

## Hurricane City Council Minutes – April 4, 2019

Minutes of the Hurricane City Council meeting held on April 4, 2019, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

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

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

### AGENDA

#### **4:00 p.m. Work Meeting** – Discussion regarding proposed recreation center design

Bryce King gave handouts to Council containing conceptual designs for the proposed recreation center. Mr. King wanted to address location, amenities and budget. Council discussed different locations including keeping the recreation center in the current downtown area or purchasing property out by Walmart or Sand Hollow. The consensus from Council was that property acquisition elsewhere would be expensive and keeping the current location would help revitalize the downtown area. The layout of the facility may include the closure of 100 South. This would provide a traffic loop that would be strictly for drop-off or pick-ups. Customer parking would be located away from SR-9 on the south side of the facility.

Among the amenities discussed, a gym, walkable track, fitness center and swimming pools are a must. The desired competition swimming pool size is 25 meter by 25 yards. This equates to an 11 lane swimming pool. Council expressed financial concerns regarding a pool that size and requested the cost difference between an 8 lane swimming pool vs an 11 lane swimming pool.

In order to help keep the cost down of the proposed facility Mr. King suggested purchasing a re-purposed gym floor for the fitness center, offer naming rights for certain areas of the facility with private and/or corporate donations, extending memberships to the surrounding communities, participating in programs such as Silver Sneakers and reaching out to medical and insurance companies for membership sponsors. It was also discussed to combine this building with other county services, like the county library. This would open up additional funding options.

Mr. King and Arch Nexus are scheduled to have a booth at the upcoming Easter Car Show to poll the community about what amenities they would like offered. They are reaching out to the public in many different ways to get a better idea of what the wants and needs are of the community. Another public meeting will be held late in May to present these findings and possible facility designs. Mr. King would like to develop an eight member PR Committee to advocate for this project. Council suggested David Stirland, John Stout, Chauncey Turley, Ron Mills, Jody Rich, Brian and Nancy Hinton, Darin Thomas, Jan Wells, Jeff Madsen, Richard Holmes and Renee Anderson.

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

**Mike Chandler** had to advertise for an emergency bid for concrete pipe replacement for two separate sections of pipe. One section of pipe is located along the west side of Sky Mountain Golf Course, which collapsed last month. The second section of pipe is located by Goulds Wash and SR-9 on the south side

of the road. The Bench Lake pump station and pipe line projects will be advertised in two weeks. They are hoping to have sewer out there by early to mid-fall.

**Bryce King** had 485 participants start the youth spring baseball program last week. The swimming pool will open next Friday. They will offer spring swimming lessons this year. During the Easter Car Show in April, they will have survey stations displayed to gather citizen feedback regarding the proposed recreation center. It will help gauge the needs and expectations of the community going forward. Mr. King will coordinate with Chief Excell to possibly close 100 South during Peach Days in September.

**Chief Excell** said one of the Animal Control vehicles was involved in a minor traffic accident. The vehicle was hit from behind. No injuries and minimal damage. Officer Gubler was sent to training on supervising an evidence room and he came back with changes that will be made for a more efficient operation. SR-9 is still busy with construction.

**Chief Kuhlmann** has a fire training academy underway. Last year they struggled to have ten attendees, this year they have forty-two attendees. The department purchased a large chipper to help in hazardous areas that would normally burn.

**Toni Foran** informed Council that the JUC requested a connector street to bisect the middle of the block in the proposed Pecan Valley subdivision. This connector street should've been included with the zone change that was approved in September 2018. Ms. Foran asked that Council confirm this requirement with the applicants before approving the preliminary plat. In addition, Bill Zitting has applied for a zone change for property behind this proposed subdivision. Planning Commission will hold a public hearing next week for his zone change. IHC will be coming in sometime in the next month to give an update regarding their findings following the December 2018 meeting.

**Mike Vercimak** reported that the airport renovation project is well underway. The over excavation and recompaction is almost completed and paving will begin soon. The Street Department has been working on minor street repairs. The Water Department is working on a line replacement in Santa Fe Hills.

**Dave Imlay** attended the Southwest Utah Technical Task Force meeting. With the addition of Purgatory Flats, there are no longer contingencies for rolling blackouts in the plan. Purgatory Flats is a huge improvement and benefit to this county. As a result of the fires in California last year, new procedures have been put in place regarding red flag weather alerts. The power company will put the substation breakers on non-reclose. This means if the breaker trips, it will lock open and it will not reclose until power personnel patrol the entire line to make sure it is clear. In the case of a major trip, power could be out for hours. Mr. Imlay also reported the Horse Butte Wind Project will be paying Hurricane Power to retrofit 170 poles in the city to make them avian safe. They will be providing an agreement in the coming weeks.

Clark Fawcett received a request from Diane Nay to sponsor a few girls to go to State. She is asking for \$600-\$800. Council supports the sponsorship. Also, Gale Hinton with the Sons of Utah Pioneers would like to preserve a cistern, make it safe and possibly place a plaque giving a brief history of the location.

**6:00 p.m. - Call to Order –**

Pledge: Kevin Tervort Prayer: Fay Reber

Mayor Bramall and Clark Fawcett presented a 20 year service award to Linda Melin.

Approval of Minutes: 03/07/2019

Pam Humphries made a motion to approve the 03/07/2019 minutes. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

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

None.

**NEW BUSINESS**

**1. State of the Police Department-Chief Excell**

Chief Excell delivered the Police Department's 2018 Year End Report to Council. The department strives to serve the community in many different ways. Department employees participate in many different community-based programs such as Lunch with Someone Grand, Coffee with a Cop, Shop with a Cop, and the DARE program. Officers are trained in the best practices and have the proper equipment to ensure the safety of the officer and community. In 2018, there was an increase in construction thefts, fraud, traffic accidents and citations. Despite these increases, the department works hard and stays vigilant to protect and serve our community.

**2. *Consideration and possible approval of a zoning map amendment from RA-1, Residential Agricultural one acre , to RA-0.5, Residential Agricultural half acre, for 20.07 acres located at approximately 3120 South 1100 West*-John and Connie Bramall, applicants, Jenny Chamberlain agent**

Mayor Bramall said he has received requests from people wanting to purchase some of his land. The 20 acres to the south of this location is currently zoned for 10 units per acre, to the west and north is 1 acre zoning, to the east is the commercial gravel pit and to the southeast are .5 and 1 acre lots. The one acre lots have been sitting for a long time. Mayor Bramall would like to keep the area rural and does not want to go any smaller than .5 lots. Darin Larson stated that the Planning Commission voted 7-1 to approve this change. Planning Commission did not give any specific findings on which to base this approval and discussed whether the General Plan map should be amended to reflect a new concept for this area of the City. There was no public opposition to this change. City Attorney Fay Reber stated that the General Plan for that area should be amended first, before this zone change is approved. The next scheduled General Plan map amendment is scheduled for August. Kevin Thomas said he would be in favor of amending the General Plan on a more frequent basis. Council was in favor of the zone change and suggested applicants request a General Plan map amendment as soon as possible.

Kevin Tervort made a motion to continue this item until May 16, 2019 and approve the request to hear a General Plan map amendment outside the normal schedule. Seconded by Darin Larson. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**3. Consideration and possible approval of a preliminary plat for a 38 lot single family subdivision located at approximately 5140 West Turf Sod Road-Chris Wyler applicant, Civil Science agent**

Brandy Walker with Civil Science was representing Chris Wyler. Ms. Walker explained that Council has seen this project before with the General Plan and Zone changes. This request is for approval of the preliminary plat for the development called Pecan Valley. Pam Humphries suggested a walkway to provide connectivity between the two middle sections to connect Phase 1 and Phase 2. She added that Planning Commission voted 7-1 to approve this plat subject to all JUC and Staff comments. Planning Commission stressed the need for a connector street to bisect the middle block.

Pam Humphries made a motion to approve the preliminary plat for a 38 lot single family subdivision located at approximately 5140 West Turf Sod Road, along with all JUC and Staff comments and making sure there is connectivity through each section. Seconded by Darin Larson. Motion approved with Pam Humphries, Darin Larson, Kevin Tervort and Kevin Thomas voting aye. Cheryl Reeve voted no.

**4. Consideration and possible approval of a zoning map Amendment from M-1, Light Industrial, to GC, General Commercial, and PC, Planned Commercial for 11.24 acres at approximately 232 N. 2260 West-Toquerville Enterprises applicant**

Karl Rasmussen was representing Toquerville Enterprises. Mr. Rasmussen explained that this was a request for a zone change on 11.24 acres from M-1, Light Industrial to General Commercial on the north 4.24 acres and Planned Commercial on the south 7.58 acres. Included in the 7.58 acres, they are seeking an approval of a proposed multifamily use on 3.5 acres and proposed commercial uses on 4.08 acres. Darin Larson stated that the Planning Commission voted unanimously to approve the zone change with the distribution of uses in the Planned Commercial area 3.5 acres multifamily and 4.08 acres commercial uses as presented by the applicant. Ms. Humphries expressed concerns regarding the connectivity 2260 West and 2170 West and asked Mr. Rasmussen to keep that in mind when developing this project.

Kevin Thomas made a motion to approve the zoning map amendment from M-1, Light Industrial, to GC, General Commercial and PC, Planned Commercial for 11.83 acres at approximately 232 North 2260 West. Seconded by Kevin Tervort. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye. Pam Humphries voted no.

**5. Consideration and possible approval of an ordinance amending the Hurricane City Code by establishing design standards for small cell infrastructure-Dave Imlay, Power Superintendent**

Dave Imlay explained how the Federal Government has said 5G can occupy utility right-of-ways. The American Public Power Association (“APPA”) is in the process of fighting this issue because municipalities feel they are losing control of these right-of-ways. The State of Utah has modified what the 5G providers can do within our right-of-ways. UAMPS has formed a task force that has developed standards that cities can adopt throughout Utah. These standards dictate what these 5G providers can do on the right-of-ways. The 5G range is only 600 feet and can be installed in the interior of a wider pole with an antenna contained in a cantenna. No conduits are permitted on the outside of the pole. These poles will be placed along main arterial roadways and not within subdivisions. The main purpose for the 5G system is for autonomous driving cars. These particular poles are expensive and will most likely be placed along SR-9. 5G providers will have to request each location of the poles. This is happening in a

few cities up north and will be making its way to our area soon. Hurricane Power Board recommended approval.

Pam Humphries made a motion to approve the ordinance amending the Hurricane City Code by establishing design standards for small cell infrastructure with the addition of the definition of cantenna, and a height limit of no more than 50 feet with a 10 foot (60 foot maximum height) antenna for freestanding poles. Seconded by Kevin Tervort. Motion passed with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**6. *Consideration and possible approval of a Federal Aid Agreement with UDOT for the I-15 Exit 18 Interchange Feasibility Study-Arthur LeBaron***

This agreement is for the funding of a feasibility study for two new interchanges along I-15. One interchange is Exit 18 off I-15 in Hurricane and the other interchange is 700 East in St. George. The study is being funded by UDOT and Dixie MPO with a total cost of \$65,000.00. The consultant for this project has already been selected and has agreed to this amount. If the cost for the study goes over budget then the cities will have to pay.

Kevin Tervort made a motion to approve the Federal Aid Agreement with UDOT for the I-15 Exit 18 Interchange Feasibility Study. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**7. *Discussion regarding possible property for a future hospital and/or community center***

Mayor Bramall wanted to have a discussion regarding the location of the future community center, hospital and emergency services (police and fire). Council supports the downtown location of the proposed community center and the proposed amenities. Chief Excell and Chief Kuhlmann agree that any public safety buildings need to be centrally located with access to major roads or highways. Chief Excell said a study was conducted many years ago and determined the best location for centrally located public safety buildings was between 2260 and 3700. Chief Kuhlmann stated that a fire station is already planned next to the current IHC InstaCare location.

**8. *Discussion and possible decision regarding Frog Hollow Storage-Jason Campbell***

Jason Campbell explained how the City of Hurricane approached him approximately two years ago and requested a drainage and access easement across his property to the detention basin located on the east side of his property. Mr. Campbell claims he had a verbal agreement with the former head of the Streets Department for the easements and the extensive work required prior to and after the installation of the drainage line. The drainage line has since been installed but the work on the property is unfinished. Mr. Campbell notified Mayor Bramall and city staff that the work on his property is still incomplete and requested the agreement be enforced. At this time, the City was unaware a verbal agreement had been made between Mr. Campbell and the former head of the Streets Department.

Mr. Campbell said when the City first begun settling his property in preparation for the drainage line, members of both the City Council and Planning Commission went out to the property to see what was going on. He said this visit to the property was confirmation that the City knew about the agreement

and what was happening on his property. Pam Humphries attended the visit to the property, but was not aware of any pending agreement between Mr. Campbell and the City. It was her understanding that a drainage line was being installed and additional dirt would be needed to settle the area. To date, she has never seen anything in writing in regards to an agreement. City Attorney Fay Reber clarified that an agreement with the City of Hurricane can only be entered into with Council and is required to be formally approved by Council. Therefore, an agreement cannot be entered into by a city staff member. He questioned the validity of this agreement. Kevin Thomas, Kevin Tervort, Cheryl Reeve and Darin Larson all stated they had no knowledge of an agreement the City made with Mr. Campbell.

Mayor Bramall explained that the City first heard of this agreement when Mr. Campbell called to complain about the work not being completed. Mayor Bramall, Arthur LeBaron and Mike Vercimak then had a meeting with Mr. Campbell and the estimated cost to complete the work was \$7,500 – \$10,000. The City obtained two bids that were much higher than anticipated. The lowest bid amount was \$27,985.60. Mayor Bramall said it was his understanding that Mr. Campbell was willing to pay half of the amount. Mr. Campbell disagreed and stated there was never a discussion regarding an estimated cost for the work during that meeting and he never agreed to pay for half of anything. There was also a discrepancy about the amount of dirt used, the cost associated with that dirt and whether or not the City would install the curb, gutter and sidewalk.

Mr. Campbell was later informed that two bids were received and the lowest bid would be awarded and repair work would begin. At this time, he signed the easement paperwork and left on vacation. He returned from vacation to find that a bid had not been awarded and the City would only pay him for the estimated cost of the easements. Mr. Campbell insisted that the City honor the agreement that was made or return the easement. Council believes an agreement was made, but without the other person present, it is difficult to determine the details of the agreement. Mayor Bramall reiterated that this is not a traditional agreement that was made and Council wants to be fair with their decision. Ms. Humphries declared a conflict of interest in this matter because of her relationship with Mr. Campbell.

Kevin Tervort made a motion to award the bid to Dirt Pro in the amount of \$27,985.60 and the City would retain the two easements. Seconded by Kevin Thomas. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye. Pam Humphries abstained.

**9. Executive Session to discuss property acquisition for Recreation Center and possible fire station location and related matters**

Kevin Thomas made a motion to move into Executive Session. Seconded by Darin Larson. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**10. Mayor, Council and Staff Reports**

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering- Hurricane City received the TAP award again. The money received from this program is being used to fund the safety incentive program. Mayor Bramall met with UDOT and they are still in the process of obtaining the grant for the proposed transit system. CIB still has money available.
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council-

**Hurricane City Council Minutes – April 4, 2019**

Pam Humphries	Court, Water, Power, Solid Waste-
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation- Has received complaints regarding a mattress on 600 N by the Painted Sands subdivision. He requested Mr. Vercimak look into having it disposed of.
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification- Art in the Park is planning on having an art show as part of the upcoming Easter Car Show. She encouraged everyone to attend the event.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District-
Clark Fawcett	City Administration-

**Adjournment: 9:58 p.m.**