

Minutes of the Hurricane City Council meeting held on April 16, 2015 at 5 p.m. in the Council Chambers at 147 N. 870 West, Hurricane, Utah

Members Present: Mayor John Bramall, Council members Darin Thomas, Pam Humphries, Darin Thomas, Kevin Tervort, and Ethelyn Humphries

Staff Members Present: Police Chief Lynn Excell, Assistant City Manager Kaden DeMille, Public Works Director Mike Vercimak, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes, Planning Director Toni Foran. City Manager Clark Fawcett joined the meeting at 5:35 p.m.

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

Chief Excell reported he is finishing up assignments for the IronMan traffic control. The WORX race is scheduled this weekend which will mean Sand Hollow Road will be closed near the Sand Dunes.

The Police and Fire Departments have scheduled a "Guns and Hoses" basketball game between the police officers and fire fighters as a charitable fund raiser at the High School on May 19th. Police will donate to a police survivors' fund.

The Chief said there have been 7 calls over the past week on attempted suicides, 3 of which were today. The Department sent some people for training at Southwest Mental Health to help gain skills to help.

They had an audit on the evidence room completed this week that found excellent tracking and paperwork of evidence. There is a considerable amount of evidence ready for disposal and options for doing so were discussed.

Chief Excell said the drug dog is doing great work for the Police Department.

Mayor Bramall said he was interviewed for two different media outlets and he complimented the City on its excellent staff and Council during those interviews. Darin Thomas asked about the regular visits to Baristas by the police department. The Police Chief confirmed there are a large number of calls to that particular business.

Kaden DeMille asked the Council if City Attorney Fay Reber had sent a memorandum to the Council regarding a request for an appeal of the denial for local consent for a full liquor license for the Barista's restaurant. There is not actually an appeal process for local consent. Council members said they will listen to an appeal if it is recommended by Fay Reber.

Kaden reminded the Council of the budget retreat on the 22nd.

Mike Vercimak reported on the slurry seal project progress. The Water Department is working on the water line along Sand Hollow Road. There have been complaints but all have been dealt with as needed. The Parks Department has made an offer for a new part time employee after interviewing four people.

Mr. Vercimak has met on 600 North with Mr. Noble regarding the project and his irrigation water. Pam Humphries said residents are having trouble finding the mail box as it moves around on the project. Mike reported Interstate paved 200 West today since the project is out of that right of way.

Interstate Rock has told the City they are planning to go forward with the chip seal repair on 600 North.

Arthur LeBaron said Mason Snow needs congratulation for the work he is doing on the 600 North project

Arthur said he is concerned about allowing borrow ditches to handle any drainage in the proposed South Fields Estates subdivision. There are going to be issues that they will have to address in design and staff will have to be very vigilant in reviewing construction drawings. Darin Larson said the Planning Commission included language requiring notification on each parcel notifying all future buyers of the potential problems.

Pam Humphries said piers are \$1800 each and her house required 27 of them. She stated the land does sink in that area and wants her objections on record to building on this property. Arthur said the geotechnical engineer's recommendation must be adhered to by all owners on the property for them to be effective. Darin Larson said the expansive soils in Santa Clara require similar geotechnical requirements.

Arthur LeBaron said he will have to defer to the geotechnical engineers expertise on any recommendations.

Ethelyn Humphries asked for clarification on the Landmark report and Arthur explained.

Arthur LeBaron explained the gas tax details he sent to the Council and the spreadsheet detailing future changes. The Council discussed implications of the tax to income and other possible changes.

He reported UDOT will change the posted speed limit on SR-9 from the Virgin River to I-15 to 60 mph. They are proposing the City pay half the cost of a speed limit feedback sign where the 45 mph limit starts before Rlington Parkway.

John Bramall said the Tourism Committee talked about money going for a Tourism website, which will be a discussion for the budget meeting. He said the website would be run by the Chamber or some other entity.

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

6:00 p.m. – Call to order Mayor Bramall called the meeting to order at 6 p.m. Yates Wright led the Pledge of Allegiance and Darin Larson offered a prayer.

Special recognition of citizenship – Mayor Bramall read the commendation from a visitor for Officer Lundell, Rick Heyron, Bryce King, and Jared Elison of Classic Sports due to an action that restored that visitor’s faith in humanity. He described Hurricane as the “Little City with a Big Heart.” The full commendation is included in the record of this meeting.

Mayor Bramall presented plaques to each of the men present to a standing ovation by all those present.

Presentation of 10 year service award to Karlin Myers – continued to next meeting.

Discussion and possible decision regarding possible purchase of property located at 60 E 100 S and issuance of beer license at the address-Pete Farrell – Mr. Farrell explained he has been coming to Hurricane to ride bikes for the past 10 years but always goes to Springdale and St. George to eat. He said Hurricane needs more eating options and he would like to have a beer and wine license for a possible Pizza restaurant at 60 E. 100 South in the old American Legion hall. He wants Council feedback before making his offer on the property.

The closest facility is the Bradshaw Hotel Museum. The City ordinance requires 200’ from the front door of an establishment licensed to sell beer and wine to a public or private school, church, public library, public playground, or park. This list does not include museum so he is asking the Council if they would require it to meet the distance limitation from the museum property.

Darin Thomas said he does not feel the Bradshaw Hotel Museum is a park and the distance to the Community Center Park is acceptable. Other council members agreed.

It was further explained the State proximity requirement includes a “normal pedestrian walking distance” of 600’ and the Community Center is closer than the 600’. Mr. Farrell asked if the City would be willing to willing to grant a proximity variance for the State license.

Kevin Tervort asked if the Council is willing to go down the path of granting proximity variances. Darin Larson stated this would help with more commercial in the downtown area.

Darin Thomas motioned to recognize the museum is not a park and to state the Council is willing to grant a proximity variance if an application is made, seconded by Darin Larson. Motion passed with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries voting aye except Kevin Tervort.

Report of Hurricane Mountain Bike Festival-DJ Morisette – DJ said the Festival grew by 20% this year. She gave a breakdown of the different areas people came from to attend the event. She stated one of the biggest reasons people listed for coming to this Festival was the good vibe.

John Bramall said the Tourism Committee would like the festival to expand and include other bicycle shops to support and participate in the event. DJ said she does plan to talk to Bryce about growing the event. This is an OTE Festival and she wants it stay within the guidelines for Over the Edge Sports as the Hurricane Mountain Bike Festival.

They did a survey of the participants and the most important reason people attended was the quality of trails and second most important was the social vibe. DJ stated they need to provide more demo bikes because people want to try out new bikes. The least favorite part of the event listed by participants was lack of demo bikes and lack of information. She reported there was a beer garden glitch because the food wasn't ready on time. Over 90% of those surveyed said they will recommend the event to friends and family.

DJ said they will be coming back with suggestions for improvements to the event. She said the Moab event has the great connections to trails directly from town which is a benefit. She said Mountain Bike Festival participants like restaurants that are unique and different.

She thanked the Council for their support of this event. A sign displaying all possible recreation opportunities in Hurricane was suggested.

Darin Larson asked for overall Festival participation numbers. DJ Morisette stated there were 120 who signed up and over 200 who participated.

Consideration and possible approval of a boundary line adjustment adding to lot 149 in Scenic Pointe Subdivision – Dennis Back applicant – Toni Foran explained Mr. Back's application to add an additional lot width to his lot 147 in Scenic Pointe Phase 1. State law now allows an applicant to join an un-subdivided parcel to a subdivided parcel if the local land use authority approves without the necessity of amending the subdivision plat. Mr. Back is intending to access the property from his existing lot and to provide utilities from the existing lot. Mr. Back was present but there were no questions for him.

Pam Humphries motioned to approve a boundary line adjustment adding to lot 149 in Scenic Pointe Subdivision, seconded by Ethelyn Humphries. Motion unanimously approved with Ethelyn Humphries, Kevin Tervort, Darin Thomas, Pam Humphries, and Darin Larson all voting aye.

Consideration and possible approval of a preliminary plat for Phases 1 and 2 of the South Fields Subdivision – WW Properties applicant – Rick Rosenberg of Rosenberg Associates Engineers and Wayne Rogers of AGECE Geotechnical represented the applicant. They responded to concerns about the collapsible soil and other adverse construction conditions on this property.

Pam Humphries said she is not opposed to subdivisions but does not believe there is any way to mitigate the collapsible soil issues and this not a good place for a subdivision. She thanked the engineering companies that have worked on the project but asked them to look at houses and lots in the area.

Kevin Tervort asked where the water to do all the pre-wetting will come from. The applicant will be using irrigation water to pre-wet. Making provisions for the irrigation run-off water that will come onto this property was discussed. John Wadsworth confirmed the water from his irrigation does run off onto this property, commenting it has settled part of the project property. Drainage was discussed and Collette Wadsworth clarified the irrigation drain line, not to be confused with a storm water line, in 920 West is at capacity.

Darin Thomas said he is concerned that people will move into this area and buy into this subdivision and two years later the house will collapse. He stated everyone knows it will happen. He discussed liability for the City by allowing this development but Clark clarified the City would have to buy the property if they deny the subdivision. If it comes to a lawsuit, there may not be conditions attached to the development to protect the future residents and notify them. He expressed the belief that despite everything that is recommended and everything being built to the recommendations, there will be some settling and the City will have to pay for the cost of utility settling and roads.

Kevin Tervort expressed concern with only going to the minimum recommendations for settling roads and utility trenches. He said the City is going to have problems with utilities in the future to protect future residents. Darin Larson recommended the City require additional over excavation for utility trenches. Clark Fawcett said the Landmark report does open the door to higher restrictions. He recommended the Council attach as many conditions as possible to protect the future buyers and the City infrastructure, qualifying that he would much rather just not have the development on this soil but understands the City can't buy the property.

Ethelyn Humphries asked about further restrictions on future phases if Phases 1 and 2 end up with problems. Clark Fawcett stated he believes the City could impose more restrictions for future construction if problems are found after the recommendations are all followed.

Pam Humphries said she feels this is just not the best place for this project and asked about the effect of this development on existing farming operations.

Mayor Bramall said many projects have been proposed for this property, including a park and getting a grant to purchase the property as a runway protection zone but that looked like it would delay work on the airport for many more years so that idea was dropped.

Ethelyn Humphries said she feels the City is going to have to protect City infrastructure and future residents the best way possible and deal with the problems. She said any motion should be sure to include all recommendations and ensure there is a way to deal with the canal water run-off. Clark Fawcett commented there are good recommendations from two geotechnical engineers. He commented it appears the houses in Rainbow Canyon have done okay once they get piers under them and the recommendation for this subdivision is to build them on piers. Larger lots are preferable to smaller lots on this soil. Sell it as a cemetery and re-sell the lots as they settle.

Adjoining property owner John Wadsworth said Kent Wilson commented this property has never been farmed and never been settled and can't be built. He said the City is not thinking of the people who will be living on the property and who will suffer the damage. He stated the Council members are "doing your best to protect the developer." He recommended the City find those parcels not suited for development and remove them from development.

Collette Wadsworth asked how this property became zoned for RA-1. She questioned zoning decisions that have negatively affected agriculture operations in the South Fields. She state it appears the City is doing its best to protect the developer.

Darin Larson motioned to approve the preliminary plat for Phases 1 and 2 of South Fields Estates based on the following recommendations:

1. A design for storm drain system is approved
2. A pipe support system is approved
3. Notice of the soils conditions is placed on the final plat and recorded separately against each lot
4. Lot buyers are required to sign acknowledgement noting their awareness of the soil conditions and possible liability
5. All construction must be built to the geotechnical recommendations
6. Road cross section and proposed drainage are not approved with the preliminary plat
7. All JUC comments items 1-7 and staff comments 1-6 from the staff report are included in the approval
8. A solution to handle irrigation run off is included in the construction plans for the project.

Kevin Tervort seconded the motion. Vote on motion as follows: Ethelyn Humphries– no; Kevin Tervort – aye; Darin Thomas said he agrees the land is not meant to be built on but voted aye; Pam Humphries – no; Darin Larson – aye. Motion carried.

Council members discussed setting a hearing for the Planning Commission to consider rezoning the remainder of the collapsible soil areas for agricultural uses.

Clark Fawcett was excused at 7:05 p.m.

Mayor, Council and Staff reports

Pam Humphries *Court, Water, Power, Hurricane Fire and Ambulance Department* – Pam said she has been attending the Citizens Academy and shared a photo of herself in SWAP Team gear. The presenters want feedback from the attendees to approve future Academies. Power Board still working on the net metering ordinance. Water budget will include a new tank and system going to 3000 South proposal. Water development and canal company improvements coordination was discussed to keep the water in the valley in the traditional irrigation area. Fire District got some grant money for station #43 in LaVerkin remodeling. Everything is a go to join the District but we have not seen any paperwork from the County to expedite the transition.

Darin Larson *Planning Commission, Economic Development, Planning Department* - Darin reported the Planning Commission approved an 8' wall conditional use permit for the Liahona Academy. Most members of the Planning Commission attended the Utah APA conference in St. George and commented it was an excellent conference and well worth their time.

Darin stated he attended the Tractor Supply opening with the Chamber of Commerce. The City has found it great to work with that facility during construction. Prices are competitive and it is very convenient.

He said Pam Lockwood from the Southern Utah Arts presented a plan to the Planning Commission to use the empty buildings in the commercial development at 258 W. State Street for her Arts Schools.

Kevin Tervort *Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement* –Kevin said he had Kent run a report on the golf course comparing revenue and rounds. The 2014-15 report showed 28,952 rounds and \$1.2 million in revenue. Since management has changed at the golf course thing have slowly improved. Mr. Tervort said the Mosquito Abatement District is well managed and he is impressed by how important mosquito abatement is to public health.

Ethelyn Humphries Sewer District, Fire District, Solid Waste, Building Inspector – No report

Darin Thomas Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification – Darin reported Richard Black of the Beautification Committee stated to him the mayor has given approval for funding an “Art in the Parks” lease of a bronze sculpture. Mayor Bramall clarified he is okay with the idea of putting bronze sculptures in the parks but told Mr. Black any requests for funds must be approved in the budget. Mr. Black has suggested a sculpture of a ditch rider. The Council members discussed the art leasing program. Pam Humphries expressed an opinion that would not be a budget priority for her.

He reported the Trails Committee is working with the connection trail on the H Hill. Bob Sandberg in the Confluence Park is looking for volunteers to work down there.

Pam Humphries expressed a concern with the safety of the abandoned Ballard house at the corner of 100 West and 100 South. Mike Vercimak will take a look at the structure.

Darin reported Bike City USA is coming to present recognition to the City on May 29th at 9 a.m. during the Road Respect event.

Arbor Day event is scheduled to be held at the Middle School. Mike suggested tying it into the Dixie Springs Park tree planting.

Kevin Tervort said he has a friend who plays with bands and has friends who plays with bands that people will remember from the 79's and 80's and he would like to come to Hurricane and do a concert. Suggestions for a possible venue included Sand Hollow Resort and Sky Mountain Golf Course driving range. Kevin said the concert would be 4-5 hours and his musician friend would like to keep the cost to

about \$20 per person so as many people as possible can enjoy the event. The friend would really like to come do the concert and will handle all the details if Kevin provides a location.

Mayor *Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer* – Mayor Bramall reported the airport fencing is in design phase and they are expecting a concrete proposal at the Airport Board Meeting . Fencing won't start until fall.

Mayor Bramall asked for suggestions for a Water Board member to replace Boyd Bradshaw. Some names were raised but none decided upon.

Kevin Tervort motioned to adjourn, seconded by Darin Thomas. Meeting adjourned at 7:40 p.m.