

Minutes of the Hurricane City Council meeting held on April 15, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

Members Present: Mayor John Bramall and **Council Members:** Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort. Darin Larson was excused from the work and pre-meeting.

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, City Recorder Cindy Beteag, HR Director Beccie Williams, and Water Superintendent Ken Richins.

AGENDA

4:00 p.m. Work Meeting- Water for today and tomorrow presentation – Ken Richins

Ken Richins stated the Water District's slogan is *Water for Today and Tomorrow*. We are in the middle of the tomorrow they were talking. They were told in five to seven years the county will be low on water. He thinks each city needs to develop its own water resources. Hurricane City water well rights have been averaging a use of about fifty percent over the last several years. Hurricane has enough water to serve the community. The reason we are not developed out is because the Water District collects the impact fees. The only way to afford to drill a well is the savings from our rate to the cost of the district rate.

The Water District wants each City to increase their fee .10 per thousand annually. Council already approved a well in Dixie Springs. They have the application in, and they are hoping to bid it out before the end of the budget year. Division of Water wants to know where we would put our other water rights. They had it engineered following the fault lines which allows water to get there faster. He identified locations of future wells. He would like to purchase land now before it develops. Lowes has agreed to donate land.

We have 476-million-gallon water rights each year that we currently don't have access to in Gould's Wash. If they drill into the fault, they could access those water rights. If we were able to do this, we would save about \$400,000 a year. Darin Larson commented if we use our own water, it creates more water sources for the District. He questioned if the City should get credit back. Hurricane City has 1,220,400,000 gallons of water rights. We have used half every year. Once the rate is adopted all of Hurricane will be on the rate. The .10 increase would affect residents one to three dollars per month depending on how much water they use.

The Water Department is recommending the .10 increase as well as a 2% per year inflation increase. The Water Board voted to recommend the water rate increase. It will be reviewed annually. The Water Department is ready to develop water rights to full capacity with the City Council's backing. The pipeline might be backed up for a bit. This is another option. Dr. Last commented the only way to have the money is to raise the rate each year. Mr. Larson questioned why the District hasn't pursued something like this. Why do we have to fund it? Mr. Richins explained the District supplies water to everyone if they don't have their own. To maintain the lowest water rates this is the direction to go.

Dallan Wadsworth gave an update on 4G meters. All Council members have it and most city employees. They are changing the rest of the resident's meters as the batteries die. There is a desktop and phone version. You can track usage down to the day, month, or year. Can set alerts for notifications if usage is abnormal. Hurricane is the first City in Southern Utah with this program.

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

Ken Richins explained they have procedures of how they do things, but it has never been in ordinance form. Item #11 on the agenda will put the procedures in the code. If a fire hydrant is on private property, it only serves that resident. It creates big problems when the Water Department must go on private property. The proposed ordinance defines the rules.

Beccie Williams went over the open jobs.

Chief Excell reported they have two positions that will be opening. The applicants are already certified. Hiring laterals will get harder and harder. There have been three hit and runs. First one the driver stopped. The second one they found the person that hit them, but they are still working on the third one. They know it was a 2004-2008 Malibu. They show the car running different lights in town going around 60 mph. It was a horrific accident. Businesses have helped greatly with trying to provide footage from that night. There have been some protests at the schools on the mask mandate. The rules are set by the State not the County. They have been monitoring the protests. There will be a vaccine clinic tomorrow and a week from tomorrow. Washington County is at about 65% for herd immunity. Iron County is higher in cases than Washington County. Ironman will be on May 1st. Next Saturday will be prescription pickup at Lin's.

Dave Imlay commented the crew has been doing the elementary tours including climbing demonstrations. They had a Southern Utah Technical Task Force meeting today to plan for power outage contingencies. The UAMPS conference is coming up and he needs to know who is going.

Mike Vercimak reported the City issued more building permits last week than St. George. We don't have the staff that they do. They are about halfway through the slurry project. They have been working on the Frog Hollow Dam. SR-7 won't be open until Memorial weekend. There is a ribbon-cutting ceremony for it on May 19th.

Arthur LeBaron has been in touch with Kenneth Heaton. There will be an easement, but Mr. Heaton doesn't agree with what Arthur put so he needs to prove why. Mayor Bramall mentioned UDOT was granted three billion for infrastructure. We need to move projects up. Improvements on Sand Hollow Road are needed to accommodate all the traffic to the State Park. There is a State fund that the City can apply for in October. City projects are on the back burner right now because of all the development.

Stephen Nelson reported they are still working on the Paradise Ranch inspection. The Planning Commission will meet next week instead of the following week. A variance for a longer flag lot stem was granted to 1691 W State Street. The Planning Commission recommended approval for Sand Hollow RV but they had concerns about landscaping on Arlington. He recommended removing the bushes in the landscape strips. Council agreed they needed to be removed.

Fay Reber stated the roadway plat for 2600 West now has all signatures and is ready to record.

6:00 p.m. - Call to Order –

Pledge: Arthur LeBaron Prayer: Stephen Nelson

Approval of Minutes: February 18, 2021 and March 2, 2021 special meeting

Joseph Prete stated on the February 18th minutes under item 5 we need to add "removal" by Dixie's name. He motioned to approve both sets of minutes subject to the correction. Seconded by Nanette

Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

Joseph Prete motioned to moved item 11 to 1 new business. Seconded by Nanette Billings. 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

OLD BUSINESS

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

Danyale Blackmore explained this request is so they can move the lot line. It does not pertain to the litigation.

Joseph Prete motioned to approve the amended final plat for Zion’s Gate Estates Ph 2. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

NEW BUSINESS

1. Consideration and possible approval of an **Ordinance amending rules and regulations pertaining to public and private fire hydrants**-Joseph Prete

This ordinance relates to public and private fire hydrants. The Water Board has been discussing this for several months. It addresses the maintenance of private hydrants, how to convert from private to public, it spells out penalties for misuse, and how they can be used for non-emergency purposes. Ken Richens added it also clarifies where a public and private hydrant is located. The Water Department does the maintenance on hydrants if they are in the public right of way, but they don’t like the liability of going on private property.

Kevin Tervort motioned to approve the ordinance. 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 the first amended **Interlocal Agreement Supporting the Renewed Mojave Desert Tortoise Incidental Take Permit Issued to Washington County**

This was put in place twenty-five years ago. This renews the agreement for another twenty-five years. The fees will now be less.

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

3. **Re-appointment of Michelle Cloud** to the Planning Commission

Darin Larson motioned to reappoint Michelle Cloud to the Planning Commission. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

Council thanked Ms. Cloud for all her work. Stephen Nelson explained the current terms don't meet the ordinance. They will bring back a plan for Council to approve.

4. Consideration and possible approval for a **Final Site Plan for Sand Hollow RV, located at SR 9 and Rlington Parkway**. Paul Patel Applicant, Jeff Mathis Agent.

The Planning Commission recommended approval, but the landscaping needs to be addressed. Darin Larson declared a conflict of interest. The City would need to fix the landscape strips. The gas station will be closest to 2260 West and this will be west of it. They are proposing 101 units. All spaces will be twenty-five feet wide. The minimum depth is forty feet and the largest one is seventy feet deep. The ordinance doesn't allow people to stay longer than 30 days.

Dave Sanders motioned to approve the final site plan for Sand Hollow RV based on the criteria recommended by Planning Commission. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, and Dave Sanders voting aye. Joseph Prete and Kevin Tervort voted nay.

5. Consideration and possible approval on an **Amended Final Plat for Zion Village Townhomes PUD Phase 2 Amended #2**. Jay Rice Applicant.

The lots in the northern section had back lots incorporated into the property, but others didn't. A private property owner wanted a pool, but they were on common area. This amendment extends the property lines to privately owned instead of common areas. Engineering still needs to do a final review.

Darin Larson motioned to approve the amended final plat for Zion Village Townhomes. 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 an **Amended Final Plat for Tava Resort at Sand Hollow Phase 1 Amended**. Brian Barro Applicant, Jared Madsen Agent

Jared Madsen explained they are requesting to increase the lot sizes for lots 54-60 and remove on lot. Staff concern is they will have to cap off utility services for the lot they are removing and realign the utilities. They will need to bring plans to JUC to accommodate that.

Joseph Prete motioned to approve the amended final plat for Tava Resort subject to staff and JUC comments. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders, and Kevin Tervort voting aye.

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

7. **Public Hearing** to take comments on:
 - a. The proposed **creation of the Gateway at Sand Hollow Public Infrastructure District No. 1, Gateway at Sand Hollow Public Infrastructure District No. 2, and Gateway at Sand Hollow Public Infrastructure District No. 3** (the "Proposed Districts") 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.

No comments

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

8. Consideration and possible approval of a **resolution creating Gateway at Sand Hollow Public Infrastructure District No. 1**, (the “Proposed Districts”), appointing boards of trustees therefor, approving governing documents for the Proposed Districts, approving interlocal agreements with the City and the Proposed Districts, approving of an annexation area, and all other matters relating to the creation of the Proposed Districts.

Kaden DeMille stated Zion Bank Finance has been helping the City run the numbers and Gilmore Bell is our legal counsel. Staff has reviewed the petition. This does provide public benefit. The applicants originally requested a 7 mill levy but they have agreed on a 4.5 mill levy. All governing documents have the 4.5 mill levy. The white portion on the north end of the map is an annexation area. They are under different ownership. Mayor Bramall explained PID requests should be improvements for the region area. Surrounding owners haven’t been able to get easements to their development. They are asking to not approve this request unless those easements are granted. Aaron Wade with Gilmore Bell stated they are proposing regional connectivity with park improvements that will be dedicated to the City. In order to bond, you have to have all property owners in agreement. If it includes more owners, it becomes difficult to get everyone to agree. Mr. Moser commented this is a good funding mechanism and a benefit to the City. The outside areas that Mayor Bramall mentioned have not contacted them, but they are welcome to join at any time. They would have to pay equally for the utilities.

This will only include the arterial roads not the roads within the development. This will allow them to develop all the infrastructure at once and not spot build. Nanette Billings stated only the people living within the development will pay for it, but everyone can use the roads and parks. The citizens that purchase in this area will still have to pay market value plus a higher tax. She is not in favor of PIDs. She is concerned for the citizens. Mr. Moser commented he has a lot of the development and will be hit the most so he will have an incentive to keep the taxes down. Kevin Tervort commented the end-user will still have the cost if the developer pays for it but with this PID everything will be completed at once. This will bring all the roads in now and will save them costs by not building them in the future. Marcus Keller with Zion’s Bank commented one of the comparables they looked at is how they will get funding if they don’t get PID funding. Interest cost is a lot cheaper with PID funding. Upgrades to trails and parks will be a benefit for the property owner.

Darin Larson stated the cost will be even less in the future for the consumer as prices increase. Dave Sanders pointed out if people want to buy in there they will buy regardless. The rate on the mill levy will go down as it gets developed. Joseph Prete commented this is beneficial for master planning and connectivity. He voiced the following concerns: PID’s are new, and we don’t know the impact yet. We only have some sense of the development, but we don’t have a site plan or development agreement. He is concerned for the consumer on the back end. The developer doing the improvements and then

flipping the project to get the money benefit. The resolution was submitted today. He questioned if that is enough time to review. Once this is approved the City not having a voice in the process and what the dynamics will be with the PID board.

Mr. Moser pointed out this is only approving the financing. They will still have to get approval for each development. Some of the concerns will be addressed when the development is presented. Mr. Prete mentions it allows areas to annex without coming back to the City Council. Mr. Wade explains the governing document does allow annexation and withdrawal after it is approved but once the bond has been issued than any property within the district will have the added tax. Mr. Larson stated this includes the road in front of the commercial areas that show as annexation. Why would they join the district if the road is already built? Mr. Wade stated they would have to pay a portion of the road, but they wouldn't be part of the district. The City doesn't have a pioneering policy in place. If a pioneering agreement was put in place in the future, it wouldn't require an amendment to the governing document.

Mr. DeMille stated he has a couple of comments on some of the language for the governing document. He thinks a quick review for staff would be good. This is a financing agreement, not a development agreement. The parks wouldn't be part of the development without the PID so that is included in the document. Mr. Moser stated District 1 already has plans ready to develop and won't be sold again before it is developed.

Darin Larson motioned to approve the resolution creating Gateway at Sand Hollow Public Infrastructure District 1 subject to final review by staff. Seconded by Kevin Tervort. The parks will be dedicated to the City and the trails will be open to everyone. Motion carried with Darin Larson, Dave Sanders, and Kevin Tervort voting aye. Joseph Prete and Nanette Billings voted nay.

9. Consideration and possible approval of a **resolution creating Gateway at Sand Hollow Public Infrastructure District No. 2** (the "Proposed Districts"), appointing boards of trustees therefor, approving governing documents for the Proposed Districts, approving interlocal agreements with the City and the Proposed Districts, approving of an annexation area, and all other matters relating to the creation of the Proposed Districts.

Darin Larson motioned to approve the resolution creating Gateway at Sand Hollow Public Infrastructure District 2 subject to final review by staff. Seconded by Kevin Tervort. Motion carried with Darin Larson, Dave Sanders, and Kevin Tervort voting aye. Joseph Prete and Nanette Billings voted nay.

10. Consideration and possible approval of a **resolution creating Gateway at Sand Hollow Public Infrastructure District No. 3** (the "Proposed Districts"), appointing boards of trustees therefor, approving governing documents for the Proposed Districts, approving interlocal agreements with the City and the Proposed Districts, approving of an annexation area, and all other matters relating to the creation of the Proposed Districts.

Darin Larson motioned to approve the resolution creating Gateway at Sand Hollow Public Infrastructure District 3 subject to final review by staff. Seconded by Kevin Tervort. Motion carried with Darin Larson, Dave Sanders, and Kevin Tervort voting aye. Joseph Prete and Nanette Billings voted nay.

11. Consideration and possible approval of a Resolution for the Final Plat Roadway Dedication for 2600 West-Fay Reber

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

12. Mayor, Council and Staff reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering -
Nanette Billings	Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council – We need to remove the ads for LPGA from the agenda. Solid Waste District is hiring new a manager. Youth City Council applications have closed. There will be a new council in a week or so and will come to the first meeting in May to introduce them. Copper Rock tournament is next week. Hurricane Chamber is having a competition between businesses.
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool – He participated in Quick Quack groundbreaking. He appreciated them working with Fiiz to allow them to stay. It will be a good improvement for the area.
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 – A date needs to be set to go over the budget. The preliminary budget will be on the May 6 th agenda. Council decided to meet on April 29 th @ 8:00 a.m.

13. Closed Session

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

Adjournment: 9:45 p.m.