bottom floor and long-term rentals on the top floors. The problem is the General Commercial zoning doesn't allow long-term rentals. It is allowed in Planned Commercial but that requires five acres minimum. He is asking if the Council is open to changing the code. He would also like to include a basement that has climate-controlled storage. Nanette Billings mentioned she talked to the St. George Mayor, and she stated the only challenge they are having with this type of development is the owner is charging for parking. Ms. Billings doesn't see a problem with changing the code, but the parking requirement needs to be met. Mayor Bramall commented parking is needed for people's toys when they are here on vacation. Mr. Blackmore stated they have more than enough parking on their preliminary plans. There have forty extra parking spaces to help accommodate the overflow. They are thinking of doing one to two-room units in a three-story building with storage in the basement. Darin Larson questioned if he anticipated noise problems with vacation rentals on the bottom and long-term rentals on the top. Mr. Blackmore stated he would like some flexibility of having the option to have long term and short term and not put a limit on how many are allowed. Mr. Larson thinks there should be a limitation on how many vacation rentals there can be. Mr. Blackmore mentioned he has received a lot of requests for a venue or convention center too. There is a total of two acres that he is looking at buying. The hotel is sitting on one acre.

Stephen Nelson stated the ordinance requires five acres minimum. He thinks this is a good place for what Mr. Blackmore is proposing. Mr. Larson suggested having a commercial shop on the bottom floor as well. Mr. Nelson thinks, in this case, it would be beneficial, but he fears someone could try to build

just apartments without the commercial support. He suggested changing the code that it requires a five-acre minimum unless it is located adjacent to commercial. Council agreed. Mr. Nelson will present a draft to the Planning Commission next week, but a public hearing will have to be held before the code can change. He commented commercial doesn't have a density cap, but the parking requirements will dictate that.

2. Consideration and possible approval of **Ordinance 2021-03 approving an update to the City Standards for Design and Construction, including updated culinary water system requirements and the addition of standard drawings**-Arthur LeBaron

Standards are updated as needed. This proposal has a few updates to the water standards. They have been clarified and modified to match the current division of drinking water standards. It is common for municipalities to have standard drawings for contractors to know what the City requires.

Dave Sanders motioned to approve Ordinance 2021-03. Seconded by Nanette Billings. Joseph Prete voiced concern of the amount of material they are approving. He wanted a more detailed explanation for the new design standards and reasons for the proposed changes. Motion carried with Nanette Billings, Darin Larson, and Dave Sanders voting aye. Joseph Prete voted nay.

3. Consideration and possible approval of a **Resolution increasing water rates to develop water rights and stabilize the water fund**-Ken Richins

This has gone through the Water Board and they voted to recommend this increase. It is mirroring what the Washington County Water Conservancy District, WCWCD, is doing. If this is approved, Ken Richins will meet with the engineers to work out what will be needed to borrow from the Division of Water Resources. The 10 cents will coincide with the WCWCD. The 2% must be approved by Water Board. Joseph Prete would like to see the 10 cent increase capped at five years. Mr. Richins pointed out we will run out of water by that time. If we don't charge enough to stay competitive then we will have to use the WCWCD's water. At the rate we are growing right now we will be out of our water in five years. He thinks we need to bite the bullet and increase the rates. Fay Reber explained it is under the control of the council of what the fees are. Darin Larson suggested making it subject to a five-year review. The reason for the rate increase is to develop our own water and to pay for development and keep up with inflation.

Joseph Prete motioned to approve the resolution increasing water rates subject to the 10 cent increase being reviewed in five years by the Water Board and Council. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

4. Consideration of a possible approval on a **preliminary plat for Sand Hollow Village**, a 161 lot subdivision located on Turf Sod Road and 5140 W. Sand Hollow Village/Ash Creek Special Service District Applicant, Karl Rasmussen Agent.

This will move development to allow Ash Creek Sewer District to acquire the property where Apple Fox was approved. The proposed development will be two different developers. This was recommended unanimously by the Planning Commission and Ash Creek Sewer District's board. Stephen Nelson commented there has been preliminary discussion with Ash Creek Sewer District about adding some recreational use. Nanette Billings asked if another trail could be accommodated. Karl Rasmussen explained they want the trail to go north and south. Staff's recommendation was to have another road

stubbed on the east side, but Planning Commission recommendation was to just have the two connections. Ms. Billings thinks more connectivity would be better. Mr. Rasmussen pointed out they are already giving up a lot of land on the South because of a power line and a substation. They have gone from 161 lots to 157. Mr. Nelson stated another development came in this week. The roads aren't lining up, but applicants will work together to get them aligned. Mr. Rasmussen handed out a redlined plan to fix the road intersection issue. Mr. Nelson explained the motion needs to include a sensitive land application isn't required because they will keep the land intact and included a trail. The Planning Commissioners waived this requirement based on 10-24-5G.

Darin Larson motioned to approve the preliminary plat for Sand Hollow Village subject to staff and JUC comments with a waiver on the sensitive land application because it has been addressed with the open space. Approval is subject to the updated redlined plan. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

5. Consideration of a possible approval on an **Amended Final Plat for Quail Creek Industrial Park Subdivision Phase 3** Amended. D&G Property Holdings LLC Applicant, Civil Science- Brandee Walker Agent.

Stephen Nelson explained the applicants committed to making some changes to the plat. Planning Commission recommended they clean up the note and only show the one lot that will be changed.

Joseph Prete motioned to continue the amended final plat for Quail Creek Industrial Park. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

6. Public Hearing on the following;
 - a. 2021-2022 **Preliminary Budget**
 - b. Proposed **amendments to 2020-2021 Fiscal Year Budget**

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

Joseph Prete commented it is hard to read the budget and he thinks there would be more public input if it was more accessible to the public. Kaden DeMille stated staff has been working on this budget since January. He gave a brief description of what the changes are on the preliminary budget. The General Fund will increase by 20% due to COVID hitting last year and no increase from last year. 1.9 million still needs to be cut. Mr. DeMille will review and cut some and then he will present to the Council to get final approval on what else needs to be cut. Mayor Bramall mentioned another option is getting grants. Mr. DeMille commented he anticipates the capital revenues will increase as well. Overall, there is an increase of \$12,209,123 from last year.

Mr. DeMille explained as the budget progresses over the year additional revenues will come in so the amendments will offset those revenues.

No comments from the public.

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

7. Consideration and possible approval of a Resolution approving the 2021-2022 Preliminary Budget-Kaden DeMille

Final budget will be adopted in the second meeting of June.

Nanette Billings motioned to approve the Resolution approving the 2021-2022 Preliminary Budget. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

8. Consideration and possible approval of a Resolution approving the amendments to the 2020-2021 Fiscal Year Budget-Kaden DeMille

Dave Sanders motioned to approve the Resolution approving the amendments to the 2020-2021 Fiscal Year Budget. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, and Dave Sanders voting aye.

Mayor Bramall suggested putting a grant writer and code enforcement officer in the budget.

9. Discussion regarding code enforcement

Mayor Brammell commented there are a lot of homes in disrepair and some businesses not up to standards. It all needs to be cleaned up. Hurricane is getting big enough that a sanitation officer would be beneficial. Right now, every department has someone trying to enforce ordinances. Nanette Billings stated the planning department asked for help in next year's budget so maybe that person could help with the enforcement. Stephen Nelson recommended hiring a junior planner and then they could help with enforcement. He thinks we need to change how the process is handled and change it to a civil penalty. He would like to update the code for a more effective enforcement mechanism. The State restricts the City from issuing misdemeanors only citations. If we change to a civil system, it is easier to enforce. Joseph Prete commented he thinks we need to have as few of rules as possible. There needs to be a balance to protect citizen's liberties. Safety issues are what need to be addressed. He commented enforcement is needed but we need to be wise in the approach and don't enforce for the sake of enforcement. Mr. DeMille stated Council needs to decide what they want enforced. The more enforcement that is done the less the hired person would be able to help with planning. Dave Sanders commented it becomes a problem when one neighbor's liberty is affecting the other neighbor. Chief Excell feels we need a full-time person to handle code enforcement. 14 out of 27 cities have code enforcement under police.

Cindy Beteag mentions complaints over the last year on a business located on 100 North. It has residential across the street and neighbors are complaining of how much noise there is and how they speed out of the parking lot. Council discussed the noise ordinance. They decided to have Darin Larson and Chief Excell feel we need to talk to the business owner before we send a letter.

Darin Larson thinks a full-time code enforcer is needed. We need to have consistency otherwise it will keep coming back for discussion all the time. Mr. Nelson will work in a full-time person in the budget for code enforcement. Council would like it administrative and civil, not criminal.

10. Discussion regarding Disc Golf at Grandpa’s Pond

There is a group that wants to make it nine holes instead of eighteen. Joseph Prete mentioned a meeting with the Rec department to discuss if the disc golf course needed to be scaled back. They talked about signage and safety. He thought when this was discussed previously, the consensus was to put sign ups and keep the eighteen holes; however, in the meeting, the group was heading in the direction of changing the course. We have already paid for eighteen holes. We just need more signage. He would love to see the eighteen holes regulated and not taken down to nine. Nanette Billings commented it is important to have signage and maybe move some of the holes. Kaden DeMille suggested stronger language on signs that state the thrower is responsible for damages or injuries. Stephen Nelson stated his concern is this park is used for a lot of other recreation uses. He thinks we could have a really good nine-hole course to still serve that demographic. Eighteen holes on this park is cramped. The question is what the goal of this park is and are who we are trying to serve. There are two or three baskets that need to be moved. Mayor Bramall appointed Joseph Prete, Stephen Nelson, Tiffany Wright, Julie Ballard, and Darren Barney to make a decision and bring it back to the Council. Darin Larson suggested a 12-hole course. Mr. Prete commented if baskets are removed; we should keep anchors there so they can put baskets in a couple of times a year for a tournament. Mr. Nelson stated we need more signage and need to mark the baskets and tees.

11. Mayor and Council reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering – He is working on lighting at the airport. Building is still seeing an increased number of permits. Balance of Nature is working on a development plan. Joseph commented it is a good idea to incorporate a trail with their development and the bench lake area. Mayor feels it was evident in the meeting with Hurricane Garden Homes that they want to stay private roads which is fine, but we still don’t want gates. The City could buy the gates and put them at the new fairgrounds.
Nanette Billings	Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council – There are 8 new youth city council. Monday they will serve the teachers. They would love to help with the 4 th of July or other events. There is a new district manager for the Solid Waste that will be approved next Monday. She has been working with Dave Isom on the bell.
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool – Balance of Nature is presenting at the Rotary Club next month
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee – A meeting was held with Hurricane Garden Homes HOA and attorney. There was a good exchange. Concerns for both parties were raised. Fay Reber is coordinating a response to their attorney and then he will bring it back to council. We need to appoint someone to the Peach Days committee. Darin volunteered to be the contact. Joseph would like to see Peach Days centered more around agriculture. He suggested forming an agriculture committee in the near future

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Dave Sanders	Emergency Management, Streets & Drainage, Prosecutor’s Office, Code Enforcement and Building and Inspections – There is a spaghetti fundraiser at Dixie Springs Park tomorrow night
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District -
Kaden DeMille	City Administration – He received an email from SUU stating that they were reviewing the MOU but he hasn’t heard back from them

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

Adjournment: 9:45 p.m.