

Minutes of the Hurricane City Council special meeting held on July 09, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 9 a.m.

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

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Planning Director Stephen Nelson, and City Recorder Cindy Beteag

AGENDA

9:00 AM *Consideration and approval of an **agreement/amendment to the development agreement allowing for issuance of a building permit for model home complex prior to recording of the subdivision plat for The Front 9 at Sky Mountain Phases 1A and 1B.***

Fay Reber explained Perry Homes wants to do a model home. Our ordinance allows them to do that by a development agreement. On May 28th the State passed a statute that states if a building permit application is submitted the city has fourteen days to review it. If they don't the applicant can proceed with building without a building permit. On June 3rd Perry Homes submitted a building permit. The City didn't respond in the way it should have because they weren't aware of the new statute. After fourteen days, the City received a letter from Perry Homes stating that they are proceeding with building. Mr. Reber didn't agree because the application they submitted was not complete. He sent a letter to Perry Homes that the application wasn't complete, and they couldn't proceed. Perry Homes was upset and threatened litigation. Mr. Reber doesn't want to ruin relationships with the developer, so he is suggesting a development agreement to allow them to build. Our code allows the Council to make this exemption.

Stephen Nelson stated his concern is the sewer hasn't been tested and approved. Gas is still being installed. Greg Sant stated the gas should be installed in two weeks and then Ash Creek Sewer District will come test. They won't pave until sewer has been passed off. Water has been tested and approved. The fire hydrant is approved. An all-purpose road is there. Mr. Nelson feels this is appropriate in this case, but he would like the development agreement to address that the sewer is completed before occupancy. If Council wants to allow them to proceed then 2A should be changed. Mr. Reber stated if Council approves this then staff could send a letter of what needs to be done before a certificate of occupancy is granted. Mr. Sant stated without a recorded plat they are unable to pay the Water Conservancy fee. He is asking for an exception to start with an agreement in place that it is paid within a specific time. Council agreed to include in the agreement that all fees will be paid before a certificate of occupancy.

Darin Larson motioned to approve the amendment to the development agreement to allow a building permit for a model home complex with the acknowledgment the City is waiving the final sewer is inspected and the fee to the Water Conservancy not being paid but both will be done in the future. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, and Dave Sanders voting aye.

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Harmony Vanderhorst is here because she has a building permit that should be issued. She wanted to see how the process worked to get a special meeting. Stephen Nelson explained her situation falls under a different code section. It is a floodplain issue. Her engineer has stated they have never heard of waiting ninety days for the LOMAR to get approved. She would like to build two spec homes in the Seville Subdivision. She will get on an agenda in August and bring her Engineer.

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

Adjournment: 10:00 a.m.