

MINUTES OF THE HURRICANE CITY COUNCIL MEETING HELD ON FEBRUARY 19, 2015 AT 5 P.M.
IN THE COUNCIL CHAMBERS AT 147 N. 870 WEST, HURRICANE, UTAH

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

Staff members present: City Manager Clark Fawcett, City Attorney Fay Reber, Planning Director Toni Foran, City Engineer Arthur LeBaron, Public Works Director Mike Vercimak, Police Chief Lynn Excell, Fire Chief Tom Kuhlmann,

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

Toni Foran explained Bill Zitting's PDO was approved subject to him returning to the Council to get the phasing plan for the project approved. He is here tonight to submit the phasing plan for approval. She clarified the re-conveyance approval is from a subdivision recorded in 1983 when roads were not completed to adjoining properties and the City wanted to ensure roads would be built correctly. The roads are all complete in that area and Fay Reber directed that a deed of re-conveyance be approved by the City Council.

Darin Larson explained Lon Allen's idea for a Food Cart Tuesday as a traffic stopper for tourism that was discussed at the Planning Commission meeting. The goal is to stimulate economic development and get buses to stop. He wanted the Council to think about it as more of a way to cater to the local community and hope it builds over time. Lon is the head of the Chamber of Commerce and wants to help build economic opportunities. Darin Thomas explained he originally was opposed to mobile food vendors because of his memory of 'roach coaches' at construction sites. Darin Larson said the Planning Commission just re-vamped the vendor cart ordinance and this does not fit. Issuing an event license does not work for sales tax purposes for a weekly event. All agreed in large cities food cart vendors are common but questioned the conflict with brick and mortar stores in smaller city. Ethelyn Humphries said the local community is not enough to support this kind of idea. If the Council says we don't want that – he won't push it. Pam Humphries said they visited a Farmer's Market on a trip. Current ordinance would not allow this to happen. Mr. Larson asked the Council to think about whether or not the City should consider changing the ordinance to embrace this idea. A comment was made that ideally this kind of thing, like the Tuacahn Farmer's Market event, should be located at the Community Center.

Arthur LeBaron reported the 600 North project is progressing nicely. There is a little more utility work to do and retaining walls are started along Main Street. Contractors hope to start curb and gutter soon.

Mike Vercimak said the bids for the City slurry seal project were received. Karl Rasmussen of Pro-Value Engineering is working on the bid tab. Today was the bid opening for the Airport Pavement Maintenance Project. The City has stopped doing crack seal because it is too warm and it is taking too long for the crack seal to harden. Excess seal material will be used at the airport. Various pot hole areas were discussed.

Mr. Vercimak reported Interstate Rock has been out to look at the 600 North chip seal repair project. Resident Cecile Rathbun asked for clarification on the repair locations. It will be from SR-9 to the fire station on 3400 West and then areas all along 600 North with bad spots.

He also reported the Retreat Phase 2 Subdivision has requested the punch list for project completion.

Mayor John Bramall reported he has talked to Samantha Hinton about the 60 East extension and parking lot for a trail head and Clay from the Streets Department said they will begin work on it. Mayor Bramall stated the City can infringe on Hinton's property if necessary for a slope. Arthur LeBaron stated the Hintons have asked for a row of trees between the road and their property.

There is a section of the canal works the Sons of Utah pioneers wants to preserve in this area so more planning is needed. A suggestion was made to extend pressurized irrigation to properties across Gould's Wash as the Canal Board approved extending to that area east of 180 West. Mayor Bramall discussed possible funding options for an expansion of the secondary irrigation system. Ethelyn Humphries suggested a presentation to the Water Board for their consideration.

Mike Vercimak commented Alpha Engineering is going to finish up design on the sand separator and anticipate dropping the pump back into the well at the West Well very soon.

Mayor Bramall reported on the 39% snowpack at Kolob Reservoir and the flow of only 25% of normal in the Virgin River. Darin Thomas stated he anticipates the need to restrict water use and recommends the City start restrictions now rather than waiting.

Mayor Bramall counseled a "wait and see on water restrictions" in hopes of a wetter spring because the Hurricane water rights should not be restricted due to having the primary water rights in the Virgin River. He said last year the City's golf course was considered the most efficient in the state and reservoirs are full.

Chief Lynn Excell said the Police Department has been approached about a project called "Project Lifesaver" for autistic kids and Alzheimer's patients. The program allows these residents to wear tracking bracelets. St. George City got involved in the project last year at a cost of \$4,000 plus equipment costs and training costs. Hurricane has been invited to join St. George Police project at a cost of \$1,000 plus \$1,4000 for the receiver and getting 3 people trained. The coordinator for St. George actually lives in Hurricane City and is willing to help. Chief Excell explained research has shown that autistic children will run and are very attracted to water. The end is often tragic. Participants in the program are asked for a donation for the bracelet but no one who needs the equipment will be turned down. He said while the Police Department is not excited about getting involved in a program with St. George Police as other participants are always given the back seat, this is a way to offer the program now rather than wait until there is enough money to launch it independently.

Chief Excell said they have found there are 18 autistic kids in just the high school. His Department does have the money in their community policing budget to cover the program. Council members agreed it is a good program. Ethelyn Humphries asked if the Police Department has the budget to participate independently of St. George. Chief Excell stated not this year though they may have more money through the Shop with a Cop program they could use for this purpose. He said they would like to offer the program for Alzheimers patients as well as autistic children if funding will cover it. The Council encouraged him to move forward with getting the program in place. Council members questioned whether the department has the manpower to add this program and cautioned they didn't plan on adding more personnel.

Chief Excell announced the Police Department's first Citizen's Academy starts on April 7th and said he would really like the Council members to be part of the class. This is a 14 week program and is planned for Tuesdays. Council members were asked to contact Chief Excell if they are interested.

The City radio station is fully licensed and ready to go. The call number is 107.5 and it can be used to announce meetings, events, and projects. Chief Excell said he didn't want to sell advertising but would be willing to promote Hurricane City as a tourism destination.

In other information Chief Excell said the Police Department will escort the traveling Vietnam Wall from the east end of town to the Harley Davidson dealership. The ATV Jamboree has all permits and is ready to go.

John Bramall announced the March *Popular Mechanics* magazine included Hurricane City in their list of the five safest places in the United States.

Chief Kuhlmann thanked Pam Humphries for her help whittling down the candidates for the Fire Department office assistant. Pam Humphries asked if the Fire District attorney has any more information on the City rejoining the Fire District. Not yet.

Mayor Bramall called for a five minute break at 5:55 p.m.

Mayor Bramall called the **meeting to order** at 6:04 p.m. He thanked all the Public Safety servants who put their lives on the line all the time and repeated the announcement Hurricane is one of the five safest cities in the United States

The **Hurricane City Public Safety Color Guard** presented the colors and led the Pledge of Allegiance. Prayer was offered by Kevin Tervort.

Presentation of 5 year service award to Justin Grey and Travis Hall – Clark Fawcett presented the awards to Justin and Travis, who are both Police officers, stating he is very grateful for our public safety personnel who do a great job keeping the community safe.

Approval of minutes -12-18-2014 Pam Humphries and Ethelyn Humphries pointed out there is a problem on page 8 that should be revised before the minutes are approved. Pam Humphries motioned to continue approval of minutes, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Discussion and possible decision regarding home in disrepair-Ron Ertman stated he is representing Painted Hills Neighborhood Watch. He said the house at 59 Valley View is in bad shape, with neglected landscaping and repairs needed on the roof and garage door. It is the first house in Painted Hills and gives a bad impression to the whole neighborhood. Mr. Ertman stated the owner of record lives in Salt Lake City and the property is not properly managed by the management company. Desert First Credit Union holds a deed of trust and neighbors believe they are cleaning it up.

Mr. Ertman explained when he moved into the neighborhood he was told there would not be any rental properties in this neighborhood but now there are four rental properties on just his block.

Fay Reber explained any property owner has the right to file a civil action to enforce CC&R's. If the City determines under City code that any property is a nuisance there is a process for investigation, notice to the owner, and a time frame to take action. Typically this means yard maintenance and cleaning up abandoned vehicles or furniture if it is determined to be a nuisance.

Mr. Ertman said the neighborhood would appreciate some help. The Council offered a follow up on business licensing for any business in the neighborhood that is becoming a nuisance, an increase of police enforcement, and community volunteer clean up. Property owners could also file a civil complaint against those who are breaking CC&R's in District Court.

Mr. Ertman suggested a City requirement that rental property be managed by a responsible agency.

Consideration and possible approval of a renewal of preliminary plat and final plat for Scow Orchard Estates – a 6 lot subdivision located at on 1760 West at approximately 300 South – Budd Scow

represented his application. Pam Humphries motioned to renew the preliminary plat for Scow Orchard Estates, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Pam Humphries motioned to approve the final plat for Scow Orchard Estates with the condition that no work on the subdivision begins until a geotechnical report is completed and construction complies with the report's recommendations, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Discussion regarding countywide curbside recycling. Ethelyn Humphries explained the three options. Option 1 is most restrictive: Citizens must choose to opt in or out but once in can't opt out. They can choose to join the recycling program if they have opted out and all new accounts have to opt in. This is the most cost effective. Fay Reber stated administering the program is up to utility staff.

Under Option 2 residents are given a time period to opt out. At a time a resident establishes a new service they can chose again to opt out. New services have the option to opt in and opt out.

Option 3 is the least cost effective but most "user friendly". Residents get an opt out period initially and then are given a time period annually to decide if they want to opt out or in. This takes a lot of staff time and moving of cans.

The fee if recycling County-wide is mandatory could be as low as \$2.65 per household. With 70% of households choosing to opt in the cost is approximately \$2.95.

Darin Thomas asked how residents will know when they have to opt out and opt in. The information will have to be publicized for residents to understand the options. The Solid Waste District can't order cans for everyone in the County.

Ryan Cashin stated on his block three people are paying \$10 a month for a recycling pick up every other week. Clark Fawcett said he believes once most people are into the program they will not want to opt out every year. The District will educate residents and the City will have to educate. Pam Humphries asked about seasonal residents getting an option. They will be notified the same as full time residents. The District can't start the service yet because they need to get bids from contractors to haul the waste. Ideally they would like to start right away but need haulers to get enough trucks and get cans out.

Ethelyn said she likes option 1 for savings and Option 2 for giving residents the ability to opt out when setting up new accounts. Pick up will be twice a month and residents will be allowed to use more than one container if necessary. This will not take glass but will take cardboard, plastic, paper, metal. Darin Thomas asked if the price is going to go up. It was clarified recycling prices in the County are now are \$10 per month for pick up every two weeks or \$20 monthly for weekly pick up. The County Waste recycling contract will be renegotiated after all the details are worked out.

John Bramall stated he is in favor of option 2. Fay Reber reminded the Council that option 2 is more difficult for City administration. Clark Fawcett said he feels since people have to come sign up for utilities anyway, the opting in and out is not any more difficult than signing up for utilities.

Fay Reber commented he would make it mandatory if he had a choice. Ethelyn stated she agrees.

Darin Thomas said he is okay with mandatory. Ethelyn mentioned one of the things the County is looking at is situations such as LaVerkin City stating they do not want to participate and those situations might affect pricing.

Consideration and possible approval of an ordinance amending Title 3 Chapter 9 Rental Dwelling Units and Chapter 10 Transient Lodging Facilities – Hurricane City applicant – Mayor Bramall commented this can change the nature of neighborhoods. Pam Humphries brought up the requirement by St. George

which requires that the responsible person lives in Washington County. Council members discussed fines and stated they would like the amount of the fine to be in the ordinance itself.

Craig McDermott said he owned a vacation rental company and had only three incidents with excessive noise or other incidents disturbing the neighborhood. The houses are kept clean and rented at a higher rate than hotels. Darin Larson stated it self regulates. Mr. McDermott said people do not rent houses like where they live – they wanted to rent property nicer than where they live now.

Council members discussed different areas of the City such as Sky Mountain where the vacation rentals would not be permitted.

Pam Humphries commented she knows everyone in her neighborhood right now and with a vacation rental would not.

Ethelyn Humphries stated her family rents vacation rentals and appreciates the opportunity to stay in a neighborhood.

Darin Thomas said Hurricane has a great community and not nice hotels so this provides an additional option for tourist housing.

Pam Humphries motioned to approve the ordinance amending Title 3 Chapter 9 Rental Dwelling Units and Chapter 10 Transient Lodging Facilities with the addition on page 7 section H that the response person must live in Washington County and the section on violations state it is an infraction with a minimum fine of \$250. Motion was seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of an ordinance amending Title 10 Land Use, Chapters 13 – Residential Zones; 14 – Residential Agriculture Zones; and 39 – Subdivisions – Hurricane City applicant

Toni Foran explained this ordinance makes short term vacation rentals permitted, subject to the licensing requirements in the previous ordinance, in some residential and all agricultural residential zones. It also changes the subdivision ordinance to require improvements be completed before a subdivision is recorded and allowing a paper mylar until it is ready to record.

Ethelyn Humphries motioned to approve the ordinance amending Title 10 Land Use, Chapters 13 – Residential Zones; 14 – Residential Agriculture Zones; and 39 – Subdivisions, seconded by Darin Larson.

Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of a release of a Special Development Restriction imposed by document 251790 recorded in 1983 in conjunction with approval for Riverview Estates II subdivision– requested by Southern Utah Title Company

Toni Foran explained the Title Company wanted to clear up a title report and asked for the release. Fay Reber directed that a release form be drafted and the Council review and approve it before sending it to the title company. This is the form.

Kevin Tervort motioned to approve the release of a Special Development Restriction imposed by document 251790 recorded in 1983 in conjunction with approval for Riverview Estates II subdivision, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of Phasing Plan for Zitting Multi-Family PDO – Bill Zitting was

present to answer any questions. Mayor Bramall explained the original PDO approval required the applicant to come back to the Council with the phasing plan for this project. Tom Kuhlmann clarified the turning and access issues will be reviewed at plat, not phasing. Access to the property is off 600 North to 2170 West and then into the driveway.

Ethelyn Humphries motioned to approve the phasing plan for the Zitting PDO, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Approval of Board Member. Mayor Bramall asked for confirmation of re-appointment of Ethelyn Humphries to the Ash Creek Special Service District Board. Appointment was confirmed by unanimous vote of the Council members.

Mayor, Council and Staff reports

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| Pam Humphries | Court, Water, Power, Hurricane Fire and Ambulance Department – Pam Humphries led a discussion regarding Greg Woodall’s proposal for an archeological site on the lava point overlooking Grandpa’s Pond where Interstate Rock has proposed lots in their Parkside at Grandpa’s Pond subdivision. She recommended everyone read it and talk to Mr. Woodall. Darin Larson commented it is potentially some of the best view lots in the subdivision. The extent of the archeological resources and an required clearances was discussed. |
| Darin Larson | Planning Commission, Economic Development, Planning Department – no report |
| Kevin Tervort | Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement – Mr. Tervort reported on the Mosquito Abatement District Board meeting, stating it is a well -managed entity that does a good job for the County. He said he attended the Fire District meeting last week and approved about \$4 million worth of equipment. He asked Chief Kuhlmann about the chassis for the brush truck – recommending contacting Bart Warner. |
| Ethelyn Humphries | Sewer District, Fire District, Solid Waste, Building Inspector – Ms. Humphries asked about the liability refund from the Utah Local Government’s Trust which will come in next year’s budget. |
| Darin Thomas | Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification –Mr. Thomas announced he was awarded the Utah State Rural Principal of the Year award.
He will forward an email regarding park safety issues for follow up. The Beautification Committee wants the next City cleanup on April 10 th and 11 th if dumpsters are available.
Corinne Stout wants the City to consider the street art leases at the Community Center. Discussed early pioneer theme.
Trails Committee is working on trails.
Tree Board chairman should be changed soon.
He asked about plans for the Parade of Homes booth for Hurricane City and Clark Fawcett explained it will be organized as a display promoting Hurricane City. The Council members were asked to sign up for a time to man the booth. |
| Mayor | Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer – Mayor Bramall summarized his “State of the City” report from Chamber meeting; gas tax; State suing the Federal Government regarding illegal actions; moving up on safety ratings; confluence park update; purgatory road update; Coral Springs Resort; tourism board; building permits; housing units; balanced budget; airport improvements; access to Three Falls; east sand hollow access planned.
He said the water outlook on the Virgin River drainage is not good and asked |

everyone to pray for gentle rains and a lot of snow.

Pam Humphries asked if there are a lot of complaints about the shooting park. Chief Excell stated a meeting is scheduled for next week with Ron Whitehead and County Commissioner Victor Iverson. All agreed the Shooting Park is an asset but there has been a problem in the Shadow Ridge area with low flying bullets.

John Bramall recommended buying Peach Days banners for the street light poles.

Kevin Tervort asked about having jail inmates working for the City - \$300 a day for six people for six hours. Pam suggested they be assigned to planter strip maintenance.

Meeting adjourned at 7:45 p.m.