

Minutes of the Hurricane City Council meeting held on Thursday October 15, 2015 at 5 p.m. in the Council Chambers at 147 N. 870 West, Hurricane, Utah.

Members present: Mayor Pro-tempore Pam Humphries, Council members Darin Thomas, Darin Larson, Kevin Tervort, and Ethelyn Humphries.

Mayor John Bramall was excused.

Staff members present: City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, Police Sargent Jarod Brisk, GIS Specialist Joe Rhodes, City Attorney Fay Reber, Power Superintendent Dave Imlay, Planning Director Toni Foran, Public Works Director Mike Vercimak, and Ash Creek Special Service District representative Blair Gubler.

Discussion of Agenda Items, Department Reports

Toni Foran asked the Council about the U-Haul business on 600 North and SR-9. There is a tax number problem with their current license but if the Council is going to have the City Attorney send a letter about the business on other matters, the Business Licensing Clerk should not send a letter from the City as thought nothing else is a concern. The Council directed Toni to have the Licensing Clerk wait until the City Attorney sends a letter.

Toni asked if the Council still supports moving forward with a Downtown Revitalization plan with the consultant. They support moving forward with a committee of property owners to propose plans.

Jarod Brisk reported the officers are pleased to be assigned to the new police vehicles. He said the police SUV's are becoming very popular nationwide. Hurricane is using the Ford Interceptor with a standard truck engine. Some officers prefer the visibility and versatility of the trucks so about half the fleet will still be trucks.

Dave Imlay reported the Southwest Task Force learned the cooling days have been fewer over the past summers with a resulting lower load. This change in the climate pattern has made it hard to predict loads. A substation is planned out by Purgatory to be completed in 2018 by Rocky Mountain Power. The 2005 impact fee study had planned to bring transmission from St. George to this substation but that cost has been eliminated.

Hurricane Power crews have been replacing rotten poles before they fail. In some places the wires are holding up the poles. The testing and maintenance program will help with liability claims in the future. Dave described how the tester works in finding the voids in the poles. He explained the poles are not being damaged by termites but are rotting.

Mr. Imlay reported the Power Department finalized the purchase of the Colemere property and now the Rocky Mountain Power property, .47 acres, contained within this property is available for \$9,000. He

stated it makes sense for the City to buy this parcel. He explained the City has a Memorandum of Understanding regarding using the 1150 West Rocky Mountain Power line. In the end the City should save \$25,000 on this project. Dave was excused at the end of the 5 p.m. meeting.

Mike Vercimak said the crews are working but hunting season will keep the crews to minimum numbers. They will be crack sealing soon. The Streets Department purchased a new streets broom and it will be able to keep the shoulders clean. The crews are ready to finish up the concrete and put gravel on the parking lot at the Main Street trailhead to Confluence Park.

Mike Vercimak told the Council the construction drawings are signed and approved and Mr. Spilsbury has been notified of the bonding requirements. He recommended the final plat be approved contingent on bonding and confirmation from UDOT on where an access on 2260 will be acceptable. Mr. Vercimak stated Arthur has been trying to work with UDOT and find out the basis for the distance from the intersection with SR-9 for access.

Fay Reber said the certification for the Court expires in February. A resolution passed by the City Council is required to apply to be re-certified. Fay had provided a letter recommending re-certification based on the court following all the requirements of the State law.

He explained the maintenance agreement for Shadow Ridge detention pond which he has modified to require the homeowners to indemnify the City and recognizing there may be standing water in that pond. Mike Vercimak explained the homeowners have requested that the City remove the vegetation and clean out the garbage. He cautioned they may want a different kind of retention pond utilizing underground storage.

Fay Reber was asked to follow up with a letter to the U-Haul business.

Chief Kuhlmann reported on the 1st Thursday of November he and Dean Cox will be asking the CIB for a \$500,000 grant and 2.5% interest for the \$1.5 million balance to finance the building for the Coral Canyon Fire Station. Ownership of the property is still being discussed with Washington City.

Blair Gubler introduced himself as a representative of the Ash Creek Special Service District. He said the District is having a lot of discussion about septic tanks and septic tank loading and how it affects groundwater and density affects the loading. The main concern is nitrates. Blair invited the Council members to talk to their Board representatives about the discussion. He said treating drinking water to purify with nitrates in it is very expensive. The density discussion will be based on protecting the aquifer. Ethelyn Humphries commented the treatment for the septic systems on smaller densities. Blair said the new Superintendent is very familiar with treatment options.

Mayor, Council and Staff reports

Ethelyn Humphries Sewer District, Fire District, Solid Waste, Building Inspector – Ethelyn

Humphries reported building permits are up from last year in numbers and value.

Pam Humphries Court, Water, Power, Hurricane Valley Fire District – Pam reported the court has taken over some of the space formerly occupied by the physical therapy office to improve the court function.

Darin Larson Planning Commission, Economic Development, Planning Department – Darin reported on the Utah APA conference he attended. He said there was a great presentation by the Provo mayor on using social media to get out information to citizens. He recommended a very active presence and maybe even having a blog.

Several items on this agenda were forwarded by the Planning Commission with recommendations for approval.

Darin Thomas Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical

Preservation, Beautification – Darin Thomas reported Lucy Ormond of the Trails Committee has sent out a letter tendering her resignation and stating the Trails Committee has done its part. It is up to the City to put some money into trails.

Darin said he believes the City should ask the taxpayers to bond for recreation needs such as trails and ball fields and community center improvements. The money should go for major projects. The construction of these major projects would have to be disclosed in the public information regarding the bond.

Pam commented it is better if the City develops an application process like the County Tourism Board uses with a point system. Then applicants for the Council money, either from RAP tax or discretionary money, could present their case and the Council makes a decision on the amount based on points.

Kevin Tervort Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito

Abatement – no report

Mayor Pro-Tem Pam Humphries called for a break at 5:54 p.m.

She called the meeting back to order at 6:00 p.m. Darin Thomas led the Pledge of Allegiance and Darin Larson offered prayer.

Approval of City Council meeting minutes: 7/16/2015 8/6/2015 and 8/13/2015 joint meeting - Ethelyn Humphries motioned to approve the minutes, seconded by Kevin Tervort. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

OLD BUSINESS

Discussion and possible approval of RAP tax money to support Purgatory Clay Sports-Mr. Lee Scott mentioned they are a venue for the World Senior Games and told the story about a particular competitor. Mr. Scott asked the Council to fund 4 super stacker machines for \$3600 or more each. He said he has asked the DWR about getting some of the money received by the State through a tax on ammunition. This money is intended to help infrastructure at the Shooting Park.

Mr. Scott said they are a non-funded Special Service District. They receive no funds from the County but they are assisted with equipment and road base from the County.

Pam Humphries explained the Council decided last night to use RAP tax money to fund Hurricane projects only.

Mr. Scott said they have over 50 of the machines. The machines they are asking for will be to replace and to expand their supply. Darin Thomas said the Council is will to provide two shooters because the City still is not sure how to handle the many requests and divide the money fairly.

Darin Thomas motioned to fund two of the machines with the City Council contingency fund and one from RAP tax, seconded by Kevin Tervort. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye. Darin Thomas explained the Council will be looking for a grant process to disburse the RAP tax.

The location of the Shooting Park in relation to the City boundaries was discussed. Mr. Scott contended it is within the City limits and Joe Rhodes from the GIS Department explained it is not.

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 recommended the agreement be put off after he modified it to help protect the City from liability since the HOA representative is not present.

Darin Thomas motioned to continue this item to the first meeting in November, seconded by Darin Larson. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Presentation of the Hurricane Heritage Book Project and request for support-Dr. Janice DeMille – Dr. DeMille was not present. Darin Thomas motioned to table this item, seconded by Ethelyn Humphries. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Presentation and request for support for the 2015 Hurricane Mountain Bike Festival-DJ Morisette brought a copy of a mountain biking magazine with an article about the Hurricane area and the ad they are running in the magazine to show the Council. She said their Over the Edge bike shop is a franchise but independently owned. She reported on the Inner Bike Festival and the marketing they did at the event for the Hurricane Mountain Bike Festival. She stated they are trying to get the festival to explode as it has done in Australia.

DJ reported the County Tourism Council has awarded some money to the Festival and said they are encouraging the event to grow. The one thing the organizers are trying to push with the advertising is a focus on places that are cold and ugly in March. They are providing free expo spots during the Festival to media outlets. She asked if there is a way to spread the word to all the local businesses and maybe use a giant banner to get the word out about the Festival. They have created a festival website and are advertising in a biking magazine.

She said they are asking for more help at the Community Center from the City - volunteers and use of the Community Center. The date will be the last weekend in March. They are also asking for help with advertising budget.

Ms. Morisette stated Southern Utah Cycling is sending out brochures to members and local bike shops. Pam suggested putting fliers in the local businesses. It was verified the event sponsor logos do include Hurricane City.

DJ explained the beer garden this time will be changed by fencing the whole area so participants can carry beer while participating in the event.

Ethelyn Humphries asked when they want the money. DJ asked if they could bring in receipts to be reimbursed before the event.

Kevin Tervort asked what was approved last year for this event. DJ said it was \$1000 last year. She would like to get the same amount as given by the Tourism Board - \$3,000. Darin Thomas said he has been to plenty of events around the country and cities always help support. He stated the City should sponsor this event.

Darin Thomas motioned to supply the facility for this event and \$3,000 to help with advertising requiring invoices to verify how the money is spent to ensure it is on advertising with the money coming from the contingency fund. Motion seconded by Ethelyn Humphries. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Ms. Morisette told the Council Quail Lake State Park would like a pit toilet on the mountain bike trail out around the lake.

Approval of recertification of the Hurricane Justice Court – Fay Reber explained the current court certification expires in February. With the application for re-certification a resolution must be approved giving all the reasons the court should be re-certified. Ethelyn Humphries asked why the agenda does not say anything about a resolution. Mr. Reber stated the resolution goes the State Courts and is based on the review and recommendation by the City Attorney, Fay Reber.

Ethelyn Humphries motioned to approve re-certification of the Hurricane Justice Court, seconded by Darin Thomas. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Consideration and possible approval of final plats for:

a. Painted Hills Commerce Center, a 2 lot commercial subdivision north of SR-9 at 2260 West-Toquerville, LLC applicant - Jerry Spilsbury and his engineer Gerold Pratt represented the application. Kevin Tervort asked if they were aware they need to meet with Public Works and provide bonding for the improvements and must get approval from UDOT on a right in and right out within the area of the intersection with SR-9.

Fay Reber explained the City has a corridor preservation agreement and the City needs to ensure it follows the agreement. Mike Vercimak said this was discussed at length yesterday and he has read the agreement and agrees the City should follow the agreement.

Fay Reber recommended the plat being approved with the two conditions. He said he could not sign the plat without understanding the City's contractual obligation with UDOT is met.

Kevin Tervort motioned to approve the final plats for Painted Hills Commerce Center, a 2 lot commercial subdivision north of SR-9 at 2260 West with the two stipulations, bonding and a decision from UDOT, to be finalized before recording. Ethelyn Humphries seconded the motion. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Fay Reber clarified if the mayor directs him to sign the plat without UDOT approval after another meeting of the Council he would sign.

b. Sky Ridge Phase 10, at approximately 270 North 2700 West – Gerold Pratt represented the applicant. Construction drawings are signed. Approval was recommended by Planning Commission. Darin Larson explained the issue brought up at the last meeting by an adjoining property owner was a misunderstanding of where the easement is located.

Kevin Tervort motioned to approve the final plat for Sky Ridge Phase 10, at approximately 270 North 2700 West, seconded by Darin Thomas. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Consideration and possible approval of a preliminary plat for My Subdivision Phase 2, a single lot subdivision located at approximately 508 W. 650 South – Rand Lemmon agent explained this should be the last lot for this Goetsch property. It is a .38 acre lot. This plat does not include the property where Mrs. Goetsch lives. The intent is to preserve the buildings for her family.

Darin Larson motioned to approve the preliminary plat for My Subdivision Phase 2, a single lot subdivision located at approximately 508 W. 650 South, seconded by Darin Thomas. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Discussion and possible decision regarding impact fees for the Sand Hollow Vacation Villas-Robert Allen – Robert and William Wilkey represented Sand Hollow Resort. Mr. Allen explained they would like to pay a commercial streets impact fee rather than the residential. Mr. Wilkey explained the units are being used at about 70% rental occupancy. He said they will not privatize any units in the new building. There is a transient tax that is paid when the units are rented.

Ethelyn Humphries motioned to approve charging commercial rates for streets on this building, seconded by Darin Larson. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Consideration and possible approval of request for support for the Hurricane Valley Chamber of

Commerce – Myra Mathews introduced herself as the new office manager for the Hurricane Valley Chamber. The Chamber has been offered a very attractive offer but needs some support. Board member Greg Alldred announced an exotic food festival will be added to the Chamber calendar. He and Myra explained the Chamber has been offered an opportunity to purchase 21 radio spots for members and a live interview for \$4000. If the City can support this effort, they could advertise up to six City events.

This would be offered to new members so the chamber could bring more value to membership.

Darin Thomas offered his admiration for the progress the Chamber of Commerce has over the past couple of years since Greg Alldred took over.

Myra said she has had a lot of frustration with the current president and really appreciates Greg helping.

Greg said there was a great presentation for the business owners on Social Media today at the Chamber Lunch. He explained the Chamber theme – “Hurricane has it all.”

They asked for a single donation of \$4000 specifically to fund the Hurricane Chamber advertising contract with Cherry Creek radio. The advertising value is about \$1,000 for the members.

Ethelyn Humphries said she has never listened to the radio station and questioned the value. Greg said Myra will track the benefit for the community. He explained the amount of growth when Washington City and Cedar City Chambers of Commerce used the offer was excellent. They gained forty new members in Washington City last month.

Kevin Tervort asked if this is above and beyond what the City is already doing for the Chamber. Greg said the City has not donated this year.

Ethelyn Humphries said she supports this but does wonder where the money should come from for this donation.

Darin Thomas motioned to approve the request of \$4,000 for the Chamber of Commerce to use for advertising for the City through the Cherry Creek contract, seconded by Kevin Tervort. He said the money should come from economic development. Motion was unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Consideration and possible approval of a preliminary plat for Peregrine Pointe Phases 2A and 2B, a 62 lot subdivision located at approximately 2865 W. 625 North – Perry Homes applicant – Greg Sant represented Perry Homes. Ethelyn commented this is one of her favorite subdivisions with the view and the homes.

Ethelyn motioned to approve preliminary plat for Peregrine Pointe Phases 2A and 2B with all staff and JUC comments, seconded by Kevin Tervort. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Consideration and possible approval of a zone change for an 8240 square foot lot located at 460 West State Street behind 470 West State Street from HC, Highway Commercial, to GC, General Commercial – Rita and Allen Bice and Kenneth Heaton applicants – The applicants were not present. Darin Larson explained the Planning Commission unanimously recommended approval and said the intent is to add to the clinic facilities on the front piece and build climate controlled storage on the back. Ethelyn Humphries motioned to approve the zone change for an 8240 square foot lot located at 460 West State Street behind 470 West State Street from HC, Highway Commercial, to GC, General Commercial seconded by Darin Thomas. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Discussion and possible approval of the purchase of .43 acres of property to aid in the facilitation and construction of a power line. Mayor Pro-Tem Humphries explained this is a \$9,000 purchase of property inside property the City already owns. Darin Thomas motioned to approve the purchase of .43 acres of property to aid in the facilitation and construction of a power line, seconded by Kevin Tervort. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye.

Approval of 2015 General Election Poll Workers and Judges-Kaden DeMille explained the poll workers and judges will be serving at the Fine Arts Building, where the voting will take place. He announced Jason Smith and Tony Hal Hoyt have officially withdrawn from the election. Any votes for them will be like write-in votes for a candidate that has not filed.

Darin Thomas motioned to approve the 2015 General Election Poll Workers and Judges, seconded by Ethelyn Humphries seconded. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye. Kaden suggested the City increase the filing fee for council members in the future to avoid having candidates withdraw after the City pays for a primary election.

Approval of Kevin Tervort as city representative to the Ash Creek Special Service District Board

Ethelyn Humphries motioned to approve Kevin Tervort to the Ash Creek Special Service District on the condition he is ratified by the County Commission. Motion seconded by Darin Thomas. Fay Reber questioned whether Kevin can serve since the Board was established with the Mayor and a Councilman from each community serving on the Board and there is only one more meeting between now and the end of the year. Kevin said he understands he will replace the Mayor until the first of next year. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, and Darin Larson all voting aye

Ethelyn Humphries asked if the police have a substation at the Brentwood Fire Station to help with response times.

Kevin Tervort said he has proposed to Clark that sandbags that have been prepared for emergencies be stored in Conex boxes purchased by Police Chief Lynn Excell' s budget. The boxes cost \$1800 each.

Pam Humphries explained she had said in a candidate forum there had not been a power rate raise but has since learned that in 2007 there was a 12% power rate increase.

Adjournment – meeting adjourned at 7:48 p.m.