

Minutes of the Hurricane City Council meeting held on April 21, 2016 in the Council Chambers at 147 N. 870 West, Hurricane, Utah at 5 p.m.

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

Council member s Cheryl Reeve and Kevin Thomas were excused.

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

5:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports and presentation of Employee of the Month award.

Chief Excell – reported on a lock out at Three Falls Elementary due to a reported gun shot that turned out to be a motorcycle backfiring. He stated there has been a lot of news media attention at the Police Department because an intruder was found in a St. George police officer’s Hurricane Home. The neighbor was found to be the intruder and the police arrested him. This suspect is incarcerated pending prosecution under Federal charges.

Chief Excell told the Council he has applied for an Emergency Management program grant which is intended as a pre-cursor to a larger grant for upgrading the locks and security at the City office and the Council chambers as an EOC. The Department has confirmed the City will get a \$10,000 grant for bullet proof vest purchases.

He said that overall it is busy and calls are crazier than they used to be but it is nice to have the department up to full staff so they are doing well.

Cindy Beteag was presented **the Employee of the Month award** by Kaden DeMille. He stated it is pleasure working with her on business licensing and all the other things she helps with at the City.

Mayor Bramall introduced **Joe Spencer, whose company Utah P3 works with developers to place Special Assessment bonds** so they can finance new development. Mr. Spencer’s presentation is included in the record of this meeting. He explained the changes to the banks and the banking system have caused banks to shift away from lending on development. Developers have moved to hard money or working with municipalities to use bonds to finance the development and create assessment areas. Mr. Spencer said he has bond buyers for the municipal bonds and can help fund these projects through bonds. He said Utah law allows up to 20 years for repayment of the bonds so it is benefit for developers and the bond buyers get the income tax free.

Mr. Spencer explained Sand Hollow Resort is asking for financing for the Sand Hollow Estates portion of their project. He stated the use of bonds is a benefit for them because it allows them to borrow money at a good rate and develop this beautiful section of the resort. Mr. Spencer stated his view that Hurricane City gains more efficient utilization of infrastructure in the area with 250 new homes, full property taxes if they are second homes, and up to \$425,000 in new property tax income.

Mayor Bramall questioned the property tax assumptions included in the presentation and Mr. Spencer explained he had worked closely with the County Assessor to determine the taxes that will go to Hurricane. He stated current taxes coming to Hurricane for this Sand Hollow property are \$78,000 and they will go to \$425,000 when the homes are all developed. He assured Recorder Kaden DeMille that he

had verified those numbers for new growth. Mr. DeMille questioned it since the City has seen new growth over the past several years and there has been no increase in property tax revenue.

Mr. Spencer explained his projected time frame for establishing an assessment area and pointed out the advantage of working with just one property owner to establish the area. He stated the City could hire Zions Bank Public Finance to manage the funds. He mentioned the newly created C-Pace bonds that pay for energy efficiency and green building elements of commercial buildings including condominiums, apartments, and office building.

Fay Reber asked who guarantees the bonds. Mr. Spencer said it was the land itself. Mr. Larson asked about the interest rate. Mr. Spencer stated 6-6.5%. He said the legal costs for setting up an assessment area limit them to projects projected to cost over \$1-1.5 million, estimating the Sand Hollow Estates would be a \$10 million project. He said the bonds over \$6 million are mostly sold to mutual funds.

Bryce King reported they are ready to open the pool for the season. As the new president of the Hurricane Valley Chamber of Commerce he asked the Council for their opinion on whether they should become the office of economic development and tourism development and abandon the idea of a Chamber of Commerce. He said the other option is to hire a new office manager for the Chamber. Darin Larson said he has spoken to Bryce about helping the small businesses and promoting recreation and tourism, asking if the City could absorb the Chamber and allow it to become something useful. Pam Humphries suggested the Council members talk about this at the beginning of next week's budget meeting. Bryce asked about the possibility of coordinating the business licensing and the Chamber of Commerce. Pam asked how the members of the Chamber would feel about having the City involved. Bryce stated he intends to send out a survey to the businesses after hearing other Board members say there has been little consistency with the Chamber and hope a City connection would help create more continuity. This year they will combine the back to school party and the business expo and sponsor just two events - the back to school party and golf tournament. Last year the City supported the Chamber with money and a full day's use of the golf course. Otherwise, the Recreation Department is in full swing in baseball season with games every night of the week. The Parks Department takes care of all the ball fields.

Fire District Chief Kuhlmann reported the District met with the Insurance Services Office regarding the local fire rating. With over 500 houses in Dixie Springs as well as multiple story buildings and increased call volume it will be interesting to see how the rating comes back. He said the District will invite the Council to a ground-breaking for the new building.

The District has hired a fire fighter who is also a fire boss and plan to hire soon for the Deputy Fire Chief. They are finishing up a remodel at the Hurricane Station and starting remodel at the LaVerkin station.

Fay Reber asked about the **fire exit from Sky Ridge Phase 10**. He explained the agreement guaranteeing the easement for the fire and emergency access is between the property owners. Fay said he drafted an addendum that would prevent them from changing the agreement without City permission. Frank Lindhardt said he believes the easement does grant the right for the City to use the easement. Mr. Reber stated his concern is that the owners can void the easement without notifying the City. Chief Kuhlman explained this is a stop gap measure until a road is tied into 2800 West from the subdivision. Frank said the City must have the emergency access and they can shut his project down if it is closed. Mike Vercimak said he concurs that Gemstone has a track record of following requirements. He said 2800 West will help when it is built.

Fay Reber said he does not want to hold up a plat and if the Council wants to authorize him to record the plat before getting the signed agreement he will proceed. The Council members directed Fay to

record the plat and then give Gemstone 30 days to get the signatures or no more permits will be issued for Phase 10.

Mayor Bramall called for a break at 5:57 p.m.

Mayor Bramall called the meeting back to order at 6:04. Those present made the Pledge of Allegiance and Darin Larson offered a prayer.

Presentation of 5 year service award to Troy Hall and Jared Ross – Dave Imlay said they hired Jared Ross as the Generator Tech for Hurricane Power away from Wheeler Machinery after seeing his expertise at rebuilding the generators when they had a problem. It has been five years and he has been a great asset– he fabricates equipment, keeps up the equipment, and is always thinking outside the box to save the City money. He has started his substation apprenticeship and working his way through the training. Mayor Bramall complimented Jerod on his great work for the City.

Approval of City Council meeting minutes: 3-3-2016, 04-13-2016 – Pam Humphries motioned to approve the April 13th minutes and continue the March 3rd minutes, seconded by Darin Larson. Motion unanimously approved with Pam Humphries, Kevin Tervort, and Darin Larson all voting aye.

Recognition of businesses for scoreboard sponsorship–Bryce King explained these businesses helped replace and upgrade the scoreboards at the baseball fields, which could not have happened without their help.

Rick Hayrend of Walmart, Lance Hutchings of Hutch Electric, and Pepsi Bottling were presented with recognition plaques. Mountain View Dental and Dairy Queen were not present to receive their awards

Presentation regarding feasibility study of Hurricane Regional Sports Complex–Scott Raine said tonight is the time to share some exciting news. Brian Conely, principal of Victus Advisory presented a quick summary of the Phase 1 report which had the following goals:

- 1 – Assess market demand
2. Recommend a market supportable building programs
3. Estimate the annual usage

He explained they analyzed the information including the location population and how much of the population would use a facility and looking at the market for users within driving distance. They then looked at all the outdoor sports fields and the regional outdoor sports facilities most frequented by Washington County Sports teams and completed over 40 interviews with interested parties including major league ball teams. Additionally they ran an on-line survey with over 400 responses covering a range of respondents and sports.

As a result they have come up with a recommended building program for a new regional sports complex with an initial phase of up to 8 multiuse fields and up to 4 baseball fields with a potential of 4 more of each.

Mr. Conely said their estimated utilization for the initial phase would be mostly soccer, stating there does not seem to be a demand for more softball fields in Washington County.

He stated the full report will be made available to the Council and City within the next couple of days.

Darin Larson asked when Victus talked to the other cities in the County what their comments were on needs, knowing Washington City has moved to building a soccer complex and new baseball complex.

Mr. Conely said there is a demand for fields in one location and use for club teams. Mayor Bramall said he was interested to learn in the survey that the fields in Hurricane are not well rated.

Bryce King asked about the trend for city owned facilities to focus on city programs. If they have the weekends open they focus on economic development. Mr. Conely said often having a new facility drives up the number of clubs and users.

Mr. Raines talked about the new rates being charged by the Washington County School District for rental by tournament groups.

Presentation on WORCS race and request for support for services-Sean Reddish introduced himself and stated his kids are young and he really appreciates the sports and Recreation programs organized by Bryce King.

Mr. Reddish then explained his event, the World Off-Road Championship series, stating he believes promoters should prove themselves before asking for support. Due to some changes in the Fire District Mr. Reddish asked if there might be some assistance available to cover the cost of the EMT and Ambulance services. He then reported on the event that, despite the sustained 40 mph wind on the site, had over 1,000 entries and about 675 room nights in the County. They were not able to get any support for the event from local hotels. During the event they had a good job of videography for Sand Hollow State Park and Sand Mountain including by helicopter. He explained the BLM is tight on permits but the event money stays in the local BLM office so they got about \$5,000 from this event. He explained they had to quit accepting people into the park during the event because they just ran out of parking. No one wanted to walk anywhere in the wind but they still had great support for event from City, State Parks, and BLM. He said the biggest issue is more day time spectator parking and that is a different issue for a bigger discussion. He explained the events include loops and races for the youth along the water's edge in the primitive camping area and that the whole event is totally family friendly.

The Fire Chief said they were busy and WORCS was great. The Council suggested that in the future Mr. Reddish go through the event application process to qualify for help with expenses.

He explained people have seen videos of the WORCS race and ended up living in Hurricane. He stated they want the event to be good for Hurricane, their home town, and encouraged everyone to watch the video on You-Tube.

Presentation on Frog Hollow event and request for support for services-Cimarron Chacon, race director for 6 Hours and 25 Hours in Frog Hollow, told the Council the event is in its 8th year. It is a mountain bike race on single track on BLM land that started in 2009 but did skip one year. She stated her event brings in the highest number of guests per person over many other events because of the party type atmosphere. She said they had to cap the number of participants at 270 for the 6 hour race. There were three other mountain biking events in the state but this is the only one that sold out. The event has about 60% repeat customers. She stated that she has heard that many people are making these events a focus of a vacation to stay in the area.

She clarified the six hour event usually has participants from just the Intermountain West but the 25 hour event has participants who come from all over the nation and even the world.

Ms. Chacon stated she had an opportunity to work with Chris at the Fire District to design a plan to use resources more efficiently such as the ambulance on stand-by at the bottom of the hill and the side by side along the washes. She expressed appreciation for the Fire District personnel.

Chief Kuhlmann stated the cost to the District for the 6 Hour is between \$700 and \$800 and the 25 hour race is approximately \$3,000. Cimarron said she needs some assistance but not all of it and she requested \$3,000. Chief Kuhlmann explained the Fire District does not gain the room tax or other tax coming from event participants. Pam Humphries asked about sponsors. Cimarron said they have sponsors but they provide in-kind assistance not cash. For example, Findlay Motors provides a trailer, finish line, and timers for a value of about \$3,000 and Red Rock Bicycle pays for the beanie hats with their logos, a value of about \$3500. She pointed out this event helps promote Hurricane as a mountain

biking destination. The event does get money from the Washington County Tourism Board for advertising. She emphasized the event is a benefit to the community.

Kevin Tervort asked if she gets anything from LaVerkin or Virgin. She said bills. Mr. Tervort pointed out she is asking Hurricane City taxpayers to pay for an event that has just as much economic effect on LaVerkin and Virgin and Washington County as it does for Hurricane.

Ms. Chacon stated all the advertisement shows this is a Hurricane event, they host the award ceremony in Hurricane City, and they use Hurricane vendors. The Hurricane Lions Club catered the event and raised over \$5,000 for Hurricane.

Council members explained they felt the entry fees for this event should be able to cover the costs. Ms. Chacon explained the fees do cover signs, permit fees, tents, toilets, and other event supplies but she must keep them in line with what people are willing to pay. She reminded the Council that event participants use the hotels and stores. The Council members stated last year the cost was absorbed into the Fire Department but now it represents cash to be paid to the Fire District. Darin Larson asked about the total receipts for both events, which Ms. Chacon estimated would be about \$55,000. Kevin Tervort explained he is talking about taxpayer dollars and would like to see some participation from the other cities and then have Ms. Chacon come back to Hurricane.

Bryce King commented the event is growing and does bring people in to town. He stated he felt if taxpayer dollars are allocated they should be used in a way that supports and advertises Hurricane City. Kevin Tervort said this is a great event but the community is better served by giving events advertising dollars.

Pam Humphries motioned to deny support for the 6 hour race and require Ms. Chacon to come back to request support for the second event. Motion was seconded by Kevin Tervort.

Ms. Chacon commented she believes these events would not be where they are today without the City's support but expressed a concern she would not be able to continue the 6 Hour event. Motion unanimously approved with Pam Humphries, Kevin Tervort, and Darin Larson all voting aye.

Consideration and possible approval of a zoning map change from PDO/R-1-10 to PDO/R-1-8 in accordance with the new preliminary site plan for 169 dwelling units on 46.56 acres located south of 600 North, west of 1380 West, east of Gould's Wash and north of Hurricane Garden Homes— *Painted Sands LLC*. Pam Humphries motioned to continue this item to the next City Council meeting at the developer's request, seconded by Kevin Tervort. Motion unanimously approved with Pam Humphries, Kevin Tervort, and Darin Larson all voting aye.

Consideration and possible approval of the Retro Rock Festival and to discuss possibility of drag races-

Curtis Strong, the event organizer said they create a budget with local sponsors for a year's worth of events and create their own direct marketing. If an event does not pay for itself by the third year they can shut that event down. He stated they organize the Board Fest at Sand Hollow State Park and have a video that ran at Maverick stations all over the country.

Mr. Strong stated they understand the drag race considered for 600 North is too high a risk in the City's estimation. He stated the Rock Festival does do sound checks and last year they ran at 100 decibels at 100'. He stated, "Despite what people think, we have control of the volume and are more than willing to meet a standard. " He indicated they would like to start the bands earlier so everyone is off the street by 11 p.m.

Mr. Strong said they proposed holding this event at the Community Center with 100 West shut down. They have it set up to provide security. Chief Excell said they have a good security company.

Darin Larson said the City should set a standard for all events at the Community Center. Do need to stay within the noise ordinance limit of 10 p.m.

The Council discussed security, noise limits, times of the event, use of the Community Center, and other issues with Mr. Strong.

Chief Excell said his biggest concern was with some of the things that happened with this event in St. George last year and he has talked to Curtis about ways to keep costs down. All agreed there should be a contract written so expectations are clear. Curtis said Bryce and Chief were great in helping make suggestions. Bryce explained this plan will have a similar layout for water and power as Peach Days with costs for Power and Water personnel.

All agreed to leave the decibel levels open until the sound check as long as it stays within the 75-100 decibel range.

Kevin Tervort asked how the cost is going to be set stating if more security is needed it should be clear what the cost is going to be.

Darin Larson motioned to approve the Retro Rock Festival with the following conditions:

1. A sound check for an acceptable decibel level between 75 -100 is done
2. Fees for City services are paid up front
3. There is a written agreement between the organizer and the Police and Recreation departments.
4. The City will not charge a rental fee for the use of barricades but will not waive the event application fee.
5. The drag race is not approved.

Pam Humphries seconded the motion. Motion unanimously approved with Kevin Tervort, Pam Humphries, and Darin Larson all voting aye

Bryce King asked the council members to show up at the event to show support.

Consideration and possible approval of a resolution expressing appreciation for IHC on its 40th anniversary in Washington County -

Mayor Bramall explained this is at the request of the County Commission. Pam Humphries motioned to approve the resolution expressing appreciation for IHC on its 40th anniversary in Washington County, seconded by Kevin Tervort. Motion unanimously approved with Kevin Tervort, Pam Humphries, and Darin Larson all voting aye.

Mayor Bramall announced a new world class cancer center to be built in Southern Utah at a cost of \$300 million.

Consideration and possible approval of awarding a contract for construction of a culinary water line.

Kevin Tervort motioned to approve awarding the bid to Interstate Rock at a bid total of \$76,230.70, seconded by Pam Humphries. Motion unanimously approved with Kevin Tervort, Pam Humphries, and Darin Larson all voting aye.

Discussion on Trails Committee and approval of committee members. Mayor Bramall stated he will ask Jeff Olsen to serve as chairman of the Trails' Committee. Members are Rachel De Boer, Jason Ward, and Lucy Ormond. Lucy said the committee needs some ideas, stating Grandpa's Pond is the center of a possible connection to Washington City trails. She gave a little history of trails in Washington County, explaining in 1996 the first trail in was built from Man O'War Road along the river to the confluence with the Santa Clara River. She said Hurricane is on the cusp of being where St. George was 20 years ago and can move forward from this point. All agreed trails have become important if a City wants to be a magnet for economic development. Ms. Ormond stated the City needs someone in the City dedicated to orchestrating the program for trails and connectivity with the County.

Rachel De Boer said the Trails Committee spent a lot of time finalizing the Trails Master Plan but now it will take money to create the system shown on the plan. The committee was organized 7 years ago and they have brought a vision and a plan, as well as many unpaved trails. Bryce King talked about the idea of creating a sidewalk trail system using the existing sidewalks that would give residents distances between points using the sidewalks, such as from the Senior Center to Lins or the Community Center to the pool.

Kevin Tervort said he supports having trails in Hurricane. Darin Larson suggested a recreation bond for trails to look at the big plan and accomplish a lot at once. Pam Humphries agreed trails are needed. Sean Reddish commented his family has traveled to attend events held on paved trails, stating paved trails are a magnet for people to come to the area.

Chief Kuhlmann said he has met people who come to this area to hike who would appreciate trails. Darin Larson motioned to approve Jeff Olsen, Rachel De Boer, Jason Ward, and Lucy Ormond to serve on the Trails Committee, seconded by Kevin Tervort. Motion unanimously approved with Kevin Tervort, Pam Humphries, and Darin Larson all voting aye.

Fay reminded the Council of the property to be deeded and easements to be recorded in Conjunction with the Grandpa’s Pond Park project.

Pam Humphries asked who is on the events committee and Bryce gave her 7 names. He said usually 6 members show up for meetings. Pam asked if it would be beneficial to have a Council rep on the committee and Bryce explained the goal is to save the Council from having to deal with individual issues like tonight. He stated he feels there are too many events and this review process should make it better. Bryce cautioned the Council about the number of events wanting to come to Hurricane and not having clear guidelines for approving them and applying for them. He said the City can’t accommodate events that want to throw something together in two weeks. Mr. King recommended the committee look at risk, benefit, and liability as it reviews events and the City should be using taxpayer dollars to help advertise events and the City at the same time.

Bryce explained to the Council the function of a visitor and convention bureau (VCB) and warned them to ensure they are hearing verifiable numbers when an event talks about economic impact. He said the City does not want to discourage events but should not “give away the farm.”

Mayor, Council and Staff reports

Mayor Bramall	<p>Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineer –Mayor Bramall stated somebody reported to MSHAW the Stratton crushing operation on State Street. He said he has a Pah Tempe meeting next week with Ron Thompson and Mayor Gubler from LaVerkin. They want to annex the property where Pah Tempe is located. He asked if the Council members still agree with the City’s annexation plan which shows Hurricane going to the south side of the Virgin River. Council members agreed.</p> <p>Ron Thompson called because they want to know what the problem is with the City accepting the water into the storm drain system from the flooding basements. All agreed this topic needs input from the Public Works department.</p> <p>Mayor Bramall reported the County Commission is recommending at 650 acre land swap at Sand Mountain. They and the BLM say this is a solution to lawsuit. Alan Gardner said he would come over and talk to the new Council.</p> <p>John Bramall said he believes the cost for Fish and Wildlife actions should not be imposed on the residents, even though in other counties the residents have had to pay for the cost of an HCP.</p>
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	He explained they have found 80 tortoises in the Mr. Brennan property. Pam Humphries pointed out Mr. Brennan already knew that property was in the HCP when he bought it. 250 of the acres are in the City limits. The Council members recommended the City send a letter to BLM opposing the trade. Fish and Wildlife did the taking and the Council opposes changing Sand Mountain property from public use.
Pam Humphries	Court, Water, Power, Solid Waste – Pam reminded the Council members of the UAMPS conference at Zermatt Resort
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation – Darin said he thinks it would serve all the Council members well to shadow City employees and see what they do at the events.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District – no report

Kaden DeMille asked for feedback from the Council about the mechanic shop in a Dixie Springs home garage. He explained it has been operating for many years and after notices from business licensing and zoning, Fay Reber sent a letter in February. The activity still has not stopped and Fay explained the city could issue a citation through the police department or do a summons and information for the judge to enforce. The Council directed Kaden to move forward with enforcement action.

Motion to close the meeting to discuss pending and reasonably imminent litigation was made by Pam Humphries and seconded by Kevin Tervort. Meeting closed at 8:52 p.m.