

## Hurricane City Council Minutes – May 20, 2021

Minutes of the Hurricane City Council meeting held on May 20, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

**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, HR Director Beccie Williams, City Recorder Cindy Beteag and Fire Department Inspector Kevin Gildea.

### AGENDA

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

Dave Imlay reported the colonial pipeline has been shut down due to hackers. The key to unlocking the inscription was slow so it took a while to get back up and going. They will do an extensive report on it at the UAMPS conference. He expects a few blanks with the wind but there shouldn't be any big issues.

Chief Excell introduced new officers Nate Rasmusson and John Blackburn. He stated both are doing great jobs already. He thanked Steve Johnson as a field training officer. He does a great job training the new officers. They held a swearing-in ceremony yesterday for the new officers and they plan on doing it from this point forward. Dispatch and IT are working on the reports and the Council should be getting them again soon. The Drug Task served a warrant last night where a lot of drugs were recovered, and arrests made. They are in the process of relicensing the FM radio station. They are working with the water department for a backup generator on their west well.

Mike Vercimak reported chip seal will start next week. They have put out information signs already. Nanette Billings asked for a sign by the animal shelter on 700 West warning people of the T road.

Darrin LeFevre explained the resolution for the Frog Hollow Dam. The NRCS has been looking at this project and they have come up with a price of 5.5 million dollars to redo the dam. They will pay 65% of the cost, the water resources board will take 80% of what is left, and Hurricane City will pay 20%. Which is about \$384,000. Hurricane City can donate that portion in kind with the dirt that is already on site. They are trying to start this fall. It will still be an earth dam. People are getting letters from Rosenberg regarding Gould's Wash floodway. The letters are just trying to keep people updated but he doesn't know a start time for the project. The City is pushing it because of the number of homes that are at risk if a 100-year flood happened. If a retention dam is built it will hold the water and just let a little out at a time. A detention basin is proposed by three falls. A decision hasn't been made about the intersection of 400 South and 700 West. Mr. Vercimak stated they had a lot of trouble from residents when they tried to clean out the wash last year.

Stephen Nelson stated the committee met about the disk golf course at Grandpa's Pond. They are trying to keep all 18 holes but will see if they can redesign the layout. He talked to the Planning Commission last week about starting an agriculture protection committee. He is still working out the details of what their role will be. He took some ideas to the Planning Commission regarding Planned Commercial uses. They will discuss it at their meeting next week and then hold a public hearing. There are a couple of land use changes on the agenda tonight. He recommended the Council take two meetings to review the code changes to give them a couple of weeks to consider the consequences of what the code change will do.

Fay Reber reported he met with Hurricane Garden Homes’s attorney. After discussion with staff, he sent a letter to their attorney outlining what he thought was reasonable. He will bring it back to council when they have come to an agreement.

**6:00 p.m. - Call to Order –**

Plledge: John Bramall                      Prayer: Dave Sanders

Approval of Minutes: 04/02/2020, 04/16/2020, 03/18/2021, 04/26/2021 special meeting, and 04/29/2021 budget meeting

Nanette Billings motioned to approve all the listed minutes. 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**

Trent Curtis stated he owns the lot where the Sno Shake was on 200 West. It is part of the downtown district. It has been frustrating trying to develop it because the lots are narrow, so the buildings have to be on the sidewalk. He ran into setback issues last time he tried to develop it. All his parking was in the back so customers would have to walk a long way for retail. He also wanted to do commercial on the bottom and residential on the top, but it wasn’t allowed. He asked Council to take these issues into consideration when they decide on the downtown district. He thinks mixed-use would be a benefit for these types of locations. Joseph Prete commented flexibility in this area would be beneficial to fill in the empty areas.

**OLD BUSINESS**

1. 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 this application was continued because changes needed to be made to comply with State code. They have submitted a revised plat that shows lot 16 changed and the note is just for that lot. He thinks the note should be clarified with the intent they are subdividing not shrinking lot 16. His concern is creating a flag lot should be a last resort. There is talk about Dominion Energy putting a substation there which would fit but if they are just wanting another lot then it doesn’t meet the code.

Doug Dennett explained they designed it this way because he was contacted by Dominion. Dominion stated there is not enough pressure to serve the area and they are in desperate need of another station in this area. Mr. Nelson commented if Dominion wants to buy it then it would need to be subdivided. Staff supports a substation on a flag lot, but the note needs to be clear. Nanette Billings would like to see a guarantee from Dominion before it is approved. Mr. Dennett stated it could also be added to phase 4 so it isn’t a flag lot anymore. Mr. Nelson agreed that would be a better option.

Nanette Billings motioned to amend the Quail Creek Phase 3 final plat remaining portion lot 16 to be included in Ph 4 and the wording to be changed on the note. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**NEW BUSINESS**

1. Consideration and possible approval of a **resolution to accept the policy and conditions of the Board of Water Resources for funding participation in the Frog Hollow Dam Rehabilitation project**-Arthur LeBaron

Frog Hollow Dam was built in 1978 to protect the area. This is a 5.5-million-dollar project. We already have approval for the funding. The Board of Water Resources will pay 80% of Hurricane City's portion and the City will use dirt that is already in the area as their portion towards the project.

Dave Sanders motioned to approve the Resolution to accept the policy and conditions of the Board of Water Resources for funding participation in the Frog Hollow Dam Rehabilitation. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

2. **Public hearing** to take comments on:
  - a. The **proposed creation of the Coral Junction Public Infrastructure District** and to allow for public input on (i) whether the requested service is needed in the area of the applicable Proposed District, (ii) whether the service should be provided by the City or the Proposed District, and (iii) all other matters relating to the Proposed Districts.

Nanette Billings 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.

David Nilsson representing the applicant. They have worked on this for quite some time and are happy to be at this point.

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

3. Consideration and possible **approval of a resolution creating Coral Junction Public Infrastructure District**, appointing boards of trustees therefor, approving governing documents for the Proposed District, approving interlocal agreements with the City and the Proposed District, approving of an annexation area, and all other matters relating to the creation of the Proposed District.

Nanette Billings is concerned because there is no regional structure. That should be the main reason for a PID. She understands its commercial, but she is not seeing why a PID should be created for this purpose. Dave Nilsson explained this is a unique financing source. The infrastructure needs to go in no matter what. It is normally funded by a bank but that is harder to get, and it is more expensive. This is a better option for financing and because it is a commercial development the burden falls on the owner. When they sale lots the price can be determined considering the extra tax costs. The site required mass grading and a storm drain plan. Which has huge costs and a financial burden on it to develop. He doesn't think there is a risk for the City.

Marcus Keller with Zion's Bank commented the nice thing about commercial PID is this will never be residential. The lots will be bought and sold by sophisticated investors. They do not think there would be

any negative effects for the City. The commercial PID is what they were created for to help bring down the costs for developers. They are comfortable with the 10 mill levy. They feel it is a good project for this tool.

All areas were SITLA owned land. The red boundary is what they have purchased and in the initial request. The green parcels are part of the annexation area that SITLA requested to be part of this request. 10 mill levy is max and that would produce no more than 10 million. The project is projected to be closer to 8 million, but this will give a buffer to help get better rates. Kaden DeMille commented this is different than the last request. Using the criteria, the City has established, this one does have the economic development side. Stephen Nelson mentioned the General plan does mention using PID as a tool to drive economic development.

The RV Park will encompass half of the property. They are discussing hotels, retail shops, and another multipurpose use area that can be used as a convention center. Ms. Billings stated the plan doesn't include a convention center, so she doesn't see a need to approve it. We don't need to promote economic development when everything is getting developed on its own. She thinks the price would be put on the consumer to accommodate the owner's extra costs in taxes. Darin Larson explained it will help them develop this at a lower cost. It is a good tool to put in the necessary upgrades at a lower price than traditional funding. This is a cost they will incur no matter what. This will give them a better interest rate. The burden won't be on the City. It will be on the owner. A market study has been done on the RV Resort and an internal one was done on the hotel center and one for the convention center. If they don't do the convention center, then the town center wouldn't be as improved, but they are still designing the project. Mr. Larson feels this one makes more sense than the last PID because it is a good funding mechanism for a project. Joseph Prete commented he is very reserved about PID's. It would be beautiful to have development in this area, but he doesn't like the PID instrument. It is still too new.

Aaron Wade with Gilmore Bell stated there are two items that were still being discussed in the governing document. There is language in there stating an infrastructure plan must be submitted before they get approval by staff. This document only authorizes bonds up to thirty-year bond. Forty years would only come into play if the district was not able to generate sufficient tax revenue in the thirty-year period. Commercial property owners would be the board. Mr. Keller mentioned the improvements must be made to this area. This tool gets them the best rates to develop. Kevin Tervort commented he is not a big fan of PID's but there is a big difference between commercial and residential. The burden will only be on the developer. Not the City or residents.

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

4. Consideration and possible approval on a **proposed zone change and preliminary site plan to update and add to an existing planned development overlay, Copper Rock, now including 1057 acres from the original 864 acres and a total of 2852 units from the original 2200 units.** Totaling in a 2.7 units per acre density. Fairway Vista Estates Applicant, Mike Bradshaw Agent

The Planning Commission unanimously recommended approval. The density won't be increased. Stephen Nelson stated the only condition from the Planning Commission was they work out the road

alignment with Cordero. They are proposing to add additional 160 acres and to realign the roadway on the top east portion of the property. This will give them better access throughout the property. Staff concerns are Cordero already has approval and construction drawings for where the road is previously showing. The alignment needs to match the master plan and still connect to Cordero. Mike Bradshaw stated the sewer fault line follows the proposed road. This layout works the best with the topography, but they will work with the neighboring developments. Nanette Billings commented a fire station is needed in the area. This plan takes out the ground that was planned for public safety and churches. Mayor Bramall stated there were a lot of public comments when this was first approved that surrounding property owners didn't want smaller zoning. This proposal is taking out those buffer zones that were promised to surrounding properties. Mr. Bradshaw commented they have had discussions with fire staff, and they stated they don't know where they want a station. A fire station is not off the table, but it just isn't in a specific location. Ms. Billings stated the City needs to know where it is before more is approved. Mr. Bradshaw mentioned the buffer zone is still there along Sky Ranch. That area hasn't changed from what they originally proposed. Mr. Nelson commented there were some half-acre lots on the southeast side. The density is more to the west. The overall density was added but they added more property too. The density didn't increase overall.

Darin Larson questioned if the public safety facilities made more sense in the Romney Development because it is closer to SR-7. Mayor Bramall stated it is needed in both locations. Mr. Nelson explained the Romney group left acreage in each pod for public safety. The original plan for Copper Rock included parcels along 3000 South for public safety. Council could put there is a requirement that two acres are left for the fire station wherever they choose the location. They have designated areas for schools, parks, and churches.

Nanette Billings motioned to approve the zone change and preliminary site plan for Copper Rock subject to a two-acre lot allocation for the fire department the road alignment is congruent with other roads in the area. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**5. Consideration and possible approval on a proposed Land Use Code Amendment Title 10-Chapter 39-subsection 15 regarding enforcement and permits within a subdivision**

The current subdivision code didn't meet State code. It currently states the City won't issue any permits until everything is completed. It did allow them to record if they bonded but no building permit could be issued. There is an exception to build a single model home if all the improvements have been done but not checked off. State code reads *A municipality may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement: that is not essential to meet the requirements for the issuance of a building permit or certificate of occupancy under the building code and fire code; and for which the municipality has accepted an improvement completion assurance for landscaping or infrastructure improvements for the development.* He researched what other cities do to meet state code. The Planning Commission wanted to list out the terms, so it is always done the same. He read suggestions on requirements from City Attorney Fay Reber. Staff recommended including curb and gutter as a requirement, but the planning commissioners took it out because it doesn't function until the asphalt is put in and it would be more efficient to install all of it at once. Darin Larson stated the assurance bond is 125% of the engineer's estimate so that gives a 25% buffer. Mr. Reber explained the proposed changes list what improvements are required to be

completed. Council agreed curb and gutter shouldn't be included. Mr. Nelson mentioned the curb and gutter also serve as the benchmark for where utilities will be located.

Darin Larson motioned to continue the land use code amendment. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

6. Consideration and possible approval on a proposed **Land Use Code Amendment to Title 10-chapter 13, table 10-13-1 regarding minimum lot acreage in RM-2, multifamily 10 units per acre and RM-3, multifamily 15 units per acre. As well as Title 10-chapter 15, table 10-15-1 regarding multifamily** use in Commercial Areas in the Downtown area.

Stephen Nelson explains RM3 requires a minimum of 1 acre. RM2 has the same provisions but has some exceptions. Planning Commission is recommending a change to the land use table to add a note stating a minimum area is not required in the downtown area as listed within the General Plan Map to allow for infill and redevelopment of the downtown area. The Planning Commissioners thought allowing a multifamily unit in a commercial zone as conditional use would be better than not permitted. This would add another section to the Conditional Use sections and lists the standards. The Commissioners wanted it to have residential uses around it to keep the residential feel. Council voiced concerns about that requirement. Darin Larson questioned if they should add a provision that mixed-use is allowed. Mr. Nelson suggested putting it adjacent to residential then they can do multifamily but if it isn't then it has to be mixed use. We still want to encourage commercial in the downtown area. This change helps implement the goals of the General Plan.

Nanette Billings motioned to continue the land use amendment. Seconded by Joseph Prete. 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 122 S 200 W from GC, general commercial, to RM-3, multifamily 15 units per acre.** Parcel H-92-A-1-A-1. Sunnie LLC Applicant, Scott Stratton Agent.

Nanette Billings motioned to continue the zoning map amendment. 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 **preliminary plat for Oak Haven, a 39-lot subdivision located on Turf Sod Road and 5140 W.** Monte Slavens Applicant, Civil Science Agent.

Planning Commission recommended approval unanimously. Nanette Billings asked if the road aligns with neighboring properties. Chris Wyler stated they did make that change and the roads line up now. They have enough power for 50 units. The water loop is almost complete. A secondary access will be provided if this is approved. Stephen Nelson stated Dixie Power is willing to work with them since Mr. Wyler is part of the development. Carson Tait hasn't signed off yet. Arthur LeBaron is working with Mr. Tait.

Joseph Prete motioned to approve the preliminary plat for Oak Haven 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.

- 9. Discussion and consideration of a possible approval on a **preliminary plat for Rock Hollow Subdivision, a 53-lot subdivision located on 1100 W near 3000 S**. Chad Palmer Applicant, Bob Hermandson (Bush & Gudgell, Inc) Agent.

They can work through staff and JUC comments. Mayor Bramall mentioned he talked to the fire district and they are okay with doing a hammerhead instead of cul-de-sacs.

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

- 10. Consideration and possible approval of an **amendment to the Sky Mountain Development Agreement**-Greg Sant

Stephen Nelson explained the applicant wanted to start building model homes, but that code is being reviewed so they asked for this item to be removed.

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

**11. Mayor and Council reports**

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering – He and Arthur are working with UDOT on flyovers and Technical Advisory Committee to fund Purgatory Road. There are water restrictions. Watering is only from 8 p.m. to 10 a.m.
Nanette Billings	Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council – They are taking the bell out of church now. She wrote a resolution for critical race theory that she will send out for Council to review.
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee – Rec Director closes tomorrow. We have received over 100 applications. Still having trouble obtaining people.
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 – They are looking at getting Shums Coda here to work as the building official until they fill the position. The Council room is getting re-carpeted next week. They

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	need to set up a meeting for the budget. Council agreed on June 9 <sup>th</sup> at noon. Attorneys met today regarding the MOU with SUU. He will be sending it out to Council to review.
Cindy Beteag	Reported Granicus is live, and letters have started going out. She passed out a snapshot of the numbers of rentals. She handed out the new layout of the agenda. There is a home that is on the waitlist that has been violating the short-term rental ordinance for a few years. They are now advertising the home for sale with the vacation rental license option, but they haven't finalized the license yet. There is a neighbor on the waitlist that is upset if the license is granted when they have been violating the rules for so long. Council advised her to issue the license because there isn't anything in the ordinance addressing violating the waitlist.

**Adjournment: 9:28 p.m.**