

Minutes of the Hurricane City Council held on October 1, 2015 at 4:00 p.m. in the Council Chambers at 147 North 870 West, Hurricane Utah

Present: Mayor John Bramall and council members: Pam Humphries, Kevin Tervort, Darin Thomas and Ethelyn Humphries. Excused: Darin Larson. Clark Fawcett, Kaden DeMille, Joe Rhodes, Arthur LeBaron, Mike Vercimak, Dallan Wadsworth and Connie Martin were also present.

## **AGENDA**

### **4:00 p.m. Pre-meeting – Rural Water Presentation on Backflow (cross connection control program)**

Ryan Petit representing the Rural Water Users Association presented to the council the cross connection control program. Ryan grew up in Logan and worked in Logan for over 30 years in the water and waste water division. Ryan has worked with Rural Water for 1.5 years. He is also the president of the Utah Chapter of the Cross Connection Control Commission which works as a peer review group.

Every public drinking water system in the state of Utah is required to have a cross connection program in place and in use. There are 5 elements of the program including: local authority or ordinance, public education and awareness, trained staff, record keeping, and ongoing enforcement. Ryan presented the 5 elements of the program to the council:

**1. Local authority or ordinance**-this authorizes the public drinking water system to carry out a cross connection program. Ryan felt like Hurricane City has a well written ordinance and feels like it is where it needs to be. Plumbing codes and amendments to the ordinance need to be kept up to date and reviewed on occasion. Ryan asked if Hurricane City has a pressurized irrigation system. The ordinance does not address pressurized irrigation. Mike explained that the city keeps the two connections totally separate and does not allow swing connections. Dallan felt like pressurized irrigation is addressed in the water department code. Ryan recommended not having swing connections between the two connections. He also recommends having something in the ordinance or policy to address the use of fire hydrants by contractors as well as the candy canes (air gaps) that local contractors use to fill up water trucks to ensure they are properly maintained and adequate.

Mayor Bramall asked if the state requires annual testing of backflow prevention devices. Ryan confirmed that the state does require annual testing and it is actually in the plumbing code as well. Connie would like to know how aggressive the water department should be on monitoring backflow preventers since she monitors/enforces the backflow preventers. Currently notices are sent out but they haven't dealt with enforcement. Connie monitors approximately 200 backflow prevention devices and has them report back to her. There is no follow up right now after a letter is sent out on residential but on commercial locations they do follow up. Connie explained that when new construction takes place or Blue Stakes for irrigation is requested this is the trigger point where Connie collects information on who has a back flow preventer.

**2. Public education and awareness**-Maintain written documentation of information provided to the customers, staff, or employees including information on what cross connections are, how contamination can be prevented, what types of protection are available and the concerns associated with thermal expansion where protection is required. A good public awareness program will target more than the public drinking water system customers. It will directly address other groups or individuals needed to insure that the cross connection control program will be successful in the community. For example, presentations can be made to plumbing supply stores, school districts, and civic groups.

3. Trained Staff-Training documentation is required and at least one staff member be certified in the Utah State Backflow Technician program.

4. Record keeping-Written documentation process must be established and maintained for the following: all surveys or inspections, inventory and locations of assemblies and high hazard air gaps and test histories and inspection records of the inventoried sites. Ryan preferred programs/software specifically designed to track records on inspections.

5. Ongoing enforcement program-Testing of backflow prevention assemblies may be done by public drinking water system personnel or by commercially available certified backflow technicians. Test within 10 days of initial installation, test on an annual frequency thereafter and/or anytime the assembly is moved or repaired. Pam asked what kinds of penalties are preferred for enforcement based on Ryan's experience. Ryan explained they just turned the water off if someone is not in compliance.

Connie explained that her letter right now is very non-threatening and is essentially just a reminder letter about checking backflow devices but she is looking for direction from the Council on how aggressive do they want to be on enforcement. Mike explained that our backflow process is essentially the same process that Ryan is encouraging. Mike felt like the enforcement issues are and have been minimal and should be on a case by case basis. Clark felt like we need more follow up with people after the letter has been sent to them. Ryan felt like the city staff and their program is way ahead of most places he has encountered.

#### **5:00 p.m. Pre-meeting – Located at Grandpa's Pond**

1. Discussion regarding possible archaeology park additions to the Grandpa's Pond Park-

The council traveled to Grandpa's pond for a discussion regarding the possibility of adding an archaeological section to the park.

After their return to the Council Chambers, John Gledhill led the group in the pledge and Karl Rasmussen gave a thought/prayer.

#### **6:00 p.m. - Call to Order**

Presentation of Employee of the Month-Raleigh Morris presented Troy Mitchell as employee of the month. Raleigh has played a critical part in curbing gangs and graffiti within the community. In recent years there has been a growing amount of graffiti in the area with no program to help remove the graffiti. In 2012, Hurricane city police department in conjunction with the parks department and the Washington County Gang Unit started a graffiti removal program to remove graffiti in a timely manner so as to not invite further graffiti in the area. Troy Mitchell has been monumental in helping this project move forward. Troy Mitchell has spent countless hours removing all traces of the graffiti even matching paint with what was graphitized on. Residents even started reporting recent graffiti more since the old graffiti was removed so quickly. Now the program is looking at more specialized equipment to make the graffiti removing job easier. The Hurricane city police department and parks department thanked Troy for the effort he has spent making the city a more beautiful place to live.

Approval of City Council meeting minutes: 5/7/2015, 5/21/2015, 6/18/2015 and 8/13/15 Joint Meeting-The August minutes were not in Dropbox for the council to review. Council discussed changes to May 21<sup>st</sup> and June 18<sup>th</sup> minutes. Corrections were noted and corrected. Ethelyn motioned to approve the council minutes except for the August 13<sup>th</sup> minutes. Kevin seconded the motion. Pam abstained from voting on the May 21<sup>st</sup> minutes since she was not present. Minutes approved except for the August 13, 2015 minutes.

## **6:15 p.m. – Public Forum – Comments From Public**

Debra Proball-(located at 237 N 2675 W) presented to the council her concerns regarding the Gemstone property. Debra read a prepared statement to the council (see attached letter to council). In addition to her letter, she also expressed concern about the extreme sand blowing around from the grading being done by her property. Mayor Bramall asked Ethelyn to follow up with Lance on enforcement with the dust and sand. Mayor Bramall also asked Mike to check on the plans/conceptual plans to double check and follow up on Ms. Proball's 40 foot concern on the property. Kevin explained that he has seen a sprinkler on the dirt but it is inadequate for what is there.

Karl Rasmussen-On behalf of Pro Value and Pratt engineering Karl requested that the council table item #13. Karl has been made aware that the engineering services contract will be awarded to a firm that is located out of town. Karl asked that the council help support the local businesses. Karl presented to the council the studies he has found the show the importance of supporting local businesses. Karl distributed to the council an article describing the top 10 reasons to support locally owned businesses. Karl explained that local jobs are not always readily available and he has to travel around to get work. Through the council and city's support his money stays local instead of having to travel and spend money outside of town for his work.

The second item Karl expressed concern with is the process for RFP's (Request for Proposal) which he feels like varies and is difficult to keep up with. Clark explained that part of the change is the result of black marks given to the city from the annual audit. The bids/projects that were recently given to both Karl and Pratt Engineering did not follow the required open bidding process and the city was penalized because of it. Clark explained that the city has tried very hard to shop local but there are times when they just are unable to do so. If Karl would like to question the methodology of the RFP process that is appropriate; however, the city is very proactive about shopping local.

Karl felt like the point system for selecting a project should be the same for selecting an engineer. Karl expressed concern that some of these big firms have an unfair advantage with full time staff whose sole job is dedicated toward putting bids together. Ethelyn asked why price was not a factor in selecting the engineering services. Arthur explained that qualification based selection is a norm and standard in a services selection process. Clark explained that there were 4 criteria involved in the bidding process with billing rates being part of that. Ethelyn felt like there should be a preference for local businesses. Clark explained that the city currently has in ordinance a 5% preference for local businesses and neither of the local business was close enough with this project. Clark explained to the council that the ordinance can be changed but the council will need to recognize that if the staff is required to shop local then it will be very expensive. When purchasing the staff take into account not only price, but what their budget allows for and the quality of the product they are purchasing. Shopping local can often cost more and with a lower quality product. Kevin felt like though the selection process is standard he felt like the process is flawed. It was difficult to sit on the selection committee and review the 11 bids that were submitted.

## **NEW BUSINESS**

### **2. Discussion and possible approval of RAP tax money to support Purgatory Clay Sports-Lee Scott**

Lee Scott appeared before the council representing the Purgatory Clay Sports Park, a non-profit organization (501 c 4). Lee expressed gratitude for the overwhelming support they have been given, without it they would not be in the position they are in right now. Lee distributed a handout to the

council showing that over 8,595 adults and 528 youth came through the park this past year so it is a very busy venue.

Purgatory Clay Sports is requesting from the city part of the RAP tax money for purchase of (4) Super Sporter machines. They do wear out these machines, which is a good thing but they need these new machines to replace worn out machines and to expand their facility. Clark asked Lee if they have approached the County yet requesting RAP tax funds for these machines. Lee explained that they have not. Clark explained to Lee that the county also receives RAP tax money like the city and they would be a good place to request funds from as well.

Kevin felt like the county ought to support this venue. Pam felt like the council ought to sit down and discuss what they would like to do with the RAP tax money before it is spent without any planning. Clark asked that the council should give the city direction with the RAP tax money and a meeting should be set up to discuss planning for RAP tax money expenditures. The council will meet on October 14<sup>th</sup> at 5:00pm to discuss the expenditure of RAP tax monies. Lee will be placed back on the city council agenda for October 15<sup>th</sup>.

Bryce explained that coming from Cache County where RAP tax money was spent, it worked well when the money was spent on a variety of things so all user groups can see the effects of RAP tax money spent. Cache County dedicated a portion of their RAP Tax money to the city and another portion to grants for various interest groups.

**3. Discussion and possible decision regarding maintenance agreement for maintaining/clearing of vegetation from Shadow Ridge Phase 2 retention pond-JulieAnn Gledhill**

JulieAnn is the new president of The Shadow Ridge 2 HOA. JulieAnn recited council minutes from November 20, 2014 which recorded an approval of a maintenance agreement for the Shadow Ridge 2 storm water retention area subject to staff and legal reviews. The agreement was never signed by the past HOA presidency. JulieAnn asked that the council re-commit to the agreement as previously drafted. Mayor Bramall asked if the basin has been kept up in the past. Apparently no one has kept it up. JulieAnn explained that the subdivision was essentially forced into an HOA, the private roads are not city approved and just to keep the roads up is more than the HOA can take care of. There was no HOA at the time when the agreement was approved.

Ethelyn motioned to approve the maintenance agreement based on the city's legal review and re-drafting by Fay. Kevin seconded Ethelyn's motion and the motion passed unanimously. Fay expressed concern about liability with the basin. JulieAnn explained that the HOA currently owns the retention basin property and will have insurance in place shortly. Fay felt like some language needs to be in the agreement to absolve the city of any liability. Fay felt like a couple of changes will probably be made to the current agreement and it can be placed on the next council meeting agenda (October 15<sup>th</sup>) for approval. JulieAnn can be reached at [cookiequeen13@gmail.com](mailto:cookiequeen13@gmail.com).

**4. Presentation of check to Utah Food Bank from the Hurricane Valley Chamber of Commerce and update on Chamber Golf Tournament-**

Greg Aldred presented to the council the current Chamber of Commerce board of directors. Greg and the Chamber board in combination with the Hurricane City Council presented a check of \$2,000

to the Utah Food Bank. Myra Uribe the new Chamber office manager was introduced to the council. The board includes: Lon, Greg, Ky, Pat and Michelle. Greg thanked the council for their support of the Chamber.

**5. Presentation of the Hurricane Heritage Book Project and request for support-Dr. Janice DeMille**

In 1976 Janice wrote the book Portraits of the Hurricane Pioneers. They are currently finishing the 2<sup>nd</sup> edition. Vernie Lynn DeMille was also present with Janice, requesting help to get the word out seeking additional family photos and photos of daily life in Hurricane including original copies of pictures they had printed in the original version of the book. Vernie asked to be placed back on the October 15<sup>th</sup> city council agenda so that they can approach the council with hard numbers and request support to help with funding the production of the book. It is estimated that the retail cost of the book will be \$35 since the printing cost will be around \$25-\$27. Pam asked what amount they are asking the city for. Janice explained they don't have anything firm but they will likely be seeking \$10,000. They do have a few commitments to buy books from around town and from what they had signed up during Peach Days but they are seeking additional support to finance the publication.

**6. State of the Recreation Department-Bryce King**

Bryce presented to the council a PowerPoint presentation and annual report of the Recreation Department. Regarding the pool and tracked attendance there has been a significant increase in pool admittance since they starting tracking numbers. The pool saw approximately 21,000 people come through this year - up by more than 1,500 from last year. Family passes are also up at 215. It has been interesting to note that the splash pad hasn't had any affect on the pool attendance.

Concessions at the pool are also up and they continue to explore ways to increase what concessions are available at the pool. Bryce explained that this year they would like to install more shade structures at the pool as well as plant additional trees, expand the grass area, add 2 new family bathrooms, and resurface the deck. Swim lesson classes and swim team have continued to increase. If the numbers stay on track next year they may have to limit the number people allowed to enter the pool due to overrunning capacity.

Bryce has worked for the city now for 4 years and has seen the Recreation department grow from one full time employee to 3 full time employees with additional part time help. The recreation department has received a number of awards the past couple of years and tries to take advantage of all the training they can get to improve the department. The Community Center is using all space they have available to accommodate the variety of programs they have to offer.

For the 2015-16 budget, improvements to the facilities include a metal rod floor for tumbling; Community Center floors have been refinished and they have talked about a new double door in the cafeteria to help accommodate Peach Days. New AC units have also recently been installed in 4 of the classrooms at the Fine Arts center so as to minimize the use of the large chiller.

Bryce also briefly showed the council the tracking capabilities the Recreation center website offers so that they can target the markets that are using the programs. The top programs in the Recreation department have been steadily increasing. Pam has heard a lot of compliments about the Recreation department and congratulated Clark, Kaden, Matt, and Debbie on the seed display for 2015. They won the sweepstakes award at the county and won most attractive and people's choice at the state fair. In the future, Bryce would like to use RAP tax money to make improvements to the baseball fields. Bryce explained that the small improvements they have made so far people have noticed. Kevan Adams asked about the community center competing with local businesses.

**7. Consideration and possible approval of an off-premise beer license for Ernie's Too at 309 W. State Street**

There is no change in the business license/beer license other than change of ownership. Due to the change in ownership they are required to re-submit an application for an off-premise beer license. Kevin motioned to approve the off-premise beer license for Ernie's Too, seconded by Ethelyn. The motion passed unanimously.

**8. Public Hearing to take comments on a proposed vacation of a portion of 1100 North and 170 West streets in Panorama View Subdivision Phase III and the vacation of all of Panorama View Subdivision Phase III**

Darin Thomas motioned to enter the public hearing seconded by Ethelyn. The Hall family recorded a plat that included some streets that never got built. The portions that are up for vacating are the roads that were never built. Any paved roads will be kept. Darin Thomas motioned to exit the public hearing seconded by Kevin. Pam asked why this is being done. Arthur explained that the city doesn't like to plat roads that haven't been constructed plus it is likely a financing issue for the Hall family.

**9. Consideration and possible approval of an ordinance vacating a portion of 1100 North and 170 West in Panorama View Subdivision and vacating all of the plat for Panorama View Subdivision Phase III**

Kevin motioned to approve the ordinance vacating a portion of 1100 North and 170 West Panorama View Subdivision and vacating all of the plat for phase III once the mylar is signed. Pam seconded the motion and the motion passed unanimously.

**10. Consideration and possible approval of an ordinance amending the Land Use Code Title 13 pertaining to animals and fowl for recreation and family food production and Title 14 pertaining to Bed and Breakfasts in RA-.5 zones-Planning Department**

The Planning Commission recommended approval on this item. Pam asked for clarification on the use chart for the chickens. The N for not permitted was crossed out on all the residential zones, even multi-family zones, and replaced with the P for permitted and footnote 3. Resident TW Peterson explained the Planning Commission had recommended extending the small animals into the R-1-8 and R-1-1-6 zones but not the multifamily and manufactured home zones. Pam motioned

to approve the amendment to Title 13 pertaining to animals and fowl, making the use permitted subject to the footnote single family residential zones but not in the MH/RV or multi-family zones. Kevin seconded the motion. Motion passed unanimously.

The Council discussed whether the chart in Title 14 was supposed to make home bed and breakfast P for permitted or C for conditional. Ethelyn Humphries read the staff notes and found the RA - .5 should show home bed and breakfast as C for conditional, which is the same as the RA-1. Pam motioned to approve the amendment to Chapter 14 of the land use code so home bed and breakfast in the use chart for the RA-.5 zone is changed from not permitted to conditional. Ethelyn seconded Pam's motion. Motion passed unanimously.

**11. Consideration and possible approval of a zone change on approximately 8 acres at 290 North east of 3400 West to realign the boundaries of the HC and RA-1 zones to provide a 2 acre HC property and 6 acres of RA-1 bordering on an extension of 290 North street-Stratton Brothers LLC applicant**

Craig Stratton represented the Stratton Brothers. This property is all highway commercial. Two acres will be split off next to the 3700 road and the rest will change to RA 1 for the assisted living center. The Planning Commission recommended approval of this agenda item. Kevin motioned to approve the zone change seconded by Ethelyn. The motion passed unanimously.

**12. Consideration and possible approval of a preliminary plat for Painted Hills Commerce Center, a 2 lot commercial subdivision north of SR-9 at 2260 West-Toquerville , LLC applicant**

Mayor Bramall explained that this is for a motel out on 2260 W and SR 9 next to the pharmacy. Gerald Pratt explained that 100 North through this property is just a strip of asphalt at this time not dedicated. The plans currently show a potential right in and right out on 2260 West; however, design work will need to be completed by the hotel architects who will likely design where the entrance and exit need to go. Ethelyn explained that there are a number of JUC comments on this property. Gerald explained that the staff has requested to see construction drawings on a completed 2260 W. Gerald explained that what is lacking on 2260 West is sidewalk and a landscape strip. On 100 North they lack curb and gutter with sidewalk.

Gerald explained that they would like to postpone these improvements until the design of the building goes in. Jerry Spilsbury explained that they are requesting this so that the infrastructure isn't put in and then torn back out when changes take place. Ethelyn explained she didn't read that the infrastructure had to be installed just designed. Mike explained that city standards require that prior to plat approval improvements are either installed or bonded for. Ethelyn read that the Planning commission motioned that the project be designed and improved. Pam explained that she is ok with the plat but she felt like staff and JUC comments should be complied with. Jerry explained that they are in need of a document recording the lots so that the pending sale on the property can go through.

Fay explained that bonding would take place on final plat. Jerry asked about the bonding process. Arthur explained that bonding is required when the city approves a final plat which guarantees those parcels certain things like street improvements and services. Bonding covers the infrastructure/services in case a project doesn't happen. Some level of design has to be completed

so that a cost estimate can be done and bondable number can be determined. Clark felt like these requirements might apply to more residential than to commercial properties. The group discussed who should bond, when and what a platted lot means and whether services should be bonded for on a commercial property now or when a final plat is in place. It was discussed that the council might need to review the current ordinances for commercial properties.

Mike asked Fay if a development agreement would get around this problem. Fay felt like it probably wouldn't quite handle this situation. Fay suggested approving this based on the conditions set forth by the planning commission, have it go back to Planning commission and then have it go back to the council for final approval on October 15<sup>th</sup>. Pam motioned to approve the preliminary plat with the planning commission's recommendations, Ethelyn seconded the motion. The motion passed unanimously. It was asked that Toni place this on the Planning Commission agenda for next week and then have it back on the city council agenda for October 15<sup>th</sup>.

**13. Consideration and possible approval of engineering services consultant selection for 400 South and 300 North roadway design-**

Darin Thomas asked where Civil Science is located. They are located in St. George. Clark informed the council that this firm worked on 600 North and were one of the best he has seen for getting a project completed. Clark felt like with the bidding price there is more there than just price. Clark would like to see a bid price not a rate. In review of the past jobs here in Hurricane Clark explained that many of these jobs went to local firms.

Arthur explained that based on city policy any job over \$10,000 is required to be advertized. With this specific project many of the firms failed to even inquire about the details of the project and as a result their bids were off from what was being requested. The top 3 firms included Civil Science, Alpha Engineering and Sunrise Engineering. Pam motioned to approve Civil Science as the engineering services consultant on 400 South and 300 North. Kevin seconded the motion. Ethelyn voted nay based on not having a set dollar amount specified. Motion passed 3 to 1. Arthur informed the council that once the contract is in place he will bring it back to the council so that they can see the final price.

**14. Presentation and request for support for the 2015 Hurricane Mountain Bike Festival-DJ Morisette-**

This item was tabled until the next meeting.

**15. Consideration and possible approval of a reimbursement agreement for construction of public road system improvements and possible city participation in the cost of drainage improvements on 2170 W and 600 N-Bill Zitting Applicant**

Bill explained that the city staff would like them to do upgrades for future projects of the city. Clark explained that many of these improvements the city can use impact fee credits on but there are no impact fees for drainage. This will have to come out of the Drainage fund. There is \$180,000 in projects for drainage this year; it may need to pre-emp something else that was already planned.

Mike explained that the \$48,000 cost the budget can handle. Ethelyn motioned to approve a reimbursement agreement for the drainage costs for up to \$48,000 on 2170 W and 600 N. Kevin seconded the motion. The motion passed unanimously.

**16. Consideration and possible approval of Amendment to Grandpa's Pond Park Agreement to extend date for completion-Fay Reber**

Craig asked that March 31<sup>st</sup> be set as the date for completion of Grandpa’s pond park in case the weather doesn’t allow for paving. Fay explained that this is an amendment to the existing contract so this is drawn up for signatures. Kevin motioned to approve the amendment to March 31<sup>st</sup> 2016. Darin Thomas seconded the motion and the motion passed unanimously.

**17. Approval of a request to withdraw two parcels from the Duane Beecher Agricultural Protection Zone – H-3-2-3-3317 now owned by Hurricane City and H-3-2-3-337 owned by Kevin DeMille-Planning Department**

Ethelyn motioned to approve seconded by Pam. Motion passed unanimously.

**18. Approval of Kevan Adams to the Budget Committee**

Ethelyn motioned to approve Kevan Adams to the Budget Committee seconded by Kevin. Darin Thomas voted nay. Kevin seconded the motion. The motion passed 3 to 1.

**19. Mayor, Council and Staff reports**

Mayor Bramall	Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer
Ethelyn Humphries	Sewer District, Fire District, Solid Waste, Building Inspector
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

**20. Adjournment** Council meeting adjourned at 9:34pm.