

Minutes of the Hurricane City Council meeting held on June 17, 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 Chief Tom Kuhlman.

## AGENDA

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

Tom Kuhlman reported they responded to a fire on the Black Ridge yesterday. It burned about twenty-six acres. It was caused by a FedEx truck catching on fire. He voiced concerns about next year's budget. He mentioned the Governor would like to ban fireworks statewide, but he isn't allowed to. Incorporated areas are required to have a designated place to light fireworks. He asked everyone to encourage people to watch the City's fireworks instead of lighting them off themselves. They responded to twenty-four firework calls last year from residents.

Chief Excell stated they are continuing with field training with their three new officers. They are 130 cases ahead of last year at this time. The trend is showing things are going up still. He sent out an update on the alleged kidnapping. It was not kidnapping, and they are charging the 16-year-old girl for filing a false report. It cost taxpayers a lot of money for them to respond. The Police Department has an armored vehicle, but the tires are showing separation. Tires are about \$3500 apiece plus the cost of mounting. He found some tires and rims already mounted for \$127 each. The new community officer is Dan Raddatz, and he has a citizen's academy setup that will start July 1<sup>st</sup>. If there is enough interest, they would like to hold it more than once a year. Ken Thompson is now the supervisor at the animal shelter. He is working on streamlining different processes there. They are reviewing fees including the fee to spade and neuter shelter animals. They will be having some training for emergency responders on large events. They are still working on the generator for the west well. The radio station is re-licensed for the next seven years. They have a committee to work on making it better.

Dave Imlay mentioned a program called Light up Navajo. It is an opportunity to send crews and equipment to the Navajo Nation to build power for them. There is an opportunity to join next April. He would like approval to send a couple of his guys. It is not in his budget so he will research more to have a better idea of how much it will cost. There are three zone changes on the agenda that equals about four hundred new dwellings. We don't have the capacity to feed these developments. They are working on getting easements but don't have them yet. We still have the capacity in our system so we shouldn't have brownouts.

Mike Vercimak reported building has slowed a little, but staff anticipates it picking back up. The chip seal project is almost complete.

Arthur LeBaron stated they have a lot of final plats coming through. There is an item about 1040 West on the agenda. The principal at Hurricane Elementary is asking if we can put a road on the north side of their campus. They own sixty feet in between them and Valley Academy. There is a power line in the

center of it, so it doesn't leave enough room for a public road. Valley Academy owns property on the west end so it would still have to go through it. The driveways on 870 West would be close. The school could possibly build a one-way road. He sent a letter back to Valley Academy's attorney, but he did not get a response. He agrees there is a congestion problem, but he doesn't think it requires emergency action.

Stephen Nelson mentioned Hillside Estates was on the last agenda. They have withdrawn that design and have resubmitted a new plan. The Planning Commissioners will review it next week. He thinks the Bench Lake Townhomes need a hillside application. They didn't think they needed to because they weren't natural slopes. The code requires it if more than two acres have slopes more than 10% slopes. They haven't submitted anything yet, so he recommends continuing the application or sending it back to the Planning Commission. Coronado Ridge has a sensitive land issue. Planning Commission approved phase 1 but not the remaining phases because it needs a hillside application. The interactive general plan is now online. He gave a presentation to the Chamber of Commerce today. He will send Council his presentation. We have partnered with St. George Regional Economic Development. They will establish a steering committee. They will meet next week to establish what goals they have.

**6:00 p.m. - Call to Order –**

Pledge: James Prayer: Mike Bird

Nanette Billings motioned to move item 4 to the end of the agenda. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

Presentation of golf ads- The ads were played for the Council. They will be airing on the golf channel during the LPGA tournament.

**Public Forum – Comments From Public**

Mike Bird submitted his comments opposing the zone changes. His comments are attached to the minutes.

Shelley Goodfellow stated when she started with the Planning Commission, she was very adamant about property rights, but she has learned a lot. There is a need to keep agriculture in the area. People should have the right to change zoning if it makes sense. If we continue with letting agriculture being developed there won't be any left. The fields when she was young have all been developed. The Bench Lake area is the only agricultural land left. She listed reasons why it should stay. There was a meeting in 2017 to try to change it to A-5 but the majority of the owners wanted to keep the zoning the same. She thinks there needs to be an area of RA-1 zones. Agriculture is a big part of our community. There is a lot of growth in Hurricane, and she feels the need to pull development back that has large developments.

Kelby Iverson thinks this is the perfect area for a buffer zone of one acre zoning. Residents have worked hard to keep it this way. He is in opposition to the zone changes in the Bench Lake area.

Jennifer Lester lives in the Bench Lake area. She is opposed to the proposed zone changes. They have been in many times to oppose various zone changes. She has asked applicants why they purchased the land if the zoning didn't work. They said they talked to Council or the Mayor and were assured it would happen.

Howard Woods loves where he lives. He didn't think it would change for a while. He wants to stay there as long as possible. These zone changes would hurt the surrounding property owners.

Wendy Goldrich moved here because she wanted agriculture. She moved here from California where she had one acre. She came with seventy-four animals and loves the small-town agriculture life. She wants it to stay in agriculture.

Lynn Kofoed sent a letter opposing the zone changes. It was read to the Council and is attached to the minutes.

#### **OLD BUSINESS**

1. 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 City's code was not in compliance with State code. Council directed staff to come up with a code that meets state code but still protects the city. Planning Commission made a positive recommendation but recommended removal of curb and gutter (item 3). There was a developer at the last meeting who stated this didn't meet state code. Fay Reber and Stephen Nelson met with that developer and determined their concerns weren't valid and the proposed amendments do meet State code. Mr. Reber added the section in the current code regarding model homes back in. Final checklist requires all improvements but needs to be edited to match the first of the amendments. The first part of the amendments changes what the City can require before permits can be issued. They spoke to the Ombudsman office and confirmed the proposed amendments comply with State code. However, after speaking with the developer, they felt adding a model home should be added back in. The final checklist needs to be decided.

State code states if we accept a bond for completion of improvements then we can't deny a building permit if building and fire codes are met. Mr. Nelson stated the city can require improvements that would be needed to issue a certificate of occupancy. Developers are not going to be able to provide access to all areas if areas are dug up with trenches. They want to ensure the infrastructure going to the home is there. Withholding the certificate of occupancy doesn't ensure there isn't occupancy in the building. All infrastructure besides asphalt and curb and gutter would be required. The current code requires all new subdivisions to have curb and gutter installed. The Planning Commission recommended removing that, but staff feels it serves as benchmarks to ensure correct placement of utilities. Darin Larson pointed out curb and gutter would get ruined and have to be redone if it is done before construction is complete. Arthur LeBaron stated sidewalks get broken but not curb and gutter. Why not make it a requirement if it is a requirement later. It plays such an important role when laying out projects. Dave Sanders pointed out if a developer can go twelve months without asphalt, curb, and gutter then it will create a lot of dust and other nuisances. Mr. Nelson stated State code doesn't allow the City to withhold the certificate of occupancy if there isn't pavement. Mr. Larson stated we have bonds to ensure the improvements are put in either way. Dave Imlay commented it creates more problems when things are done out of order. Transformers are set at grade. This creates a mess for staff. Mr. Nelson suggested removing item F to remove final checklist. Council agreed.

Dave Sanders motioned to approve the Land Use Code Amendment subject to removing final checklist, leaving curb and gutter as required, and changing water lines to water systems. Nanette Billings suggested adding applicants can come to Council to review on a case-by-case basis. Motion stands. Seconded by Kevin Tervort. Motion carried with, Joseph Prete, Dave Sanders and Kevin Tervort voting aye. Nanette Billings and Darin Larson voted nay.

**2. Consideration and possible approval of moving the clubhouse for Pecan Valley-Chris Wyler**

Chris Wyler would like to remove the overlay on lot 60 for the clubhouse. Stephen Nelson state Mr. Wyler has submitted a preliminary plat for the next phase, but it doesn't address the problem. There still wouldn't be a clubhouse for phase 1. Mr. Wyler stated they have 23 single family lots that can act as their own clubhouse. Using his home as the clubhouse is forcing him to upgrade the sprinkler system. A clubhouse requires a massive system as opposed to a residential system. He doesn't think it makes sense to pay that much for a bigger system only to use it for a year. He can bond for the clubhouse. Nanette Billings stated her concern is the development agreement isn't being met. They received this zone because a clubhouse was provided. She thinks he needs to stick to the agreement. Mr. Wyler stated they could keep the house as the clubhouse if they don't have to upgrade the sprinkler system. They intended to live there during construction. He wants to remove the portion in the agreement that states they can only build 50% of the single-family areas until the new clubhouse is built. He can look at getting the clubhouse moving based on the ordinance that was just passed.

Mr. Nelson explained the initial plan had a clubhouse in phase 1 but Mr. Wyler didn't think it was the best option to build it in phase 1. Council approved a comprise to allow lot 60 to serve as the clubhouse. His concern is even if he provides a bond the City wouldn't build a clubhouse. The deed restriction says there is no overnight residential use, however, onsite maintenance is allowed in commercial. He has talked to the Fire Marshall, and they are adamant about the sprinkler requirements. He agrees there are concerns but he doesn't like going back on the agreement. Phase 3 is the only one that requires a clubhouse. Mr. Wyler stated the verbiage that triggered the new sprinklers is the clubhouse. He asked if they could change the name, so it doesn't have the upgrade sprinkler system.

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

**3. Consideration and possible approval of an ordinance amending Title 3, Chapter 10-Cindy Beteag**

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

**NEW BUSINESS**

**1. Discussion and possible action regarding construction near Lava Bluff Subdivision- Hana Kennedy**

Hana Kenned handed out pictures of the grading that has been done east of Lava Bluff. It has compromised their chain link fence. Her home as well as eight other homes border the commercial property. The new business has done massive grading and no retaining wall was built. They have raised the property five feet. Floods have caused problems in the past. She met with Mayor Bramall on May 17<sup>th</sup> and he agreed a retaining wall was needed. Mike Vercimak went and looked at the property and stated it was 2 to 1 grade, so a wall wasn't required. She spoke to Stephen Nelson who said he went and looked property and agreed it was not a 2 to 1 grade and he would talk to Public Works. One of her neighbors walked the property with the owner and they stated the City told them not to build a retaining wall because of an easement. Their walls are crumbling. They did not get a permit for grading,

so it was not inspected. She thinks it will create more flooding problems. This will create problems with people backing into their yard. This has also created a dust problem and privacy issues. She is requesting a retaining wall and a privacy wall. There are 164 homes in Lava Bluff that could all be affected. Stephen Nelson stated a permit was issued to tear down buildings, but the City doesn't require a permit to clean up the property. It was more work than what the City realized. It looked like the slopes complied with the standards. Mayor Bramall stated the grading has changed which affects the privacy of the neighbors. Ms. Kennedy stated the earth wall is already crumbling and causing damages.

Arthur LeBaron suggested he, Mike Vercimak and Stephen Nelson meet with the property owner and come back with suggestions to the City Council. Dave Imlay will look to see if there is an easement there. Kevin Tervort stated drainage needs to be discussed and something provided on the property.

2. Consideration and possible approval of a proposed **zone change amendment request on 17.41 acres located at 3900S and 1100 W** from RA-1, residential 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet. Parcel number H-3394-A-2-A. DAF Development LLC Applicant, Rick Richardson Agent

Planning Commission recommended R1-15, not R1-10. Nanette Billings thinks they can still have a project with 1 acre. She thinks they need to protect the neighbors. Todd Getz explained this sit at the entryway to Copper Rock. This isn't flat land so 1 acre lots wouldn't fit. Development to the south has third acre lots. He feels it fits the surrounding uses. They are asking for R1-10, but most lots will be a third or bigger. Ms. Billings stated even though it's not farmland it is still agriculture. They don't have water rights yet. They are working on sewer getting there. The power isn't there, but it will have to come eventually. They understand they might have to wait to build. Mr. Getz stated eighty percent of the lots will be third acre, but because of slopes some of the lots will be smaller. Darin Larson mentioned the Planning Commission suggested a development agreement, so the density was third acre, but some smaller lots were allowed.

Nanette Billings motioned to deny the zone change based on it is not compatible with the surrounding properties, it doesn't match the General Plan and the neighboring properties are against it. Motion died for lack of second.

Darin Larson motioned to approve the zone change amendment as R1-15 but will consider a PDO to have smaller lots based on it is compatible with surrounding properties, it is a good buffer, it is in harmony with the overall character and utilities will have to be installed before they can build. Seconded by Dave Sanders. Motion carried with Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye. Nanette Billings voted nay.

3. Consideration and possible approval of a **proposed zone change amendment request on 57.5 acres located at approx. 3071 S 1100 W from RA-1, residential agriculture 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet.** Parcel numbers: H-3343-A-4, H-3343-A-1, H-3396-A, H-3396-C, H-3396-D, H-3343-A-4. Troy Catoor, Moses Russ and Judy, and Diamond Edge Construction LLC Applicants, Scott Stratton and Troy Catoor Agents

Scott Stratton is present and Troy Catoor is online. Mr. Stratton reviewed the surrounding zoning and people that are in favor. Sewer and water are there. The canal company can't supply water there. They

have sixty-five shares of water. They are requesting R1-10. There are three residents that currently live on this property. The five-acre parcel in the middle will stay there. They will have to have half acre lots in a portion of development because of the existing house. They know they will have to have a buffer zone between the gravel pit. Mayor Bramall suggested leaving the three parcels as RA-1 and just change the other parcels. Planning Commission recommended denial. Mr. Stratton would be okay with half acre on the two parcels with a home, but he would have to review it more. This gravel pit doesn't do blasting so the 300' buffer shouldn't apply. The property is flat, so a sensitive land application probably won't be needed. Nanette Billings commented the land is being used for agriculture. Mr. Stratton stated he could make R1-15 work but he will have some half acre lots. Mr. Catoor stated he moved here six years ago, and he can't even ride down the road anymore because of the traffic. This isn't agriculture anymore. Large developments are already approved around them. Farmers can't herd cattle or animals on this road anymore. Mr. Stratton pointed out the ad that was showed at the first of the meeting is inviting people here. Kevin Tervort asked if everything on 1100 West could be left half acre. Mr. Stratton stated yes everything on 1100 West and another portion. Stephen Nelson stated the General Plan map has this as rural residential. It was changed to preserve agricultural uses. The applicant has applied to change the General Plan for this area. Staff recommends to table or deny this application until the General Plan application has been reviewed. Mr. Stratton pointed out the General Plan has changed from the time he bought this property. It was at 8 units per acre.

Joseph Prete feels development is going too fast. He would like to see agriculture preserved. We are here because of the canal company and heritage. He had hesitancy changing the last application, but this is closer to Bench Lake. Agricultural can be used on this property. He wants this area to stay agricultural. Darin Larson suggested approving half acre and then the applicant can come back with PDO with the half acre along 1100 West but then put denser lots in the back. Half acre lots meet the General Plan. Ms. Billings commented one acre lots are already the buffer zone. The default zoning is RA-1 for the valley but that isn't what's intended for the entire valley. She wants to keep the small-town charm. The City can't say yes to every zone change. Mr. Larson feels the boundaries for Bench Lake are 1100 West and 3000 South. Kelby Iverson stated the property owners want the area to stay as is. The City paid a lot of money for the new General Plan and it states the City will invest in protecting agriculture. He asked Council to protect the people that are there. Jennifer Lester commented City needs to take a stance and stop approving everything that comes through.

Nanette Billings motioned to deny the zone change at approx. 3071 S 1100 W based on it is not compatible and the utilities are not there. Seconded by Joseph Prete. Motion failed with Nanette Billing and Joseph Prete voting aye. Kevin Tervort, Dave Sanders, and Darin Larson voted aye.

Darin Larson motioned to approve half acre zoning based on it is compatible with the General Plan, the infrastructure will be built, and it provides a buffer. Motion dies for lack of second. Mr. Stratton asked if it could be tabled, and a work meeting could be held to work out the details. A PDO couldn't be approved tonight because it requires a site plan.

Dave Sanders motioned to table this item until after a work meeting is held. Seconded by Darin Larson. Motion carried with Kevin Tervort, Dave Sanders, and Darin Larson voting aye. Nanette Billing and Joseph Prete voted nay.

**4. Discussion regarding the Amended Development Agreement for Collina Tinta and the Ridge at Zion Vista**

Chase Stratton was present representing RR Penga, the owner of Collina Tinta. He is contracted with them to build the homes and the infrastructure. The owners want to make some changes to the design guidelines addressing lighting and landscaping. The first phase was amended, and they would like to make changes to the development agreement as the owner in the next phase. There is a clause in the agreement that states if there is a change in the developer then the new developer becomes the successor and gives them the rights of the developer for the subdivision. They are questioning if they can make the design changes as the developer for this phase. Nanette Billings read the clause in 6.29; *This Agreement shall not be modified or amended except in written form mutually agreed to and signed by each of the Parties. No change shall be made to any provision of this Agreement unless this Agreement is amended pursuant to a vote of the City's City Council taken with the same formality as the vote approving this Agreement.* Mr. Stratton read from section 2.3; *Developer may establish Design Guidelines for each Development Phase, and if established, shall provide a copy of the guidelines to the City when a Site Plan application is submitted to City for approval of such phase.* They don't want to make changes to the development agreement only the design guidelines. They are asking if they can make the changes for this phase since they are the developer. Fay Reber stated there is a development agreement in place. The agreement provides successor owners to come along, and they step into the shoes as the developer for their portion of the property. There is a site plan that is approved, and they are seeking to amend that site plan which is part of the development agreement. He interprets the agreement is that in order for it to be changed in any detail, it has to be approved by the city and all parties. Mr. Stratton pointed out they are the only developer of the property. Toquerville Enterprises is an owner but not a developer. Joseph Prete reads the definition of a developer in the development agreement. He assumes Summit Hurricane Development lost their land to RR Penga who will be the successor and developer. He doesn't think Toquerville Enterprises was ever the developer. They are the owner. He thinks RR Penga should have the rights to the development agreement without the owner having to weigh in on the changes. Mr. Stratton references section 1.4 where it mentions the owner is the developer, but they see it as they are the sole developer of this phase so 2.3 applies. They are asking to do the same thing they did in phase 1. They have an amendment that has been pending for a few months that won't be signed because of a pending sale.

Stephen Nelson stated Council already approved the amendment to the development agreement, but Toquerville Enterprise isn't signing the agreement. The question is do they need their signature. Mr. Prete doesn't feel they can approve it without all signatures if they are deviating from the master design guidelines. Darin Laron commented it is a shame development is shut down again for a technicality. Mr. Reber pointed out they did a third amendment three years ago that Toquerville Enterprises signed but they are not signing now due to a potential sell. Mr. Nelson mentioned the property is under contract and they have talked to staff. They want to come make amendments to the agreement and RR Penga will have a say in what happens.

**5. Discussion regarding the completion of the 1040 West road extension-Rebecca Holman**

Beccie Holman is here on behalf of Hurricane Elementary PTO. It is her understanding that 1040 West was intended to be completed to 600 North. Due to growth and safety concerns on 870 West they are trying to get the road extended. Their biggest concern is safety. A lot of parents park on 870 West and have the kids cross not at the crosswalk. She has concerns with the backup on 600 North with the

crosswalk there. She spoke to Mr. Low, and he suggested a one-way road around the north end of the elementary property. She doesn't think that will solve the problem. It will still back people up on 870 West. Arthur LeBaron stated Valley Academy did show a road extending to 600 North on their preliminary plan. The Graff's have said they could have access on their property to the west, but they would still have to cross Valley Academy's property. Ms. Holman has talked to Valley Academy and a road is not something in their plan. Darin Larson commented if the City feels it is that big of a priority then something needs to be done. A resident stated Valley Academy is planning a future phase. He questioned if a road could be required in that phase. There is a lot of concerns from parents. Council has talked to the School District, and they have offered to pay a third of the road. Ms. Holman read an email from Valley Academy's principal stating a municipality may not require a school to pay for a portion of the road.

Arthur LeBaron explained a subdivision was planned where Valley Academy is located. The City and Ence Homes had plans for a road that extended to 600 North, but when the economy fell in 2005 Valley Academy picked up the property. They showed that road on their original site plan. Stephen Nelson mentioned schools have protection from the State on City's codes. Fay Reber stated the City would have some oversight for the roadway because of safety concerns. The City asked them for was the property and then the City and School District would pay for the road. Mr. Reber stated if Council wants to go in the direction of eminent domain, then they should start with their attorney. Council agreed the best route would be to extend the road to the west and then up to 600 North. Ms. Holman asked for the curb to be painted red along the road to the south of the school. The school is looking at turning some of the grass areas into parking. Council directed Mr. LeBaron to talk to the Graff's and Mr. Reber to write a letter to Valley Academy's attorney.

**6. Consideration and possible approval of a twenty (20) foot wide one-way road in Glamper's Inn-Karl Rasmussen**

Stephen Nelson explained an RV park requires thirty feet to accommodate two-way traffic. They are proposing to split it and do a one-direction twenty-foot interior road instead. The code hasn't been interpreted that way, so staff wanted Council to approve the change. The radius is still met.

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

**7. Consideration and possible approval of a proposed zone change amendment request located at approx. 160 W and 1200 S, parcel numbers H-L-1-2-B and H-L-1-D-1 to contain a PDO, planned development overlay. Stormi LLC Applicant, Scott Stratton Agent.**

Planning Commission had a split vote. They wanted a road punch through, but Mr. Stratton didn't want that road. The property to the south would only have eight-foot access. He didn't hear from the owners until today. It would cost him 152K to lose the lot and extend the road. He stated they will try to do an easement along the lot but if that doesn't work then he won't do the subdivision. Most of the canal is buried in this area. Applicant asked for it to be tabled.

Dave Sanders motioned to table the zone change request located at approximately 160 W and 1200 South. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

8. Consideration and possible approval of a proposed **zone change amendment request on a portion of H-3-2-4-1231 and H-3-2-4-123 located at 1369 W 650 S from RA-1, residential 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet** to be consistent with the Southern portion of the parcels and development to the West. Chris Wyler Applicant.

The subdivision is mostly zoned as R1-10, but one section is RA-1 so they are just trying to get them all to the same zoning. Showed a plan to bring the road through.

Joseph Prete motioned to approve the zone change located at 1369 W 650 South based on the staff report. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

9. Consideration and possible approval of a proposed **zone change amendment request on the north portion of H-3-1-32-1103 located at 75 N 2260 W from M-1, light industrial, to HC, highway commercial**. IHC Health Services, Inc Applicant

Kevin Tervort motioned to approve the zone change request located at 75 N 2260 West based on the staff report. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

10. Consideration and possible approval of a proposed **zone change amendment request located at approx. 2800 S Sand Hollow Road on 461.38 acres to contain a PDO, planned development overlay**. The Hollows LLC Applicant, Brett Burgess Agent

Brett Burgess stated they have an agreement with STLA on this property. They came in a year ago with a portion of the property to zone to R1-8. Council asked them to wait until after the General Plan had been updated. They are proposing 1770 units on 460 acres which equals about 3.85 units per acre. It is similar to Sand Hollow Resort. On the north end, they are proposing 2 units per acre and 33.2 acres of open space. They are trying to promote trail connectivity. Possibly a mountain bike primitive trail. They want to preserve the natural features in the area. They are trying to connect and loop trails and services in the area. Chris Wyler requested them to work on a fire easement in the middle of the development.

There was standing groundwater along Sand Hollow Road, but the Water Conservancy has built six wells. They hit rock at four feet so there will be no basements. They will also have to bring in some fill. Council discussed groundwater in the area. Aaron Langston with STLA explained they noticed standing water about six years ago. They hired a hydrologist to do a survey in the area who said the water was coming from the reservoir, so in the end, they sold that property to the Water Conservancy. He explains STILA was granted land to use them to make a permanent fund for the beneficiaries. The biggest beneficiaries are school kids. They partner with developers and the money that is generated goes into the permanent fund. As money goes up the distributions get huge. Washington County received four and a quarter million dollars of that money.

Mr. Burgess stated they will bump commercial up to forty acres. They wanted recreational resort but now they are looking at doing a hotel with a convention center and then homes around it that will be vacation rentals. They changed it to 20% instead of 28% of recreational resort. There will be about 335 units as rentals. 55% will still be single family. They think it is a good mix. Dave Sanders declared a potential conflict of interest. Area F will be commercial. They are open to suggestions on the trailhead. Staff has no concerns. Mr. Nelson feels the City should own and maintain the open space. No public comments were made at the public hearing. They are currently working on utilities in the area. There are adequate services there. They will try to be night sky compliant. They are requiring minimal grass and drought-resistant trees. They will have CCR's with an ACC.

Kevin Tervort motioned to approve the zone change request located at approx. 2800 S Sand Hollow Road based on the staff report and with the Planning Commission recommendations. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Dave Sanders and Kevin Tervort voting aye. Joseph Prete voted nay and voiced concerns about approving with the water situations.

- 11. Consideration and possible approval for a preliminary plat, Coronado Ridge Phase 4, an 82-lot single-family home subdivision located at 3350 W and 600 N.** DAF Development Applicant, Todd Getz Agent.

Stephen Nelson explains the City owns property in the area for a park. The applicant has proposed to move it to a flatter area however doing that creates a sensitive land issue. They are recommending approving the first phase and then they can come back with a sensitive land application. There is a storm water drain on lot 24 that will need to be moved somewhere else if they want it to have a buildable lot. The City needs a road stubbed to the southwest. Applicants have agreed to that connection.

Dave Sanders motioned to approve preliminary plat for Coronado Ridge Phase 4 with the recommendations from the Planning Commission of only allowing phase 1 at this time. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

- 12. Consideration and possible approval for a preliminary plat, Bench Lake Townhomes, a 172-unit townhome development located on 1100 W and south of 3000 S.** Blue Mountain Property Enterprise LLC, Scott Stratton Agent

Applicant asked for it to be tabled. Staff has sensitive land concerns and roadway concerns that they are still working on.

Dave Sanders motioned to table the preliminary plat for Bench Lake Townhomes. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

- 13. Public Hearing** to comments on the following:
  - a. Proposed amendments to the **2020-2021 Fiscal Year Budget**
  - b. **2021-2022 Fiscal Year Budget**

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

No comments were made.

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

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

Kaden DeMille explained they balance out budgets at the end. Revenues come in that are not planned. They go through and fix the budget with that revenue, so nothing goes over budget. He explains it is not money being spent it is making the budget higher, so it doesn't go over. He explains the different allocations and how it is balanced.

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

**15. Consideration and possible approval of a Resolution approving the 2021-2022 Fiscal Year Budget-Kaden DeMille**

Kaden DeMille stated he updated this spreadsheet this afternoon when he got the tax numbers. All the changes that are there are the items the Council has already reviewed. \$14,273.893 balanced budget for the General Fund. Peach Days money that was budgeted comes mostly from revenues. He was planning on earmarking some of the money in non-department for Peach Days. He will let the Council know the amount once it has been determined. He showed a summary of each of the funds. There is money in the budget to complete the rodeo grounds and start design work for ball fields. Overall, the budget is \$52,488,633 which is a difference of \$6,818,532 from last year.

Nanette Billings motioned to approve the resolution approving the 2021-2022 Fiscal Year Budget. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**16. Discussion about the *sidewalks and planter strips within the city ordinance*-Nanette Billings**

Nanette Billings stated the sidewalks are not continuous in some areas. She would like to see that if a single lot is developed and a sidewalk is already established on both sides then they can choose to put the plater strip or not.

**17. Mayor and Council reports**

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 -
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee -
Dave Sanders	Emergency Management, Streets & Drainage, Prosecutor’s Office, Code Enforcement and Building and Inspections -
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District -
Kaden DeMille	City Administration -

**18. Closed Session**

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

**Adjournment: 12:42 a.m.**