

Minutes of the Hurricane City Council meeting held on August 3, 2017 in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

Members Present: Mayor John Bramall and **Council Members:** Pam Humphries, Kevin Tervort, and Cheryl Reeve. **Absent:** Kevin Thomas, Darin Larson

Also Present: City Manager Clark Fawcett, Assistant City Manager/Recorder Kaden DeMille, City Attorney Fay Reber, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Toni Foran, Police Chief Lynn Excell, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes, Fire Department Inspector Kevin Gildea and Mike Chandler Ash Creek Special Services.

AGENDA

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

Discussion regarding possible revocation of a home based business license

Cindy Beteag stated that Main Ohana Movement is a home based business. It is a dance studio that is run out of their garage. Ms. Beteag explained that the City has received several complaints regarding this home based business. Complaints have ranged from street traffic, parking and the noise. She passed out pictures to Council showing the street parking congestion and also played a couple videos that were submitted by neighbors regarding the noise level. After some discussion regarding these complaints, Council agreed that this home based business should be in a commercial location. Ms. Beteag stated she will schedule the revocation hearing on August 17, 2017 at 5:00 p.m.

With regards to beer licensing, Ms. Beteag explained that there is a six page application process. For beer license renewals those same six pages are required every year. She requested approval to revise the renewal application to one page. Council approved this revision.

Ms. Beteag also reported that the County Bee Inspector, Casey Lofthouse has been getting numerous complaints of unsafe bees coming from High 5 Bees. The bees are stinging the neighbors and are preventing them from enjoying the outside. Ms. Foran stated that Mr. Lofthouse would never recommend these types of bees for a neighborhood setting. Mayor Bramall requested that a warning letter of revocation be sent for general health and safety concerns.

Dennis Green is the leadership coach for the City leadership team meeting scheduled for September 21, 2017. He introduced himself to Council and encourages them to attend the meeting. He stated that this meeting will be a great opportunity to strengthen the City and its leaders.

Mike Chandler reported that he has received a few complaints regarding the odor coming from Lagoon #2. Mr. Chandler stated that the odor will dissipate soon. They are scheduled to begin work on 1150 West. They will not be closing down lanes, but there will be some traffic control.

Kevin Gildea stated that they hit an engineering snag at Station 46. The parking lot isn't aligning like it should. He also reported that there was a 50 acre fire last night behind Molly's Nipple.

Chief Excell reported that they will have two officers out at the County Fair next week. His department has also started planning for Peach Days. Chief Excell stated that the City now has its own flood trailer. They will be working with the Streets Department to get the trailer ready for use. Chief Excell also reported that two new school crossing guards were hired. They will have new uniform shirts that are

reflective that will say "School Crossing" on them. The Animal Control division has been very busy lately, but things are going well.

Dave Imlay said that the Power Department had a busy July. It was an all-time high usage month. They beat the previous record by 4.5% for usage. He stated that this was the first time since 2013 that we had both a hot June and July. Mr. Imlay reported that the generators worked well and the system held together during this peak usage. He also reminded Council that the UAMPS conference is in a couple weeks.

Mike Vercimak said that his department had a pre-construction meeting this morning regarding LiteHouse and another pre-construction meeting regarding Tava at Sand Hollow. He stated that his department is very busy.

Toni Foran reiterated that they are getting very busy. She stated that in the last six months they have had two incidents where Developers didn't go through the final plat approval process. She said that many other cities have a process where if the Developers go to Planning Commission and their final plat is approved, then they do not have to go before City Council. She asked if Council would be willing to make a change to our current process. Mr. Vercimak stated that sometimes they do run into problems that would cause a change from the preliminary plat to the final plat. He suggested a stipulation that if the final plat is different from the preliminary plat then it would need to go to Council for approval. Mayor Bramall added that it can be approved administratively, but if Staff sees an issue, they can bring it to Council. Council was open to making a change for the final plat approval process.

6:00 p.m. - Call to Order

Pledge: Kevin Tervort Prayer: Carl

Presentation of 10 year service award to Sandra Bailey – Clark Fawcett and Mayor Bramall presented the award to Ms. Bailey.

Approval of Council minutes: 06/15/2017 and 07/06/2017

Pam made a motion to approve both the 06/15/2017 and 07/06/2017 Council minutes. Seconded by Cheryl. Motion approved with Cheryl Reeve, Pam Humphries and Kevin Tervort voting aye.

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

None.

OLD BUSINESS

- 1. Consideration and possible approval of an agreement to compensate Kim Young for financial services rendered**

Kim Young stated that he was involved with the Dixie Springs subdivision financing. The first round of financing was for approximately 500 lots in 2005. He was involved in that financing and was paid a fee. The second round of financing was for approximately 1,000 lots in 2012. Subsequently after the first round of financing he was diagnosed with cancer but still played a key role in the 2012 financing. In 2010 he had some legal issues with a former employer which went on for several years. When the financing closed in 2012, Zion's Bank (the City financial advisor) recommended that Mr. Young's fees not

be paid until the legal issues were resolved. Mr. Young stated that the amount of money owed to him was a substantial amount. Many years have since passed and all of the legal issues have been settled. Mr. Young is willing to discount his fees and is requesting to be paid for his services on a contingent basis. He stated that financing started in 2012 with a fifteen year term and if they were to pay off the way bonds normally do, it would pay off in ten years. He personally owns some of the bonds and only 11% of what he purchased remains because property owners are paying off their assessments. He's thinking that the financing could wind down within the next couple of years. Mr. Young explained that normally the parties to the financing are paid at the time of closing and that it's capitalized in the financing. He's fees were not included and for the reasons he previously mentioned, he did not get paid. Mr. Young reiterated that this is a contingent situation and he will get paid only if there are monies left in the financing at the end.

Mr. Fawcett summarized the financing that happened for this project and added that when the bond is paid in full, Mr. Young can and should be paid for his services. He said that Mr. Young was instrumental in securing the financial package for this project. He also stated that at the time of closing, Zions Bank had concerns that they might receive sanctions if they were to pay Mr. Young his fees while there were legal issues pending.

Mr. Young stated that his original fee was \$100,000, but he will discount it to \$30,000. Ms. Humphries requested to see an itemized bill for the services Mr. Young provided to the City. Mr. Young stated that his bill has been subsequently itemized through the Bond Council, and submitted a copy of that to Ms. Humphries.

Mr. Tervort feels that Mr. Young is owed money for his services. Ms. Reeve asked for clarification that he would be paid when the bond is paid in full. Mr. Fawcett confirmed.

Kevin Tervort made a motion to approve the agreement to compensate Kim Young for financial services rendered, contingent upon whether there will be remaining funds available after the bond financing has been retired, up to \$30,000. Seconded by Cheryl Reeve. Motion approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

NEW BUSINESS

- 2. Consideration and possible approval of a preliminary plat for Sage Pointe Phases 5, 6, and 7 located north of 975 North between 100 West and 200 West-Home Company applicant**

Recommend by Planning Commission. Ms. Foran stated that the applicant has requested this item be continued until he is ready.

Pam Humphries made a motion to continue this item until applicant is ready. Seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

- 3. Consideration and possible approval of a preliminary plat for Grande Canary subdivision, a portion of the Colina Tinta master planned development located at the extensions of Rlington Parkway and 1760 West-R R Penga, LLC applicants**

Recommended by Planning Commission. Ms. Humphries added that he is doing this under the original Development Agreement.

Motion by Pam to approve the preliminary plat for Grande Canary subdivision, a portion of the Colina Tinta master planned development located at the extensions of Rlington Parkway and 1760 West, along

with JUC and Staff comments. Seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

4. Mayor, Council and Staff reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering-
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council-
Pam Humphries	Court, Water, Power, Solid Waste-
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation-
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification- she has received complaints about the usage of fireworks. She read the new proclamation that states fireworks can be discharged from June 23rd until July 27 th . Mr. Fawcett stated that it was supposed to reflect "purchase" dates from June 23 rd until July 27 th , not discharge dates.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District- Water Conservancy District impact fees have been raised. Next year the first one goes up \$944 dollars in 2018. He also stated that there will be a slight water increase and a usage fee increase.
Clark Fawcett	City Administration-

5. Adjournment 6:38