

Minutes of the Hurricane City Council held on Thursday, November 5, 2015 at 5 p.m. in the Council Chambers at 147 N. 870 West, Hurricane, Utah.

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

Council member Ethelyn Humphries was excused. Council member elect Kevin Thomas was present.

**Staff members present:** City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, City Engineer Arthur LeBaron, Police Sargent Jarod Brisk, GIS Specialist Joe Rhodes, City Attorney Fay Reber, Power Superintendent Dave Imlay, Planning Director Toni Foran, Water Superintendent Ken Richins, and Ash Creek Special Service District representative Blair Gubler.

### **Discussion of Agenda Items, Department Reports**

Ken Richins reported Jason Porter has left the Water Department and the Department is in the middle of the hiring process for a replacement.

**Blair Gubler** said the Sewer District is finishing up a project on 100 East which makes about 75% of the city system upgraded. John Bramall explained the City owns the Sand Hollow Golf Course and would like to get the restrooms built without paying impact fees. Blair said in the past the bathrooms at Sky Mountain Golf Course have not been charged an impact fee so it is possible the same arrangement could be made at Sand Hollow Golf Course.

**Kaden DeMille** said the election results must be canvassed some time between the 10<sup>th</sup> and the 17<sup>th</sup> so a special meeting will be required. All agreed to November 10<sup>th</sup> at 3 p.m. to canvass the election. There was only an 18% turn out for the election.

**Dave Imlay** referred to the email he sent out earlier this week regarding the carbon free power project. Today there was an electronic meeting to try to move forward quickly on the site approval at the urging of the Federal Department of Energy. However the Federal Office of the Budget wants to look at the Department of Energy investment in this project. Dave commented the Federal Government is pushing to get this plant approved and UAMPS is taking a little longer. He commented this small modular reactor project is the only base load option left.

Dave said he had the opportunity to tour the nuclear plant in Kennewick, Washington recently. He told the Council how heavily controlled access is at the plant.

Mr. Imlay reported the Power Department was heavily involved in the Intermountain Power Association apprentice training last week. The generation plant is also being used as a training facility in exchange for free training to the City's substation personnel.

Kevin Tervort asked about the salesman who is knocking on doors trying to sell solar systems. He is telling residents they will "not have to pay a Hurricane Power bill again." Kevin explained to him that is not exactly true. Dave Imlay said he is not opposed to solar but there is still a base rate and a rate schedule that makes it fair to the system. He would like to attend one of the seminars the solar sales companies are giving just to make sure customers know the facts.

**Arthur LeBaron** said yesterday he was asked about Gould's Wash and the NRCS activities. He said he had submitted a letter to NRCS outlining concerns. Arthur talked to Mr. Smith from NRCS and they have put in a request for funding for Gould's Wash projects to the Congress but it is not approved yet.

He said he and Mike Vercimak investigated the Park Subdivision drainage issue. He explained there are places where there are catch basins but only one place where the water can come out to the street. He said if the City is going to take care of it some boxes should be hand formed and some 10" sewer line installed. This might require hiring a crew from the prison to do the hand digging. Arthur said there are several properties along the back side of the subdivision. He estimated the cost to take care of Mr. Terry's problem at \$1500 to \$2000 if the City is inclined to solve it.

Arthur explained agenda item #6 which is about a piece of property that starts at 2060 South and goes right up the middle of 700 West. The City is interested in purchasing the .784 acre property on the south side of the road north of the animal shelter. The agent representing the owner has proposed a price of \$50,000 for the property and the owner will sign a dedication for all the property within the road. It helps protect the airport and can be used to expand the airport property. Mr. LeBaron said this is a willing seller. He recommended the seller contact adjoining property owner on the north to sell the parcel on the north side of 2060 South.

The Utah Transportation Commission meeting will be held here in Hurricane on Friday the 13<sup>th</sup>. Arthur said there is an open forum during the meeting where municipalities can speak to the Commission. UDOT Region 4 staff will present information about local projects to the Commission and it should be very interesting.

**Fay Reber** explained the agreement with Shadow Ridge HOA which is on the agenda.

#### **Council and Staff reports**

**Mayor Bramall** said he and Clark Fawcett met with Steve Ward's attorney this afternoon. Fay Reber asked if they are being placed on the agenda to ask again for his hard liquor license. Fay Reber said Steve Ward no longer has a manager and the former manager is willing to tell the Council some of his concerns. Darin Larson said Steve Ward came and talked to him because he was concerned that the Stagecoach Grill was getting a hard liquor license but they are actually applying for beer and wine only.

Pam Humphries asked about the proposal for indigent counsel obligation for City courts. Clark Fawcett said he has seen it but does not support the proposal.

Fay Reber reported the participation rate for curbside recycling in the County came in at 80%. The rate has come down to \$2.94 per household. Some communities are adding an administration fee to the base rate. An ordinance will be presented to the Council to adopt the rate at the next meeting.

Darin Thomas said he met with representatives of the Historical Preservation Committee at the end of 60 East. They are concerned with the removal of the portion of the old canal and drainage. The streets department will ensure there is a drainage facility to replace the canal.

Kevin Tervort said he attended a High School Bicycling Team race in St. George and there were 900 kids attending this event. He suggested Hurricane look into getting the race to the City as they have lost their venue in St. George. This is a big race with vendors, announcers, and competitors from all over the State.

Darin Thomas said the Historical Commission would like to have the Historical District banners replaced. Dave Imlay said he will talk to TJ about this issue and coordinate with Phyllis Laughton.

Toni Foran asked the Council members if they are going to require the Planning Commission to hold a public hearing on the changes to the vacation house rental section of the Business Licensing ordinance. The Commission has voted on a recommended ordinance and asked that it be sent to Fay Reber for legal review. Because this is not part of the Land Use Code the Planning Commission is not required to hold a public hearing. They would rather the Council hold a hearing on this issue if they want one. The

Commission will be holding a public hearing on the bed and breakfast/residential hosting chapter of the Land Use code on November 12<sup>th</sup> and will send a recommended ordinance to the Council for November 19<sup>th</sup>. Council members discussed the vacation rental changes and decided they will hold a hearing on whole house rentals at the November 19<sup>th</sup> meeting with strict guidelines for the hearing.

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

He called the meeting back to order at 6 p.m. He offered congratulations to Council members elect Kevin Thomas and Cheryl Reeve and to Council member Pam Humphries who has been re-elected for another term.

Kory Wright offered a prayer and Kason Gubler led the Pledge of Allegiance.

On the record, Kevin Tervort commented Darin Thomas has only 4 meetings left in his term and that is how many meeting Darin said he had last January.

**Presentation of 10 year service award to Steve Johnson and Kory Wright.** Clark Fawcett said Steve Johnson works in the Police Department and Kory Wright in the Water Department. He thanked them for their years of service and presented them with awards. He and Mayor Bramall congratulated them.

**Presentation of 15 year service award to Arturo Camacho** – Clark Fawcett said Art was working at the Golf Course and the City took him away from that and put him to work at the Community Center. He has been a great asset there and the City appreciates him. Clark presented the award to Art and he and Mayor Bramall congratulated him.

Jarod Brisk introduced the Police Department's new Reserve Officer, Russell Desatoff. He will fill in shifts when other officers are off.

**Approval of City Council meeting minutes: 9/3/2015** – Pam Humphries motioned to approve the minutes as written, seconded by Darin Thomas. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Kevin Tervort voting aye.

**Presentation of the Employee of the Month award.** Nola Wayman was presented with the October Employee of the Month award by her supervisor, Recreation Director Bryce King. He said she manages the front desk at the Community Center and is a great help for him. She worked for the Utah Jazz for 25 years and is a great fit in customer service.

Discussion and possible decision regarding **maintenance agreement for maintaining/clearing of vegetation from Shadow Ridge Phase 2 retention pond**-JulieAnn Gledhill was not present.

Fay Reber explained the agreement is drafted so the City is helping maintain the retention pond but the responsibility and liability remains with the Homeowners Association. Pam Humphries commented she would prefer they be present before the Council approves the agreement. The other Council members suggested the agreement be approved pending a signature from the Shadow Ridge HOA. If they want to come discuss the terms, they can come back to the Council.

Darin Larson motioned to approve the maintenance agreement for maintaining/clearing of vegetation from Shadow Ridge Phase 2 retention pond pending Shadow Ridge HOA signature, seconded by Kevin

Tervort. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Kevin Tervort all voting aye. Fay Reber explained this agreement can be renegotiated after two years upon agreement by the parties.

**Request for support for the Hurricane Heritage Book Project- Dr. DeMille was not present.** Mayor Bramall suggested the City purchase 100 of the books at \$30 each. Pam Humphries said she would like to know the balance in the contingency fund is before making a decision. The books could be re-sold through the City office and at the museum and possibly used as gifts.

Darin Thomas motioned to purchase 100 books from the Hurricane Heritage Book Project, understanding it would be a pre-payment until they are printed with the money coming out of the contingency fund, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Kevin Tervort all voting aye.

**Review and possible adoption of the Washington County Drug Task Force MOU-**Mayor Bramall said this is a continuation of the agreement with the Task Force which does a lot of good in controlling drug activity.

Pam Humphries motioned to adopt the Washington County Drug Task Force MOU, seconded by Darin Thomas. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Kevin Tervort all voting aye.

**Consideration and possible approval of a solution to the storm drain problem in the Park Subdivision affecting lots 29-38-**Melvin Terry provided packets explaining the City Standards and the agreement for the subdivision regarding drainage. He also provided photos showing how the walls were built with the hillside above them, allowing water to come over the wall during storms.

Mayor Bramall suggested the City hire a prison work crew to hand dig a trench for a 10" sewer line from the back of Mr. Terry's property into a storm drain pipe to the south of his lot. Arthur LeBaron told the Council there are other problem areas in this subdivision that may not be resolved as easily as this situation. There are not any easements to run storm drain from the back of the lots to the street so those would have to be obtained. The Council members all agreed the work should be done.

**Consideration and possible approval of a zoning map change on 5.47 acres located at approximately 1160 South 700 West from Residential Agriculture one acre, to RA-.5, Residential Agriculture half acre** – Lawrence Hinton applicant; ProValue Engineering agent

Karl Rasmussen congratulated the newly elected council members and thanked Darin Thomas for his service. Pam Humphries expressed some concerns with the soil and drainage on this property. The group looked at the existing drainage on the property. Pam pointed out there is still collapsible soil in this area. John Bramall pointed out this property has been flood irrigated for a very long time. Karl Rasmussen said there is protocol that should be followed including building up pads, keeping drainage away from the house, and any other geotechnical engineer recommendations. Fay Reber reminded the Council the City did create an agreement that property owners are required to sign at building permit that runs with the land and helps limit the City's liability.

Kevin Tervort motioned to approve the zoning map change on 5.47 acres located at approximately 1160 South 700 West from Residential Agriculture one acre, to RA-.5, Residential Agriculture half acre, seconded by Darin Larson. Motion approved with Kevin Tervort, Darin Thomas, and Darin Larson voting aye. Pam Humphries voted no based on her concern that half acre zoning in this area doubles the chance of houses being damaged.

**Consideration and possible approval of purchase of property located at 2060 S 700 W**-Arthur LeBaron requested the Council give him permission to negotiate a price up to \$50,000 for this .78 acre of property north of the Animal Shelter. The agent has offered the property at \$50,000. Clark said the City only has \$30,000 available to purchase the property from the bond proceeds because the parking lot improvements on the other property purchased cost more than anticipated. Arthur clarified this purchase property does not include any of the roadway or any utility connections. The owners are willing to sign a roadway dedication for their property in roadway.

Council members discussed funding the extra \$20,000 and agreed it would have to be budgeted into the next two or three fiscal year budgets.

Kevin Tervort motioned to purchase the property with internal City financing spread over the next two budget years, seconded by Pam Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Kevin Tervort all voting aye.

**Discussion and decision regarding appointments to various boards and committees**-Mayor Bramall explained Dan Zaleski has resigned from the Historical Commission and recommended appointing David Isom to the Historical Commission.

Darin Thomas motioned to confirm the appointment of David Isom to the Historical Preservation Commission, seconded by Pam Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Kevin Tervort all voting aye.

Mayor Bramall recommended either Laura Thomas or Vera Hirschi to fill another vacancy on the Historical Preservation Commission. After the council discussed it, he amended his recommendation to put Vera Hirschi on the Tourism Board and Laura Thomas on the Historical Preservation Commission.

Kevin Tervort motioned to confirm the appointment of Vera Hirschi on the Tourism Board and Laura Thomas on the Historical Preservation Commission, seconded by Darin Thomas. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Kevin Tervort all voting aye.

Mayor Bramall said Dean McNeil is completing his term on the Airport Board in January and does want to be replaced. Trace Allen will also need to be replaced as the meetings conflict with his work schedule. Mayor Bramall asked the Council to give him suggestions for these future vacancies. Pam Humphries suggested Richard Carter. Other suggestions will be taken as the vacancies are discussed with members of the Airport Board.

**Mayor,**

Mayor Bramall	Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer – Mayor Bramall said he would like to see Frog Hollow cleaned out during the fencing project. He would also like to reseed the airport with perennial rye grass. He said the cost is about \$3,000 for the seeding. Darin Larson suggested this as a future agenda item.
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	<p>Mayor Bramall reported the City is still selling 6-7 building permits a week. The City renewed the agreement with Victim’s Advocate program. All other departments were doing well.</p> <p>Mayor Bramall reported he and Clark Fawcett met with Sand Hollow Resort regarding putting tennis/pickleball courts on the park property out by the Dunes. The cost would be approximately \$100,000. He suggested some options for funding the courts.</p> <p>He reported he and Clark Fawcett met with Brent Gardner, the U-Haul business owner, after he received the letter from City Attorney Fay Reber. Mr. Gardner asked if he could have until January to clean up the property. Council members agreed to give him until January 2<sup>nd</sup>. They will look at progress at that time.</p>
Pam Humphries	Court, Water, Power, Hurricane Valley Fire District
Darin Larson	Planning Commission, Economic Development, Planning Department
Darin Thomas	Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification
Kevin Tervort	Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement
Clark Fawcett	City Administration

**Meeting adjourned at 7 p.m.**