Minutes of the Hurricane City Council meeting held on July 20, 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, Kevin Thomas and Darin Larson. **Absent:** Cheryl Reeve

**Also Present:** City Manager Clark Fawcett, Assistant City Manager/Recorder Kaden DeMille, City Attorney Fay Reber, Police Lieutenant Jarrod Brisk, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Toni Foran, Water Superintendent Ken Richins GIS Specialist Joe Rhodes and Fire Department Inspector Kevin Gildea.

**AGENDA**

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

Kevin Gildea – reported that they have a new Battalion Chief Cole Ferly who started on Monday. They also extended an offer to a full time fire fighter/paramedic. They now have 18 full time people. They’ve signed the contract for the new La Verkin fire station. Construction should start soon.

Mike Vercimak – his department has many projects coming in and they have been very busy.

Toni Foran – she attended the Zion Regional Collaboration meeting. During that meeting they presented alternatives to the Zion Visitors Use Management Update which is now going out for public comment. Ms. Foran encouraged Council to express their concerns by commenting.

Dave Imlay – the weather has been quite hot lately. The loads are continuing to grow and its taking its toll on the system. The Purgatory Flats system is definitely a necessity to help carry these high loads. Mr. Imlay also explained that the Power Department has a great safety program and they make sure that everyone is trained well.

Lieutenant Brisk– the Police Department hosted the Community Partnership meeting last night. It was a small turnout but the feedback they received was good. Lieutenant Brisk also said that the Department had to let an officer go today, and they will try to replace them as soon as possible.

Ken Richins – with regards to the MOU with the Lowes, he has been working with Mr. Reber and all parties involved on this agreement. Mr. Richins stated that the City needs to acquire the property for the water tank and this agreement needs to reflect the needs of the City.

Blair Gubler – Ashcreek Sewer District recently acquired another 40 acres of property to serve as a buffer zone to the surrounding neighbors. He also stated that the water flow is up and they have been very busy with the growth of the City.
6:00 p.m. - Call to Order –

Pledge:  Brett Doughty    Prayer:  Bret Beagley

Presentation of 5 year service award to Bret Beagley – Mayor Bramall and Clark Fawcett presented Mr. Beagley with his 5 year service award.

Presentation of 10 year service award to Janice Evans – Mayor Bramall and Clark Fawcett presented Ms. Evans with her 10 year service award.

Sandra Bailey and Kent Abegglen were not present to receive their awards.

Approval of Council minutes:

05/04/2017 Pam Humphries made a motion to approve with the rewording of lines 276-276.  Seconded by Darin Larson.  Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voted aye.

05/18/2017 Pam Humphries made a motion to approve with the word “annually” to the last sentence on line 145.  The correction should read “...as the number increases by 334 annually.”  Seconded by Kevin Thomas.  Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

06/01/2017 Pam Humphries made a motion to approve.  Seconded by Kevin Tervort.  Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

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

Brett Doughty – he was searching for an Eagle project.  He spoke with Bryce King with the Recreation Department.  Mr. King suggested cushions for the brick alcoves at the Community Center.  Mr. Doughty estimates the total cost for this project is $1,450.  He is asking Council for a $250 donation.  The donation would go towards materials for the covers.

Kevin Tervort made a motion to donate $300 from the Discretionary Fund.  Seconded by Kevin Thomas.  Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

OLD BUSINESS

1.  Re-consideration and possible approval of granting local consent for a package store at 415 N. State Street to Deborah Groves DBA as Chez Debi

Trent Miller is the attorney representing Deborah Groves.  Mr. Miller wanted to clarify a few things for the business license.  He stated that Ms. Groves’ package store is not like the Eagles Club, Baristas or Lins.  She is seeking a bureau license that specifically focuses on packages, not where customers would consume the alcohol.  This would be a limited use; it’s not an open tap and will not be consumed on the property.  The packaged alcohol will be in the gift shop, behind the counter.  Mr. Miller explained that they have reviewed the City’s zoning and they believe that they fall under and adhere to those requirements.  They are here to request a re-consideration for local consent.  Mr. Miller stated that as part of the business license process Ms. Groves will submit to a background check.  He added that she is an established business owner and has contributed to the City.  He believes that the license and zoning requirements have been met and she needs to have local consent before submitting her application to the DABC.
Ms. Humphries asked what the benefits would be for the citizens of Hurricane if this were to be approved. Mr. Miller stated that the city would benefit from the sales tax revenue, the creation of jobs, and money being reinvested into the building. Ms. Humphries inquired about the liquor advertisement. Mr. Miller stated that she will have a sign that says it’s a state liquor agency. Ms. Humphries also questioned the business location and the possibility of the sign not being seen when heading out to Zion.

Kevin Thomas explained some personal experiences and commented that he doesn’t feel that alcohol has benefited anyone, especially families that have been affected by it.

Mr. Reber encouraged Council to look at the criteria that the DABC will require of Ms. Groves. He explained that Council is entitled to look at those same items before giving their consent.

Darin Larson stated that as the City grows, there’s going to be more requests for consent for restaurants and other places to serve mixed drinks. However, Ms. Groves request is for a package store. These items will be small packaged bottles of alcohol. Mr. Larson explained that he voted yes because he doesn’t see this as something that will hinder us as a community. We have so much tourism coming through and people are asking for this. We are only going to grow as a city.

Mayor Bramall stated that from a budgetary stance, the more places that serve alcohol, the more our policing costs goes up. He stated that after the last meeting researched police activity where alcohol is served. There was a definite rise in the police activity.

Misty Jakes said that she is a licensed massage therapist and is a tenet in Ms. Groves building. She knows that Ms. Groves follows State and City laws. Under her code of ethics, her business and clientele is not to be in an establishment where health and safety are concerns. Ms. Jakes said that Ms. Groves supports our local community and she carries lots of local artists and merchandise in her gift shop. Ms. Jakes feels that this would only enhance Ms. Groves’ business.

Deborah Curtis lives in Toquerville. She commented that if she wanted to have a bottle of wine with dinner, she would want to go to Ms. Groves shop and not a bar. She stated that locals will appreciate having something close.

Debi Groves explained that she will base her purchases by the State. Mr. Thomas asked if she would make a commission on the sale of the liquor. She can do it on a commission basis or purchase it outright. It is a benefit for her and the State. Ms. Groves said that she wants to keep her business a high class environment. This is will not be a place where alcohol is consumed. She described her gift shop and the area and storage for the liquor. Mr. Tervort commented that her area is small and she will not have much of an alcohol inventory.

Dave Imlay – he is a Hurricane citizen he served an LDS mission and had a companion that thought that a gun was used only to kill people. He had a negative view of guns. We have our culture and we have the freedom to carry guns. I personally won’t go to places where I can’t carry a gun. In this instance, I don’t think it’s beneficial to take that right away from someone who will be responsible.

Ms. Humphries stated that she hopes Ms. Groves business is successful, but she does not believe the City needs a package store when there is already a State liquor store that meets the needs of the community. Kevin Thomas commented that he believes that alcohol has not benefited anyone. Mr. Thomas agreed with Ms. Humphries.
Kevin Thomas made a motion to deny local consent for a package store at 415 N. State Street to Deborah Groves DBA as Chez Deb. Seconded by Pam Humphries. Kevin Thomas and Pam Humphries voted to deny the motion. Kevin Tervort and Darin Larson voted to approve. This resulted in a split decision. Mayor Bramall voted to deny the current motion but stated he would entertain a second motion contingent on Deborah Groves being the owner.

Darin Larson made a motion to approve local consent for a package store at 415 N. State Street to Deborah Groves DBA as Chez Deb. Consent is contingent on Deborah Groves being the owner. Seconded by Kevin Tervort. Darin Larson and Kevin Tervort voted to approve. Pam Humphries and Kevin Thomas voted to deny. This resulted in a split decision. Mayor Bramall voted to approve. Motion passed.

**NEW BUSINESS**

2. *Consideration and possible approval of a Preliminary Plat for Falcon Ridge Phase 3, a 14 lot subdivision located at approximately 260 E 1100 North-The Home Company applicant, Lane Blackmore, agent*

Recommend for Approval from Planning Commission.

Darin Larson made a motion to approve the preliminary plat for Falcon Ridge Phase 3, a 14 lot subdivision located at approximately 260 E 1100 North. Seconded by Kevin Tervort. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

3. *Consideration and possible approval of a preliminary plat for the Retreat at Sand Hollow Phase 4, a single family subdivision located at the extension of 3175 S (Lazy Lane) at about 5000 West-Scott Sullivan agent, Hurricane Hills applicant*

Recommend by Planning Commission with the removal of the cul-de-sac.

Pam Humphries made a motion to approve the preliminary plat for the Retreat at Sand Hollow Phase 4, a single family subdivision located at the extension of 3175 S (Lazy Lane) at about 5000 West with the removal of the cul-de-sac, with Staff and JUC comments. Seconded by Kevin Thomas. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

4. *Consideration and possible approval of a final plat for Tava Resort at Sand Hollow, Phase 1, a 35 lot phase-Jared Madsen agent, Paul Burningham applicant*

Recommend for approval by Planning Commission with Staff conditions.

Kevin Tervort made a motion to approve the final plat for Tava Resort at Sand Hollow, Phase 1, a 35 lot phase with Staff conditions and recommendations. Seconded by Darin Larson. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

5. *Consideration and possible approval of a resolution allowing for an alternative analog power usage meter and establishing additional fees and charges-Dave Imlay*

Dave Imlay explained that some power companies do allow analog meters but they have a separate monthly charge for it. Mr. Imlay suggested a monthly charge of $10.00 for the use of an analog power usage meter. Mr. Reber has already drafted the resolution and it will be presented at the next Power Board meeting. Mr. Imlay is requesting approval contingent on the Power Board’s approval.
Kevin Tervort made a motion to approve a resolution allowing for an alternative analog power usage meter and establishing additional fees and charges. The monthly fee will be $10. This approval is contingent with Power Board approval. Seconded by Kevin Thomas. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

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

Ms. Humphries and Mr. Thomas request an itemization of his services before issuing payment.

Pam Humphries made a motion to continue this item until the next Council meeting. Seconded by Darin Larson. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

7. Consideration and possible approval of lot line adjustments between lots 15, 16, and 17 in Rio Del Sol Subdivision-Hardesty and Dial applicants

Recommend for approval from Planning Commission.

Bryan Dial stated that this lot line adjustment was approved by the Board of Adjustments. The Board made sure that everyone was comfortable with these adjustments. Kevin Thomas asked for further clarification of the lot lines on a map.

Kevin Thomas made a motion to approve the changes to lots 15, 16, and 17 in Rio Del Sol Subdivision, abandoning the original lot lines between those lots and adopting the new proposed lot lines. Seconded by Pam Humphries. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

8. Consideration and possible approval of a memorandum of understanding with the Lowes-Fay Reber

Fay Reber stated that he’s hoping that Council will approve the MOU tonight, subject to whatever additional changes Staff needs to make. Mr. Reber stated that there may be additional changes once the appraisals are completed. Mayor Bramall will have final approval and will need to sign the MOU. Ken Richins stated that this purchase deals with COG funds, so Arthur LeBaron will be handling the money side. He said that the tank site will be approximately $25,000 and approximately $6,000 per acre.

Kevin Tervort made a motion to approve the memorandum of understanding with the Lowes subject to the changes from Staff, review from Clark Fawcett and the final approval from Mayor Bramall. The anticipated cost is $25,000 for the water tank site and approximately $6,000 per acre. Motion seconded by Kevin Thomas. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

9. Mayor, Council and Staff reports

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<tr>
<th>Mayor Bramall</th>
<th>Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering- Public Works Department is busy approving many projects.</th>
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<tr>
<td>Kevin Thomas</td>
<td>Emergency Management, Streets &amp; Drainage, Youth City Council-</td>
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<tr>
<td>Pam Humphries</td>
<td>Court, Water, Power, Solid Waste- She stated that Council received an email from Mr. Reber regarding the possibility of combining both Elim Valley lawsuits. The Motion to</td>
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Consolidate hearing is set for Wednesday, July 26, 2017. Darin Larson, Kevin Tervort and Pam Humphries will attend the hearing. Ms. Humphries also asked that Mr. Tervort have them spray for mosquitos down on 400 South.

Darin Larson
Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation - Mr. Larson has received a few emails from Hurricane Valley Commonwealth (homeschooling agency). They rent out some rooms at the Community Center every Thursday for their functions. They have been paying $1250 for their eight month school year. Mr. Larson stated that they received an email from Bryce King stating that their rent would increase to $3200 for the next school year and they are upset about their rent increase. Mr. Larson said that he spoke with Mr. King regarding the rent increase. Mr. King told him that there are anywhere from 50-100 children and even though Hurricane Valley Commonwealth does a “cleanup”, there is always a mess and extra cleanup is needed. Mayor Bramall suggested that if they were to do a better cleanup job, that they can possibly reduce their rent. Ms. Humphries stated that she wanted Mr. King to give them more information regarding this issue. Mr. Larson said that he would meet with Mr. King to discuss this item further.

Cheryl Reeve
Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification

Kevin Tervort
Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District

Clark Fawcett
City Administration

Adjournment 7:10