

Minutes of the Hurricane City Council held on Thursday, December 17, 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 Larson, Kevin Tervort, Ethelyn Humphries, and Darin Thomas were present.

Mayor John Bramall was excused. Council members elect Cheryl Reeve and Kevin Thomas were also present.

Staff members present: City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, City Engineer Arthur LeBaron, Police Chief Lynn Excell, GIS Specialist Joe Rhodes, Assistant Fire Chief Merlin Spendlove, Public Works Director Mike Vercimak, City Attorney Fay Reber, Power Superintendent Dave Imlay, and Planning Director Toni Foran.

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

Merlin Spendlove reported the Fire District personnel have been busy, including responding to the fatal airplane crash, a multi-vehicle accident at Colorado City, and the Red Cliffs climbing fatality. He suggested that Greg Laughton and Brian Jacobsen should come to the Council to be honored for their years of service as they are retiring.

Dave Imlay announced that at the UAMPS annual conference Terry Winter was awarded Appointed Official of the Year. Mr. Imlay recommended the City think about buying Christmas decorations when the commercial ones come on sale in January and February to highlight the Community Center. Darin Larson asked about the Lake Powell pipeline information, especially the ponds and pump station. Dave said he was not aware they were still planning on building the pump or creating power generation so he will look into it.

Mike Vercimak stated the fence at the airport should be done in a week. The Streets Department is crack sealing streets. The Water Department has finished cleaning up the irrigation pond.

Arthur LeBaron gave the Council an update on the Purgatory Road Environmental Assessment which is a joint project with Washington City. He provided an exhibit of the area for the study. He stated he had felt an objective analysis of alternatives would allow politics to be put aside and analyze actual facts. If the west alignment shown by both Washington City and Hurricane City did not end up being the best alignment, so be it. He stated he has lost faith in the objectivity of the process. The County does not want the road to go through the Shooting Sports Park. This is a 4F property under the Federal guidelines and the County can keep the project hostage if they don't want it impacted. There is also an area identified as habitat for Holmgren Milkvetch and Utah Fish and Wildlife has established a 300' avoidance line from this area which puts the road alignment into the Shooting Park. The group reviewing the Environmental Assessment has been told the addition of 15' on each side of the existing disturbed 40' wide utility corridor is a gross impact to the life span of the landfill and affects 50 acres. Mr. LeBaron said they have discussed whether this is a credible assessment of the actual impact.

He said he looked at the alternatives and listed advantages for each. The West Alignment is shortest and \$2.5 million cheaper with the proposed right of way (ROW) affecting mostly BLM and County lands, not private property owners. It utilizes an already existing corridor. The cost for property acquisition should be low or no cost. It does not require reconfiguration of any existing roads or intersections and provides direct access to the Regional Park and the venues for the Shooting Sports Park.

The East Alignment crosses 19 private parcels and requires reconfiguration of existing roads or intersections. Property acquisition could be costly and it does not provide a direct access to the landfill. However it does avoid the critical habitat for the Holmgren Milkvetch, which is a geologic formation where the plant has been known to thrive, avoids the politically charged areas discussed, and provides access to more private property. Arthur stated if the road will provide access for private property owners they should be willing to donate the property. It also provides access to a future river crossing shown on the Hurricane City Transportation Master Plan.

Mr. LeBaron stated he believes there will be a road on the East Alignment someday but feels a public expenditure for roads should go to the road that is less expensive and provides the most benefit. The East Alignment should be built by private owners for their benefit.

Mr. LeBaron recommended Hurricane City officials meet with the officials of Washington City and come to a common understanding of alignment, cost, and time schedule. There has been discussion of moratoriums on future development in the Regional Park area without a second access and that should be resolved. After the meeting between Hurricane and Washington officials a meeting should be scheduled with the County officials, Washington City, and Hurricane City to come to an understanding including a funding commitment for the road which does benefit Washington County, serving their facility and going through their territory. Mr. LeBaron cautioned the Council members that without an understanding with the County, there could be a fight. He further recommended staff not be included in the official meetings to let the elected officials present a united front.

Pam Humphries asked if the Council members and Council members-elect feel the west side is something to pursue. Kevin said he believes the meeting with Washington should be pursued. He stated he feels there are some hidden issues. Ethelyn said she would like to see it built for safety reasons at the Regional Park and to provide another access to the landfill. She would like to know the answer for sure on the 50 acres in the landfill. Mike Vercimak commented they have been trying to find out how much easement is recorded for the utilities through the landfill and have not been able to get the information requested.

Clark Fawcett asked about how the charge for curbside recycling should go on the bills – added to the trash or as a separate line item? Ethelyn stated she believes in the interests of transparency the recycling charge should be a separate line item. Council members discussed whether it would be better to just have it included in the trash item. Dave Imlay said he has wanted a line item to break out the base rate and per kilowatt hour charge for electrical charges and has not been able to get it, even though his department pays the billing costs. Clark commented there may be limit on the number of line items available on the bill form. Cheryl Reeve said she prefers it just be on the same line, not a separate line. Kevin Tervort suggested a message so people know why the trash rate is higher rather than adding a separate line. All agreed on the message explaining the charge.

Mayor, Council and Staff reports

Ethelyn Humphries	Sewer District, Fire District, Solid Waste, Building Inspector – no report
Pam Humphries	Court, Water, Power, Hurricane Valley Fire District – Pam reported they have been testing the West Well to see how much flow they can get without any problems with the pump or sand.

Darin Larson	Planning Commission, Economic Development, Planning Department – Mr. Larson said there are several items from Planning Commission on the agenda tonight. He stated he does not want to allocate any more RAP tax funds until after March or the next fiscal year.
Darin Thomas	Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification – no report
Kevin Tervort	Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement – Kevin reported mosquitoes are all dead. Accurate counts were difficult in Hurricane due to the wind. Fire District is trying to grow to meet needs but not increase the budget. Total calls were 2150 so far this year and they have had all the ambulances out at one time in addition to back up from other service providers. Mr. Tervort commented they are not even close to the personnel needed. Washington City does not appear to want to help pay for the new fire station at Coral Canyon.

Mayor Pro-Tem Humphries called for a break at 5:55 p.m.

She called the meeting back to order at 6 p.m. The Pledge of Allegiance was led by a Boy Scout volunteer and Darin Thomas offered a prayer.

Approval of City Council meeting minutes: 08/20/15 and 10/01/2015 minutes were discussed. Darin Larson said he reviewed the audio on the RAP tax discussion and clarified it did happen as shown in the minutes.

Darin Thomas motioned to approve both sets of minutes as written, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Presentation of Employee of the Month: Darren Barney presented Ryan Miller with the Employee of the Month for November 2015. Mr. Miller started as an employee of the Parks Department as a part time employee and then went to full time. He started supervising the mowing crew and then was put over the crew taking care of the ballfields. He has done an outstanding job with very little previous experience and is willing to come in as needed to prep fields. Mr. Barney said Ryan has a double whammy as he was nominated as Parks Department Employee of the Year, which comes from other Department employees and their comments included “always willing to help”, “gets along with everyone”, and “knowledgeable.”

Presentation of Special Awards. Clark Fawcett presented an award and cards to outgoing Council member Ethelyn Humphries who has served on Council 10 years in a previous term and now for two more years. Mr. Fawcett stated Mrs. Humphries has the ability to tell people “no” and they walk away smiling.

Outgoing Council member Darin Thomas was also presented with an award and cards for serving two Council terms. Mr. Fawcett stated it has been a joy to serve with both of them.

6:15 p.m. – Public Forum – Comments From Public Mayor Pro-Tem Humphries asked those present if they prefer to comment on the proposed vacation rental ordinances when those items are discussed or now in the Public Forum. No one spoke in the forum.

Consideration and possible approval of an ordinance amending Title 3, Business Licensing, Section 10 Transient Lodging Facilities, Subsection 11 Short Term Vacation Rental or an ordinance extending the moratorium on licensing short term vacation rentals.

Mayor Pro-Tem Humphries invited anyone who wanted to speak on this subject to come forward. Brian Sanderson stated he resides near Cottonwood Estates and was accompanied by his attorney Chad Uttley at the meeting. He read his statement to the Council regarding arbitrary and capricious. Mr. Sanderson was asked not to lecture the Council on arbitrary and capricious by Fay Reber.

He then read a statement regarding accessibility on roads. It was clarified this comment is not related to short term vacation rentals, which are whole house rentals. Mr. Sanderson said he felt Planning Commission Chairman Ryan Cashin had a particular interest in passing ordinances and felt any member of the Council with interest in a vacation rental would have to excuse themselves from voting on this matter. Discussion on Ryan Cashin's conflict of interest followed. Fay Reber said he felt this was speculative and the conflict of interest extends only insofar as that Mr. Cashin owns a home.

Mr. Sanderson commented on the distance requirements proposed in the ordinance and questioned if it affects property rights. He proposed that anyone who wants to run a short term vacation rental should be required to take a class to get licensed. He cited his extensive experience as a well-rated host renting out rooms in his house. Mr. Sanderson also suggested limiting the number of permits issued per year.

Kendall Clement said he is the owner of Escape Properties and commented on the 1000' radius. He recognized the City's desire to not have an overrun of vacation rentals. He publically complimented the Planning Commission's efforts on the ordinance. He stated he feels there is demand in Hurricane for nightly rentals. In response to a question from Darin Thomas he said he has 8 illegal rental properties in Washington City.

Gordon Harkness stated he has a licensed vacation rental in Hurricane and he operated one in Heber for 10 years. He questioned the 10 occupants limit as they currently have a 20 person limit in their house and this encourages the occupancy by large family groups.

Mr. Harkness asked about the language in the enforcement section of the code, expressing concern with the violations a guest may be cited for without the owner's knowledge that could affect the owner's rental license.

He also explained requiring a "property manager" could affect Fannie Mae and Freddie Mac mortgages. He stated he is the owner and manager of his property, even though he has a handyman to take care of problems. He said he understands there needs to be some assurance that a responsible person will be available. He expressed a preference that both the owner and manager can be contacted within the hour time limit to meet the requirements of the ordinance.

He stated a concern with the number of off street parking spaces, saying they have parking for six cars but they also use the house for their own family and they are a large family with more than six cars. He questioned if the family members would have to meet the same parking requirements and noise requirements like using a Jacuzzi after 10 p.m. Pam Humphries mentioned the noise ordinance time limits are currently in effect.

Fay Reber commented to the Council that from his perspective there are still too many questions and issues pertaining to the proposed ordinance that remain to be resolved and recommended the City Council continue the moratorium on licensing for another 60 days. He said the Council should agree to have a work meeting to discuss all the points of discussion.

Clark said vacation rentals are commercial ventures and commercial parking lots are required to be paved so he felt the ordinance is trying to protect the other people who want to live in residential areas. Darin Thomas said he feels this should be reviewed more before a vote.

Darin Thomas motioned to approve the ordinance extending the moratorium on receiving or processing applications for licensing vacation rentals, seconded by Kevin Tervort. Motion passed with Darin Thomas, Kevin Tervort, and Ethelyn Humphries voting aye and Darin Larson voting aye. All agreed they should set a time for a work meeting when they meet in January.

Consideration and possible approval of authorization to issue a grading permit for a project not scheduled for imminent development- Charles Hammon represented Brad Oliverson. He explained the history of the project for a planned assisted living center. They want to ensure the building is single story and it will take a considerable amount of time to bring this property to grade. If Council decides to give approval they will provide a dust control plan, drainage plan, grading plan, and a restoration plan and bond for that plan. A grading mitigation plan proposed by the owner addresses all those issues and he is willing to comply. Mr. Hammon said the property owners are moving forward to final site plan approval. Ethelyn Humphries motioned to authorize the Zoning Administrator to sign a grading permit when all the staff conditions regarding dust control, drainage, restoration, and bonding are met, seconded by Darin Larson. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of an ordinance setting the licensing fee for short term vacation rentals. – Darin Larson motioned to table this item, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Approval of Power recommendation to approve Amendment #1 of the MOA between Hurricane City and Rocky Mountain Power regarding Rocky Mountain's 34.5 Kv power line-Dave Imlay explained they had an agreement that Rocky Mountain Power would be off the line a year and a half ago but they still need to be on the line so this agreement modifies it to allow Hurricane City to rebuild the line and allows Rocky Mountain Power to be on the line until such time as Hurricane City needs the full line. Kevin Tervort motioned to approve Amendment #1 of the MOA between Hurricane City and Rocky Mountain Power regarding Rocky Mountain's 34.5 Kv power line, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Darin Thomas was excused at 7 p.m.

Recognition of graduates of the Hurricane City Police Department Citizens Academy Session 2- Pam Humphries commented she attended session 1 and highly recommended the academy to everyone. Police Sargent Brandon Buell presented the certificates to Jeanne Allen, Shayne Barnard, Dean Harrington, Gary Martsick, Linda Marsick, Pam Miller, Ryan Miller, Kyle Nielson, Rita Nugent, and Brian Wheat. Graduates Jason Bench and Christopher Lister were not present. Sgt. Buell recognized Dan Hacking who is a volunteer helping with the Community Policing program. Sgt. Buell also expressed appreciation of the support from the Police Chief and City Council.

Discussion and possible decision regarding use of RAP Tax money for city beautification-Corinne Stout stated she is present to represent the Hurricane Art in the Park non-profit organization. They would like to request the Art in the Park be the umbrella committee with the Beautification Committee serving under them and possible future fine arts groups. Mrs. Stout stated they would like more lights on the trees along SR-9 and the trees in Heritage Park and around the Fine Arts Center. She said the Festival of Trees was started for the purpose of purchasing lights for the City. One year they gave trees to the cemetery.

She stated they would also like to get the triangle in front of the fire Station completed and it should include a statue of the ditch rider. This and statues in front of the Community Center were identified as goals of the Art in the Park group.

Mrs. Stout said they would like Christmas wreaths on the veterans' graves. She also suggested a war memorial be located on the triangle between 600 North and the cemetery. She said they are asking for \$10,000 to start a project, stating people in Hurricane would be behind it. Mrs. Stout explained Hurricane's foundation is important to her as a 4th generation member of one of the founding families and that she wants Hurricane's history remembered. She stated, "The more we make it shine, the more we will attract visitors."

Mrs. Stout told the Council members she thinks Hurricane should have a skate park and that the Stout family is willing for Stout Park to be used for a skate park.

Council members explained that the Council will be accepting applications for RAP tax money grants starting in January. The Art in the Park group will need to apply for grant money.

Presentation of 2014-2015 Audited Financial Statement-Chad Atkinson of HintonBurdick CPA's and Advisors presented the reported. He began by thanking the staff for being so helpful and commented to the Council that they have a great City Manager.

He pointed the Council to the Letter of Transmittal and the Management's Discussion and Analysis in the financial statement.

Mr. Atkinson explained the new liability reported in the financial statements for the pension liability. The defined benefit plan is based on actuarial evaluation. The State actually has the money but the liability represents the city's share. He encouraged the Council to look at the details in the financial statements.

Mr. Atkinson explained the highlights show that the City's net position has improved. He pointed out the infrastructure gained in subdivisions were not included in the City's assets in the past so an adjustment was made to include those assets in the financial statement. He stated all funds operated within the approved budget except the special revenue fund and the fire impact fee budget.

Mr. Atkinson showed graphs highlighting the changes over five years in the City's different funds, noting the General Fund is able to maintain the required two months reserve and the Golf Fund showed a positive change this year. Overall financial trends look great.

He stated there is a clean opinion on the financial statements, no findings on internal control, clean opinion on state compliance report. He pointed the Council to the minor findings of noncompliance and the responses provided by the staff.

Consideration and possible approval of renewal of off-premise beer licenses and granting local consent to on-premise retailers - Chief Lynn Excell reported all businesses are in pretty good shape.

One business, the Chevron at 687 West State Street, does have two violations this year and a letter should go out to warn them three violations within three years is the threshold. Several have a problem with alcohol sales permits. Walmart has not updated their list to the database and should send a letter with the license. Some handlers are not showing up on the state data base and the businesses should ensure that is getting done. Chief Excell thanked Janice from Fay Reber's office for doing the research on the permits.

Kevin Tervort declared he has a conflict of interest because one of the licenses belongs to his business. Darin Larson motioned to approve renewal of all the off-premise beer licenses and granting local consent to on-premise retailers with the administrative letters to go out with the licenses, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of a final plat for the Canyon View Villas Phase 1 – Rick Christensen was present to represent the project. Ethelyn Humphries commented she liked the look of the project. Motion to approve the final plat for the Canyon View Villas Phase 1 made by Kevin Tervort and seconded by Darin Larson. Motion unanimously approved with Darin Larson, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of an application to join contiguous lots 246 and 247 in plat E of Dixie Springs, abandoning the easement between them – Daniel and Konni Hacking were present and explained their intent is to build a detached garage on the other lot to match their house. Kevin Tervort motioned to approve the application to join contiguous lots 246 and 247 in plat E of Dixie Springs, abandoning the easement between them, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of a road dedication plat amending the location of 2170 West Street just north of 100 North Street – Charles Hammon stated this is a simple matter of realigning the road and there are multiple parties with an interest in this change. He expressed appreciation to the City Engineer for his help with the plat. Arthur LeBaron said the access to the commercial driveway across from the realignment will be moved by Brad Oliverson with his project and indicated the City supports this re-alignment.

Darin Larson motioned to approve the road dedication plat amending the location of 2170 West Street just north of 100 North Street understanding the commercial driveway will be moved at Brad Oliverson's expense, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Kevin Tervort, and Ethelyn Humphries all voting aye.

Fay Reber mentioned the title report and disc that will be needed before recordation.

Consideration and possible approval of an ordinance amending the Hurricane City Code, Title 10, Land Use, Chapter 3 Definitions, Chapter 13 Residential Zones, and Chapter 14 Residential Agricultural Zones, Chapter 34, Off Street Parking and Loading, and Chapter 51, Bed and Breakfast Facilities, to facilitate development of bed and breakfast and residential hosting facilities in single family homes

Pam Humphries allowed Kevan Adams the opportunity to speak. He said this process has been very long and he is appreciative of the efforts so far. He said he has a concern with the dirt road limitation and would also like the use to be expanded as a permitted use in all residential zones, not just permitted in zones down to R-1-8. He recommended it be changed to conditional in all other residential zones. He

stated it has very little impact on neighborhoods because the owners live there. He encourage including R-1-6 and MH/RV zones as places where this use is permitted with this ordinance.

The Council members discussed the different zones and the current action by the Planning Commission to bring some areas of the City with houses in MH/RV zones into R-1-8 zoning. Toni Foran explained the Planning Commission concerns with the greater effect on neighborhoods in the smaller lot zones and the concern with increased dust on dirt and gravel roads. Commissioners were concerned about the added impact to residents for the commercial benefit of a property owner. Making the use conditional under the current ordinance is difficult and would require changing the ordinance to create specific standards for approval for this use.

Ethelyn asked about the 10 person per residence limit. It was clarified the fire and building codes limit transient occupancy to 10 or fewer occupants, even if all of them are not necessarily transient, unless a structure is built to commercial code with exit signing, fire walls, alarms, and sprinkling systems. Darin Larson commented on enforcement and houses that are rented without those standards. Kevin Tervort stated he does not want the City or Fire District to be liable for not following the codes.

It was clarified the home based business regulations that limit the use to only 25% of the house would not apply for home bed and breakfast or residential hosting licenses. This use is not regulated under the same chapter of the Land Use Code as home based businesses.

Chief Excell said he bought a home in a single family residential neighborhood and expected to enjoy it as a single family residence. He asked, if the use becomes a problem, who is going to enforce it? Fay Reber said the residential hosting requires the owner to be there to control problems. He said he does not believe it is going to be an enforcement issue. The owner might call the police if there is a problem with their renter but it is not likely the neighbors will call the police.

Kevin Thomas commented he likes the idea of a conditional use for all the single family zones.

Cheryl Reeve asked about the liability if there is an ordinance or not. Clark said he believes there is less liability with the ordinance. He said if it came to a vote of the people, he believes the majority would vote to not allow it.

Darin Thomas rejoined the meeting during the discussion.

Ethelyn Humphries motioned to approve the ordinance amending the Hurricane City Code, Title 10, Land Use, Chapter 3 Definitions, Chapter 13 Residential Zones, and Chapter 14 Residential Agricultural Zones, Chapter 34, Off Street Parking and Loading, and Chapter 51, Bed and Breakfast Facilities, to facilitate development of bed and breakfast and residential hosting facilities in single family homes as written with the change in section H to specify the street must meet fire code requirements only and making it permitted in the R-1-6 zone, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of an ordinance implementing a program for curbside collection of residential recyclable materials within the limits of Hurricane, Utah, and establishing rules, regulations and fees pertaining to said program-Fay Reber explained the City has approved the agreement with the Solid Waste District and Dixie Waste and making the program mandatory. The program takes effect February 1st and this ordinance needs to be in effect before them. The ordinance will authorize the City to add \$2.94 to each bill for the cost of recycling. It can be amended in the future if necessary.

Darin Thomas motioned to approve the ordinance implementing a program for curbside collection of residential recyclable materials within the limits of Hurricane, Utah, and establishing rules, regulations and fees pertaining to said program , seconded by Darin Larson Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of a development agreement with Zion Village Townhomes regarding development of 2170 West improvements

– Todd Getz represented WTG Development. He said as a developer and builder who learned a lesson through 2007 and 2012 to make sure the projects pencil out they have been very careful on the financing for this project. Their biggest concern is the requirement to have the pool and clubhouse area completed before getting occupancy on any of the units. This requires them to incur a \$1.3 million expense up front which does not make sense. He said they are willing to enter into a binding agreement. Fay Reber said bonding for on-site improvements is difficult to enforce. Mr. Getz explained they have buildings 1 and 2 sold and that allows the proceeds from those to be applied to building 2170 West and the off-sites on 600 North. Proceeds from the sale of buildings 4 and 5 are planned to finance the clubhouse. He stated they have a designated amount of money for the project and said there has to be a way to get it all done and still be able to get occupancy on the building. Todd said they are digging the pool and pouring the foundation for the clubhouse at the same time as buildings 1 and 2. He understands there are projects that were built in the past and home owners never got the amenities promised.

Toni Foran explained her appreciation of the expense Mr. Getz will incur to build 2170 West but the difficulty is the Residential Resort zoning requires, at a minimum, a clubhouse, pool, and on-site property management to get the benefits of the zone. Unless those are completed, the buildings don't comply with the minimum requirements of the zone. She suggested the agreement state the zoning will revert to RM-2 if the pool and clubhouse aren't complete within 2 years. Mr. Getz objected, stating the sale of the units depends on them being able to continue to be rented as vacation rentals. He said they need the clubhouse and the pool to make the project successful. Toni stated she was unable to find a way to ensure the amenities would ever get built, since no one can guarantee buildings 4 and 5 are ever built and sold. She said it is a very nice project but needs a guarantee and she does not know how to get it.

Mr. Getz then stated buildings 3 and 4 will be designated to build the clubhouse and pool. Darin Larson suggested an agreement that the improvements for the clubhouse and pool are completed before buildings. Todd said it is a very large pool and clubhouse and he expects to get premium prices for the buildings built around it. He stated it has to be built in the first phase.

Clark expressed a concern that the City would ultimately be responsible to provide the amenities if buildings are built and occupied and the amenities are not installed. Toni cited a case discussed at the Utah APA Fall Conference where Vineyard, Utah ended up being responsible to install walls, gates, and other improvements included in a project they approved when the developer did not build them.

Todd estimated the project would require about a \$1.2 million though he has never had to bond for a building but suggested they could post a completion bond for the clubhouse and pool with the City as second note on the bond. He pointed out this would benefit his sales as customers can see the bond as intent to complete the project.

Arthur LeBaron cautioned there is devil in the details such as timing and ensuring the bond does not expire and reviewing the bond regularly as the project moves forward. Clark concurred.

Mr. Getz mentioned that a reimbursement agreement on 2170 West is also necessary as he has discussed with Mike Vercimak.

Council members discussed whether they could vote on this issue before seeing a final bonding agreement.

Fay Reber advised the bonding agreement be left to staff to review and finalize if desired.

Darin Larson motioned to approve the agreement with condition there be an acceptable bond with a 10% of overage of estimated cost for the clubhouse and pool, seconded by Kevin Tervort. In discussion on the motion it was clarified there will be changes in the agreement to #10 and #11 since they refer to certificates of occupancy and the clubhouse and pool. Motion was unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Consideration and possible approval of a final plat for Zion Village Townhomes Phase 1 – Mike explained they have not signed the construction drawings while the issues with the development agreement are resolved.

Fay Reber recommended this plat be made subject to the development agreement being signed and recorded. Ethelyn Humphries motioned seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

Kevan Adams asked if he could make a comment. He suggested the Council direct the Planning Commission to review how residential hosting/home bed and breakfast should be listed for MH/RV zone and what else it affects. Council members agreed.

Darin Thomas motioned to adjourn, seconded by Ethelyn Humphries. Meeting adjourned at 8:35 p.m.