

Minutes of the Hurricane City Council held at 5 p.m. in the Council chambers at 147 N. 870 West, Hurricane, Utah.

Members Present: Mayor John Bramall, Council members Darin Larson, Kevin Tervort, Pam Humphries, Darin Thomas, and Ethelyn Humphries.

Staff members present: City Attorney Fay Reber, City Manager Clark Fawcett, GIS Specialist Joe Rhodes, Recorder/Assistant City Manager Kaden DeMille, Public Works Director Mike Vercimak, Police Chief Lynn Excell, Water Superintendent Ken Richins, City Engineer Arthur LeBaron, Planning Director Toni Foran, and Fire Chief Tom Kuhlmann.

Mayor John Bramall brought the meeting to order at 5:07 p.m.

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

Chief Excell updated the Council on the radio station. They have filed for the final FCC license under KHPD and it will be a low power modulator. They are working on weather alerts.

The Police Department will have extra patrols during the Christmas season including bike patrols and officers on foot to patrol parking lots to let would-be thieves know they are being watched. Officers are also working to curb any light and decoration thefts.

Chief Excell reported on the Shop-With-A-Cop event scheduled for December 13, 2014. They plan to have Santa come in a helicopter to Wal-Mart.

Kevin Tervort asked about the tag on the wall behind Fred Hernandez' home that needs to be removed. Chief Excell will follow up.

Kaden DeMille reminded the Council members to review the beer license information before the next meeting. Chief Excell clarified the State also enforces the on premise retailers' compliance.

The Council was asked to attend a party for the AmeriCorps Volunteers who will be leaving on the 18th of this month on December 16th at 5 p.m. at the golf course.

Mike Vercimak gave an update on the West Well. He said Ken Richins has been working a lot of hours on solving the problems with Mr. Wittison. Wittison was able to repair the hole in the screen, replenish the gravel pack, inspect the pump, and make a recommendation. Charges are \$43,500 so far. Ken, Mike, Arthur, and Brent Gardener of Alpha Engineering met to look at the situation. The recommendation is to spend an additional \$63,000 to double swab the well due to the holes and replacement of gravel pack. They have asked Brent Gardner to look into other possible pump materials that might be more resistant to sand abrasion. The Water Department is asking the Council to approve the \$64,000 for the double swab.

Darin Thomas questioned the amount of work and money expended on the West Well. Mike Vercimak estimated the cost of water out of the well. It could produce over 14 million gallons. Using the well saves \$350,000 a year in water costs. Even if the pump has to be pulled every year, the well is earning its keep. Stratton Well #2 required pump replacement every three years for the first three years and it has done well since then once the gravel pack is well established. John Bramall suggested a coated pump like he has used for pumps on his farm.

Ken Richins admitted the West Well has been a nightmare but he still believes it is a good water source even if it takes maintenance. Mike Vercimak said one of the benefits of having a sand filter on site is it will reduce the number of bowls on the pump to four from nine. Council members all agreed to authorize the Water Department move forward as outlined.

Mr. Vercimak stated the Streets Department has their load of crack seal material and will be out doing crack seal over the next couple of weeks.

Darin Thomas asked for an update on the 600 North chip seal. Mike stated he met with Mr. Lamb of Lamb Oil and Interstate Rock regarding this project. They are proposing to go from SR-9 to the Fire Station on 3400 West with a complete new road, catch the bad spots at intersections, and patch the worst spots. They will do it at the right temperature and will use a new, smaller chip

Arthur LeBaron stated the 600 North project from 200 West and SR-9 is a flurry of activity with pressurized water lines being replaced, gas line relocated, and other activity. There have been some issues with students on the way to or from school going through the work zone. Darin Larson asked about students crossing SR-9 from the east in the area of 600 North. Mr. LeBaron explained a signal light will eventually be located at 600 North and SR-9 but students do not have other options right now. The City is working on a project with the Intermediate School to get lights on their fields. The Power Department is taking the lead on this project. Hurricane City Little League will be able to use it as a practice field.

Arthur LeBaron explained the City is looking at purchasing the lot just north of the animal shelter – about .8 acres. He is working with the property owners. This property will enable future expansion of the Animal Shelter to the north. This property is the only piece on that side of the road not currently owned by the City.

Mr. LeBaron stated he has had more phone calls this week from real estate agents regarding sellers and potential buyers regarding potential ground water issues in the Retreat area at Sand Hollow Resort. He has told callers there are no leaks in City water lines and recommended callers contact Corey Cram with the Water Conservancy District.

Mike Vercimak said he feels the City should be very careful in addressing questions about shallow groundwater. He suggested the City put people on notice that there is shallow groundwater and they should investigate before deciding to build a basement. Possible mitigation strategies include French drains and pumping the water. Ken Richins said the District is trying to pick up the water with a horizontal well and taking responsibility for the water. Arthur asked for a copy for his records of the letter Mayor Bramall stated he has regarding the District taking responsibility for the water.

Fay Reber mentioned the lawsuit between Elim Valley and Cypress Capital regarding the development agreement. The Elim Valley portion of the trial has been delayed but the Cypress Capital portion of the case is moving forward. Clark and Toni have been subpoenaed to testify.

Toni Foran reported on an offer to donate a lot the owners consider unbuildable in Sunset Ridge Phase III to the City.

Clark Fawcett announced that on December 15th the students from Valley Academy who donated the decorated tree in the City office lobby will be here at 1:30 p.m. to sing to the City. He invited the Council and Mayor to be present.

Mayor Bramall called for a break at 5:50 p.m.

Mayor Bramall called the meeting back to order at 6:00 p.m.

Former Mayor Hirschi led the Pledge of Allegiance and Frank Yoder offered a prayer and reminded those present that families and people around us may need help and support. Mayor Bramall invited everyone to come enjoy the Festival of Trees at the Community Center, with all proceeds going to Shop with a Cop. There is also a playhouse donated by American Heritage Homes being raffled during the Festival.

Approval of City Council meeting minutes: November 6th, November 20th, August 21st – Pam Humphries motioned to approve the minutes of August 21st and November 6th, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Kevin Tervort, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Consent item: Consideration and possible approval of previous decisions in ordinance form:

A: Ordinance 2014-11 – Approving the water conservation plan

B. Ordinance 2014-12 – Approving change to utilities ordinance eliminating yard lights

It was clarified the fee schedule will also be updated to reflect the fee for grandfathered yard lights.

Pam Humphries motioned to approve Ordinances 2014-11 and 2014-12, seconded by Ethelyn Humphries. Darin Thomas questioned implementation. The motion was unanimously approved with Darin Larson, Kevin Tervort, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Consideration and possible approval of an addendum to the interlocal agreement between the Hurricane Valley Fire District and Hurricane City

It was explained the agreement will turn over management of employees to the District, including processing payroll, effective January 1, 2015. Pam Humphries explained there is an existing interlocal agreement with the City being in charge of financial matters but the change will make the Fire District in charge of financial matters.

Kevin Tervort motioned to approve the addendum to the interlocal agreement between the Hurricane Valley Fire District and Hurricane City, seconded by Darin Larson. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, Pam Humphries, and Darin Larson all voting aye.

Presentation and update from the Hurricane Valley Chamber of Commerce-Greg Aldred explained the Chamber depends on the City and expressed appreciation for the support. He announced Lt. Governor Spencer Cox will be speaking at the Chamber's Annual Installation Banquet to be held on the third Thursday in January. He asked the Mayor and Council members to attend.

He gave a recap of the year's activities including the Business Expo in June. He expressed appreciation to IHC for bringing the Life Flight helicopter and the Hurricane Fire Department for helping them land it.

The Chamber has a representative on the Emergency Preparedness committee, won an award for the Chamber 4th of July parade entry, held a very successful Golf Tournament which resulted in \$3,000 being donated to the Utah Food Bank, and are very proud of the new Hurricane Valley promotional magazine. Mr. Aldred stated he feels they have helped bring in more businesses and reported they have been able to expand Pam's hours at the Chamber office, bringing a full time presence. He stated they could not do this without the City's help.

Lon Allen of Sonny Boys will be the next Hurricane Valley Chamber President. He stated the goal next year is to have a business plan working with the City calendar.

Public Forum – Comments From Public

Don Triptow apologized for not being able to attend the last Council meeting to understand the discussion regarding the Fire District. He stated he is opposed to the Fire District. The City separated from the District because of taxing. He stated the City doesn't need the new fire stations. Joining the Fire District will result in tax increases from \$100 for residential and \$300 for businesses. He stated he has not seen any black and white figures or justification for new fire stations. Mr. Triptow urged the Council to vote no on rejoining the Fire District and the construction of fire houses.

Chief Kuhlmann was asked to provide Mr. Triptow with the materials shown at the last Council meeting outlining financial impacts and Fire Department needs.

Consideration and possible approval of a subdivision lot line adjustment and relocation of easements for lots 39 and 40, Dixie Springs Plat A at 4383 W. 2700 South and 4359 W. 2700 South – Rex and Dinah Woods and Renee Morales and Blair Peterson property owners

Toni Foran explained the two property owners want to move the lot line between their properties. Because the lots are located in a subdivision, an affidavit of approval from the Land Use Authority is required under State law. The City Council is the Land Use Authority for subdivisions. It was clarified the lot line adjustment also moves the easement on the lot line onto the Woods' property. Pam Humphries motioned to approve the subdivision lot line adjustment and relocation of easement for lots 39 and 40, Dixie Springs Plat A at 4383 W. 2700 South and 4359 W. 2700 South, seconded by Kevin Tervort. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, Pam Humphries, and Darin Larson all voting aye.

Consideration and possible approval of support for 2015 baseball tournament-Daniel McKeehan presented the council with an outline of how a tournament would be structured with 16 teams but their own team would not pay to play in the tournament. He is asking the City to donate the use of the fields. They are happy to work the fields with people who are trained but would need to borrow equipment to drag the fields. They are proposing to hold the tournament in March or April. Mr. McKeehan stated they are asking the City to donate the fields, let them run the tournament, and give a donation from the proceeds to their club team.

Pam Humphries asked how Darren Barney felt about other people maintaining the fields. The Council also discussed liability, especially if something is wrong on the fields. The City would have to assume the liability.

Bryce King explained signing up will run through the City Rec department. They are asking for donation for the tournament because they will use the proceeds to benefit the kids on the Crushers team. This includes donating the field prep fee, the fee for credit card sign ups, and the fee to rent the fields. Darin Thomas motioned to support the donation of the fields and fees to the 2015 baseball tournament, seconded by Kevin Tervort. After a suggestion from Pam Humphries Darin amended the motion to include the support is subject to the field prepping being approved by Parks Superintendent Darren Barney. The amended motion was seconded by Kevin Tervort. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, Pam Humphries, and Darin Larson all voting aye.

Discussion and possible decision regarding 2014 Sand Hollow Resort landscape plan-Judith Figlo/Ronald Rakos property owners. Judith thanked the Council for the opportunity to speak to the Council regarding their concerns as property owners with the implementation of the landscape plan. She stated the owners along Dunes Drive bought for the great views. In implementing the current landscape plan the owners are quite concerned the developers have chosen such a large tree that will grow 40' high and have a 40' canopy. Other homeowners that face the view and see the impact are similarly concerned but were unable to attend the meeting tonight. Ms. Figlo stated "One of the reasons we are there is to enjoy the view."

She questioned the potential impact on property values and stated the species of trees planted has changed from the original plan. The species of tree planted isn't even on the list approved for homeowners. Additionally it appears their plan includes no provision for groundcover or a way to ensure landscaping is completed with low plantings or shrubs as property owners anticipated. She asked if the Council would be willing to work with property owners to have the plan amended and some of the trees removed.

John Bramall stated the canopy size of the tree will be limited by the watering style.

William Wilkey of Sand Hollow Resort provided the Council members with the landscape plans. He stated they pulled the trees back down to smaller trees than the original plan, taking out Raywood Ash and palm trees. They lost all the Chitalpas in the freeze last winter so elected not to use them again. He stated the growth pattern of the Sunburst Locust they chose instead is identical to the Chitalpa. They also plan to use a redbud and a globe locust along the street intersection. These trees have different shape and colors to add contrast to the landscape. Today the area under the trees was cleaned out. They are buying shrubbery, bushes, and plants from Star Nursery. Mr. Wilkey explained to the Council he is working with the Homeowners Association (HOA) but also must consider obligations to the resort and keeping control of cash flow. He also clarified the structure of the HOA which leaves power to make these kinds of decisions with the developer.

Ms. Figlo addressed the Council again and asked them to consider directing the developer to make a modification. Toni Foran pointed out the purpose of the landscaping along the road was because the sidewalk is considered one of the walking paths in the resort and the landscaping is intended to enhance the walking path for all the residents.

The Council recommended the developer keep the trees pruned so the property owners can retain some of their views.

Discussion and possible decision regarding the arts organization at the community center-Pam

Lockwood explained when her arts organization first came to the Community Center, another individual was pushing the arrangements and is no longer with the organization. She stated, "We love Hurricane and feel this is a perfect place for arts." She said she enjoys working with Bryce and Debbie. They have two rooms at the Community Center and a show planned. She stated her film school students are making a promo film for Hurricane showing all the wonderful parts of Utah. They are promoting "Hurricane, Utah - an arts and recreation destination." Their production of The Christmas Carol will be presented this month.

Pam Humphries asked how they are paying for the rooms they have at the Community Center. They are not currently paying for them. Darin Thomas asked Bryce King what amount was in arrears. Mr. King stated the agreed upon fee was \$1125 per month for the two rooms. It has not been paid. The rooms could be used for other rentals if the contract was renegotiated. Mr. Thomas stated the rooms have been exclusively used by this arts organization since August. If they are not paying the rent, their storage should be going into a commercial storage facility.

Bryce King explained this is a mess because Boni Alduenda pushed the contract. Pam Lockwood has not had time to make a go of it. He suggested the City allow them to produce two more shows and see how it goes. Pam Lockwood stated they are hoping to sell more tickets to their shows and recoup some money to keep the program going. These are smaller shows with lower overhead. She asked the Council to "Work with us as we build."

It was clarified the Community Theater group is sponsored by the City and they store their materials. Bryce recommended the Council give Ms. Lockwood the opportunity to do three shows and pay renegotiated monthly fees.

Her plan of offering to do other classes brings in confusion to the structure at the Community Center. It was recommended she pay the Community Center for classes offered through the Community Center. Darin Larson suggested the City looked at results from the December production and then look at it again in January. He stated he does not want to set a precedence of unpaid bills. He asked Ms. Lockwood to consider one room for storage only and just scheduling for classes through the Community Center. All agreed the City wants to avoid confusion on how Ms. Lockwood's program is run in the Center.

All agreed Ms. Lockwood's program would run through December and will be reevaluated in January. It was suggested she work with Bryce to re-negotiate rent and use rates as he does with all Center users. Ethelyn Humphries cautioned the bills should be paid.

Pam Lockwood invited the Council to come and see their December show, stating they are working with local talent and she is promoting through the Chamber.

Darin Thomas stated he does disagree with allowing one entity to use the Community Center at no cost. Ethelyn Humphries pointed out the City should support the arts. Mr. Thomas questioned whether this is a community program or a private program. Bryce King stated he is treating this as a building rental for the production of Scrooge.

All agreed both arts and recreation adds to fullness of life in a community. Darin Thomas clarified he supports kids and theater but wants to be careful with taxpayer dollars.

Presentation on transitional programming and re-entry-Frank Yoder introduced himself as the director of the Resource and Re-entry Center with its main office in Hurricane. He asked the Council to be part of the plan to transform the country by using his idea as a pilot project. He presented a variety of statistics regarding unemployment and homelessness, the cost to house prisoners, the recidivism rate, and the value to the community if prisoners are taught how to stay out of jail. The program he heads offers prisoners a way to get on their feet with the use of paid mentors. A successful program includes a rehabilitation program, an employment network, the GOGI training model (Getting Out by Going In), an adult mentoring program, and use of the new training center at Switchpoint in St. George. Employer partners have advantages in bonding, salary, and tax credits if they hire program participants. Additionally, the presence of a job coach mentor provides possible income to a business. His presentation also broke down the costs of providing this pilot project based on his budget.

Mr. Yoder asked the Council to consider taking this as pilot project. The program needs paid personnel. He asked \$145,000 to offer this wrap around service and get the pilot started. The program goal is a 5% recidivism rate. He stated, "I am asking the City to be a pilot program for the nation. If it works here, it will work anywhere throughout the county."

Ethelyn Humphries asked how inmates learn about the program and how inmates are chosen. Mr. Yoder stated the prison is aware of his program. The application for the program is six pages long and includes a variety of information including the applicant's prison record and any possible child abuse the individual may have suffered. The follow up is a personal interview. Applicants must have a religious belief because Mr. Yoder has learned individuals without that don't succeed.

The Council suggested Mr. Yoder meet with the City Manager and lay out how the program can work. Chief Excell said there is a meeting tomorrow regarding a new report on criminal juvenile justice and recidivism and said he believes Mr. Yoder is on the right path. Mr. Yoder's Resource and Re-entry is recommended as a model.

Discussion and possible decision regarding possible mitigation/barriers for 600 N construction work impacting walking trail and also plans for the walkway being moved to the north side of the road-

Darin Larson - Darin reported this came up during approval by the Planning Commission of the Liahona Academy. The existing 10' asphalt trail will be taken out and replaced with a 5' concrete sidewalk along the frontage of the project. Arthur Le Baron explained the City has an 80' right of way to accommodate eventually 5 lanes of traffic. It would require acquisition of an additional 10' of right of way to have the 10' path on the south side. The original design of 600 North was planned to include a trail on the north side. Mike Vercimak stated Liahona's plans will do away with 280' of paved trail and add an additional 8' of asphalt on the road. Darin Larson again explained the City is losing a 10' path for a 5' sidewalk. Arthur and Mike explained the approved cross section for 600 North shows curb, gutter, and sidewalk on the

south side and the 10' walking path on north side. It was clarified there will always be a way for students to get from 200 West to 870 West on the south side but it will change to sidewalk as development occurs. On the north side, a path would be uninterrupted without roads and driveways once it passes the City yards.

When the pathway was put in the City was accommodating Hurricane Elementary. It is important the impact be mitigated and contractors allow the students a safe path through the construction. Mike Vercimak stated the Departments met on Tuesday morning and talked to the contractor about his plans to proceed. Construction will require utilities to cut across the path and the cuts be patched. Timing will be discussed with the contractors.

Darin Larson said the question is, "Will we ever do anything on the north or not?" All agreed the City must look at trail grants and have a vision for trails. Clark Fawcett said he feels there is a big difference between a paved trail and a sidewalk. He is sure kids will walk on the sidewalk but he stated, "I believe we need paved trail and the City needs to get going on the north side from 200 West to Grandpa's Pond. People will use trails but we don't have any trails." Darin Thomas said the Trails Committee wants the paved trail and wants to go after grants. If the City wants to have trails it must plan and figure out how to pay for it. The Council will have to budget money to make it happen. Mayor Bramall recommended budgeting engineering for the 600 North trail into the 2015 budget.

Mayor, Council and Staff reports

Pam Humphries -Court, Water, Power, Hurricane Fire and Ambulance Department – Pam stated interviews start tomorrow for new Power Department employee. She stated after a conversation regarding skateboarders she talked to Bryce King about the skateboarders and they are a real problem at the Community Center. She asked the Council; "Is this something we want to keep going or should we decide letting them lose at the Community Center may not be the best decision the Council ever made?" Darin Larson said the mother of skaters at the Council meeting promised to monitor the kids if they were given a place to skate. Arthur LeBaron said his son is an avid skateboarder and he has told his son and his son's friends they need to police the other kids. He said he knows kids are smoking at the Community Center and swearing and it is a bad atmosphere. Darin Larson pointed out skating at the bank and the theater has gone down since the opportunity at the Community Center was offered. Council members suggested possibly solving the problem by shutting down skating at the Community Center occasionally and encouraging enforcement of rules.

It was clarified the Council has approved the Fire District take over payroll and administrative actions. Now the Council needs to arrange a work meeting and send a letter to the County Commissioners asking for a modification of the Fire District. January meeting schedule.

Darin Larson -Planning Commission, Economic Development, Planning Department – Darin reported Liahona Academy is approved.

Kevin Tervort -Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement - no report

Ethelyn Humphries -Sewer District, Fire District, Solid Waste, Building Inspector – no report.

Darin Thomas Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification – Darin said the Beautification Committee wants to have dumpsters for clean-up weekends located at the north end of town besides at 700 West and 400 South. Clark explained it is possible to have an alternate location but dumpsters couldn't be at both places the same weekend without the City incurring additional cost.

Darin asked if he is required to meet with the Tree Board and if the City is required to have a Tree Board, citing issues with the current Chairman's goals for the board and constant repetition of the same issues.

Mayor Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer. Mayor Bramall explained the property owners south of the Community Center want \$180,000 for their property if the City is interested in purchasing. The property would be used for parking.

The mayor reported the County Association of Mayors approved proceeding with a Southwest Utah Sports Park. Twelve mayors agreed to help if the City gets it done.

He stated Grandpa's Pond Park is proceeding. The City will be getting a comparison bid on the project.

He said he would like both Dixie Springs Park and Grandpa's Pond Park completed.

Mayor Bramall stated a zone change for Coral Springs Condominiums will be on the Planning Commission agenda.

He announced Intermountain Health Care has approved an expansion to the Regional Hospital with an improved cancer treatment center including a genomic program.

He asked if the Council wants to spend \$180,000 to buy the property south of the Community Center.

He also asked if the City want to bond to buy this and the property down by the Animal Shelter. Clark will talk to Zions Bank Public Finance about possibly going to a direct loan. Darin Larson said State Bank of Southern Utah had a discussion about municipal finance with smaller deals might be a more interesting to the smaller bank. A renewable lease was discussed as a possible financing mechanism.

Darin Larson clarified he would not personally handle any municipal financing with the City.

Council members discussed changing the meeting schedule in January in light of the fact the first Thursday is on New Year's Day.

Council may choose to close meeting to discuss possible employee matters. Kevin Tervort motioned to close the meeting to discuss the character, professional competence, or physical or mental health of an individual employee, seconded by Darin Larson. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, Pam Humphries, and Darin Larson all voting aye. Meeting closed at 8:35 p.m.