

Minutes of the Hurricane City Council Meeting held on May 21, 2015 in the City Hall Council Chambers located at 147 N 870 W, Hurricane, Utah.

**Members present:** Mayor John Bramall, Council members Darin Larson, Darin Thomas, and Kevin Tervort.

Council members Pam Humphries and Ethelyn Humphries were excused.

**Staff members present:** City Manager Clark Fawcett, City Attorney Fay Reber, GIS Specialist Joe Rhodes, Public Works Director Mike Vercimak, Assistant City Manager/Recorder Kaden DeMille, Fire Chief Tom Kuhlmann, Police Chief Lynn Excell, Planning Director Toni Foran, and Ash Creek Special Service District Superintendent Darwin Hall.

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

**Toni Foran** explained the zone change item at the old Brentwood Bowl building and staff explained concerns with open grading on 12 acres for future phases without a dust and weed control plan.

**Council Reports: Kevin Tervort** reported mosquitoes are thick but no sign of West Nile Virus yet this year. The Mosquito Abatement District staff is working hard on abatement. He said the Fire District is waiting for a bank loan to have an ambulance bought which is being delivered in July. Mr. Tervort referred to 2200 calls last year for the Fire District and cautioned that 60% of calls come at the same time as another call. He said he sees this as bad news for the future.

**Darin Thomas** said the Trails Committee asked him to remind the Council about the Road Respect event on May 29<sup>th</sup>, starting with the bike ride at 7:30 p.m. Mr. Thomas also met with the Beautification Committee.

**Darin Larson** said he and staff members met with consultant Bob Nicholson regarding the downtown plan and what the City might want to do to revitalize that area. Bob would like to meet with the Council and present ideas. He recommended a visit to a community or two to see what other cities this size have done with their downtowns.

Mr. Larson said all zone changes on the agenda were recommended for approval by the Planning Commission.

**Clark Fawcett** asked the Council members to set a date for a final budget meeting before the June 18<sup>th</sup> meeting. The meeting was set for June 27<sup>th</sup> at 3:00 p.m. here

**Mike Vercimak** reported the old building across 100 South from the Community Center was torn down for a future parking lot. Work has started on the Confluence Park trailhead and restrooms at the end of Main Street.

Mike also reported there is one layer of asphalt on 600 North up to 120 East

**Kaden DeMille** said the candidate declarations for the municipal election can be made from June 1st to June 8<sup>th</sup> until 5 p.m.

**Fay Reber** reported on the status of the Park Subdivision amended plat, which has been delivered to the County Recorder's office for recordation.

**Tom Kuhlmann** said he has looked at the pattern for July as far as safety for fireworks. He asked if the Council wants to risk modifying the behavior of the residents by not keeping fireworks to the parks. A Level 3 proclamation keeps it the same as it has been in the past.

Chief Kuhlmann asked the Council to consider the idea of having fireworks for 24<sup>th</sup> rather than the 4<sup>th</sup> and suggested the location be changed to Sand Hollow Reservoir or Sand Hollow Golf Course where they would be able to have an irrigated area as a landing zone.

The Chief said one of the fire equipment manufacturers has come up with a way to mount a longer ladder on smaller chassis and will demonstrate it on June 4<sup>th</sup> at Station 2 at 4 o'clock.

In a reference to a recent charity basketball game which the Fire Department won, Chief Kuhlman thanked Chief Excell for helping build up the esteem of the firefighters. He reported they raised about \$1700 for charities, calling it a "great ending for one of the worst days for both departments."

**Chief Excell** thanked the Fire Department for a great game. He reported on the two fatal accidents in 12 hours. Memorial Day weekend is statistically the most deadly on State highways.

Officers participated in the Special Olympic torch run earlier this week.

The Chief stated Congressman Chris Stewart will be holding his town hall meeting on Tuesday at Hurricane High School.

He commented that next Saturday is the Sand Hollow Triathlon and the Police Department has no involvement with this event and asked if they need to attend the meeting. State Parks and Utah Barricade will handle the event as far as the City understands.

There are reports of parties planned tonight for high school graduation but the Police Department will be watching and providing oversight.

Chief Excell announced that on September 19-22<sup>nd</sup> 2016 there will be an Emergency Management county wide exercise limited to 55 people held at the Federal facility in Emmitsburg, Maryland. Chief Excell will send out the list of those whom they recommend should attend.

The Chief gave details of the auto pedestrian fatality to the Council.

**Darwin Hall** said they can sign off on Grandpa's Pond as soon as they get revised plans. He reported the downtown sewer projects will be bid July 1. They could impact parades.

**John Bramall** reported he has met with Elim Valley representatives twice this week and wrote a letter to LaQuinta in favor of a developer.

Mayor Bramall called for a break at 7:55 p.m.

Mayor Bramall called the meeting back to order at 6 p.m.

The Pledge of Allegiance to the Flag was led by Joe Rhodes and Officer Smith offered a prayer. John Bramall expressed his appreciation for the public safety personnel who keep Hurricane a safe place.

**Presentation of employee of the month award** – Chief Excell presented the employee of the Month award to officer Kason Gubler, a resident who was raised in the valley. He has been with the police department for over two years. He has worked hard to improve his skills to keep the community safe. He

is very proactive and has had opportunities on traffic stops to locate drugs. Last month Officer Gubler was called during an incident and found a new drug called “shatter” which is described as extremely addictive and highly explosive. He has consistently been #1 in arrests and is always in the top 5 for performance. Chief Excell called him a true leader in the department.

**Presentation of 15 years of service award to Troy Mitchell** – Clark Fawcett said Troy started as a meter reader and now works for Parks and Cemetery. He serves as the cemetery sexton and is an asset to the City.

**Approval of minutes – 2-19-15** – Darin Larson motioned to approve the minutes, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

**6:15 p.m. – Public Forum – Comments From Public Stephen Bird and Steve Meyer** – Mr. Meyer shared the fact that the American Legion Post members are aging. They tried to get volunteers to help clean up the parking lot and only got 4 helpers. He said they were unable to get Debbie Garrett to help with the Veteran’s Day parade. He went to a Veteran’s coalition meeting and found out how the parade was organized in Washington City and found out the police department organized for them. Council members explained the parade route is established, stating there is an application but there seems to be a misunderstanding about this parade. They emphasized the Veterans should not feel rebuffed. Chief Excell said he helps organize flaggers and the Streets Department sets out barricades. Steve Meyer asked who should be his primary contact person. Chief Excell said he will be happy to share the plans for parades and put together traffic control, either the shorter route for used for Pioneer Day or the Peach Days route. Clark Fawcett said Mr. Meyer should contact him as point person. The Veteran’s Day Parade will be held at 11:11 am on November 11<sup>th</sup>.

Steve Meyer introduced Dennis Wagner who will be State Commander for American Legion.

**Consideration and possible approval of a mass grading permit on approximately 12 acres of future Sky Ridge phases**-Frank Lindhart showed the Council where the grading is proposed, detailing the hills and valleys. Normally he would talk about grading after getting the plat approved but right now his excavator needs rock and is willing to exchange rock for dirt. He stated he is requesting permission to start the excavation early and get the blasting done now rather than when phases are constructed, explaining it is easier and makes more sense to do all these phases at one time. Mr. Lindhardt said lava rock expands to 25% more when it is blasted.

Area resident Debra Proball asked how much equipment will be involved and for the start and finish dates. She asked also about restrictions regarding construction equipment parking, dust, hours of operation, and who should be called if there are issues. She asked if this mass grading will include the 15’ sewer easement. She questioned why the nearby residents were not given any notice.

Mr. Lindhardt said they will be grading about 17 acres at once. He estimated, with the blasting, it will take about 2 months. Water will be on the site for dust control and compaction. He was told to try to spray so it crusts over when it is done. Frank offered himself as contact person during the project. The crews usually start at 7 – 8 a.m. and quit at about 5 p.m. using bulldozers, scrapers, and track hoes on the site. This project will not include the 15’ section behind the Proball’s lot because there is a sewer line through there and it can’t be done until the easement has been abandoned. He explained he expects to build about 20 homes a year and about 20 homes per phase so it will be many years until they get behind the Proball property.

Mr. Lindhardt was asked about weed and dust control. He stated the final product will be covered with cinders and he doesn't expect a lot of weeds. Council members stated that is not sufficient and stated he must agree to spray the property to control dust and control weeds.

Darin Thomas motioned to approve a mass grading permit on 12 acres as presented subject to the property owner following a dust and weed control plan on the property, seconded by Darin Larson. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

**Consideration and possible approval of a preliminary plat for Sand Hollow Estates Subdivision, a 234 lot single family subdivision in Sand Hollow Resort PDO-** Glen Carnahan was present to answer any questions.

Kevin Tervort motioned to approve the preliminary plat for Sand Hollow Estates Subdivision, a 234 lot single family subdivision in Sand Hollow Resort PDO, subject to all staff and JUC comments, seconded by Darin Larson. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

**Consideration and possible approval of a preliminary plat for Sky Mountain Apartments, 3 apartment buildings located at 2170 West 600 North in a previously approved PDO-** Charles Hammon of Excel Engineering apologized for neither of the Zitting brothers being able to attend.

Darin Thomas motioned to approve the preliminary plat for Sky Mountain apartments, 3 apartment buildings located at 2170 West 600 North in a previously approved PDO subject to staff and JUC comments, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

**Consideration and possible approval of a zone change at 188 S 100 West from R-M-1, Multifamily residential, to R-1-10, Single Family Residential-**Property owner Marla Nones was present to answer any questions. Darin Larson explained this is a historic home and has always been a single family home. Darin Thomas motioned to approve the zone change for property at 188 S. 100 West from RM-1 to R-1-10, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

**Consideration and possible approval of a zone change at 55 N 3700 West from HC to M-1 subject to a development agreement for the purpose of using the property for a custom tile manufacturing and sales facility-Brentwood Bowling LLC applicant –** It was clarified this zone change will only go into effect if the development agreement is signed and the property is sold to the custom tile manufacturing and sales facility.

Kevin Tervort motioned to approve the zone change at 55 N. 3700 West from HC to M-1 subject to the development agreement and only for the purpose of using the property for a custom tile manufacturing and sales facility, seconded by Darin Thomas. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

**Consideration and possible approval of a zone change at 350 S 760 West from R-1-6 to R-1-10 or R-1-8 to allow a single family house vacation rental –** Bart and Michele Mounter explained they want to retire here in Hurricane but have to allow their last child to finish high school where they now live. They realized it would be possible to supplement payments by a vacation rental and thought they purchased a home that complied. She said the City has been amazing in working with them after realizing the property needed a re-zone to comply. She said they have sat on other councils and boards in other parts

of the state and have been amazed at the ethics and values demonstrate by the City employees and boards. She said they do want to make this their family home but just can't do it full time right now. Ms. Munteer explained that since they purchased the property they have installed an 18' X 35' pool, spa, and gazebo; had the house professionally decorated; and have ensured they have plenty of off street parking. She said they are excited to be here. She said they have spoken with City Attorney Fay Reber. She said she believes a nightly rental committee to be a liaison with residents and staff would be a good idea.

Ryan Cashin stated he believes the comments at the Planning Commission hearing on this zone change had to do more with vacation rentals than the zone change itself.

A comment was made that a resident who has not had vacation rentals in the neighborhood perceives it as scary but just because it is an unknown.

Resident Kevan Adams said he has a concern that there is irony here that makes him crazy. He stated, "If you are a resident you have to move out of your home and rent it out to groups of people if you want it to be a vacation rental. I want to rent rooms in my home and that is not in the code. There is some irony in the code that should be addressed."

Darin Larson said the Council will be discussing possible fire code implications and possibly limiting total licenses later in this meeting. He commented the zone change is for property that is big enough to meet the zone and does help protect the City from liability because the Munteers bought it in good faith.

Darin Thomas motioned to approve zone change at 350 S 760 West from R-1-6 to R-1-8 to allow a single family house vacation rental following the planning commission recommendation , seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

Darin Thomas motioned to open a **PUBLIC HEARING to take comments on the possible approval of a boundary adjustment to include Hurricane in the Hurricane Valley Fire District at 7 p.m.**, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye. No public comments were made so Darin Thomas motioned to close the public hearing, seconded by Darin Larson. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

**Consideration and possible approval of a resolution approving a boundary adjustment to include Hurricane in the Hurricane Valley Fire District** – Mayor Bramall explained the City has looked at becoming a part of the District because it appears to represent a \$200,000-\$400,000 savings annually for Hurricane City. He stated it just makes sense to be part of the District with the strength and cost savings in a larger organization. He explained the Fire District is a levy district and will have to hold a public hearing if they want to impose a tax increase.

The structure of the Fire District Board was discussed, currently an 8 member board. This will be changed to a five member board with representatives from each participating community and the County.

Chief Kuhlmann said he has met with the County Attorney and he has advised the City to adopt a resolution to approve the adjustment and then the County must hold a hearing and the County Commission must approve the changes.

Fay Reber confirmed the County Commission is the governing body of the District and the City's resolution is requesting that they make the adjustment.

Darin Larson asked if the Springdale/Rockville Fire District has approached the Hurricane Valley Fire District. Chief Kuhlmann stated there is no interest at this time in joining the two districts.

Darin Thomas asked about the interlocal agreement which has been in place since January so Fire Department employees are employees of the Fire District, not Hurricane City.

Darin Thomas said he believes this is the best thing for the City, noting most residents will not notice a difference as long as someone responds when they need help.

Darin Thomas motioned to approve a resolution requesting the County Commission approve the boundary adjustment to include Hurricane City in the Hurricane Valley Fire District, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

**Presentation of available services to the city by CEC-TV-**Marcus Farnsworth explained he recently became the executive producer for CEC (Community Education Channel) television. He showed the Council a brief video of what the CEC has covered including 135 Dixie State University and local High School athletic events, 100 civic meetings, and 83 CEC original productions, for a total of 318 productions in 324 days. Mr. Farnsworth said in the year and a half he has been with the CEC the level of commitment from the team has improved and there is improved ability to work with the University. Mr. Farnsworth explained the Interlocal agreement means the City is paying the CEC \$1 per resident per year to cover all local events. He said the Channel can provide billboards on events and recreation programs, can help produce training videos, and would help highlight departments with a five minute piece on the channel. Mayor Bramall commented the Tourism Committee would like help with promotional videos.

Mr. Farnsworth said they could create footage during the Peach Days parade and event and incorporate in the programming. They can also provide live coverage depending on meeting their internet needs. He clarified for the Council that KJAZZ is charging high schools up north \$25,000 for covering a football game. He clarified they can be seen Baja Channel 22 and also on line at SouthernUtahLive.com. They would like to increase distribution to an internet platform and are hoping to build a Roku channel. CEC is working with Comcast to provide content up north.

They want to continue to produce our CEC originals such as local restaurant coverage, outdoor shows such as at Sand Mountain, Southern Utah "Mysteries at the Museum" to go tell the stories at local museums based on a History Channel show. Also, for the first time CEC has a programming committee. The head of the committee will be soliciting opinions on what people want to see.

Continued support for the CEC in the budget for next year was requested.

Clark said Dixie State University has stepped up and invested in the program and the channel. He said the City needs to take advantage of the channel. He said they are operating on a very lean budget. I think we are finally where we hoped this channel will be to provide service to the community. He said continuing to fund the CEC will be a budget discussion.

Marcus said he would like to come back and give occasional updates.

Council members encouraged Marcus to get the word out so people know about Southern Utah Live On-Line. Mayor Bramall gave Marcus a list of events to be held in Hurricane that could be covered. Darin Larson commented an archive of the footage could be compiled and used to promote the City as a destination, not a pass through.

**Presentation, discussion and possible approval of a new Grid Tied Solar Policy or extension of moratorium until June 5<sup>th</sup>**-Dave Imlay was excused due to graduation activities. Kevin Tervort motioned to continue the moratorium on new solar until June 5<sup>th</sup>, seconded by Darin Thomas. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort all voting aye.

### **Discussion and possible decision on modifications to vacation rental regulations**

Kevin Tervort said he has some concerns about numbers, stating he does not want to put a lid on vacation rentals but would like the Council to recognize that one of these days there is going to be a problem and it will be one that is not good for the visitors or the City. Darin Larson stated he believes vacation rentals are an asset and good for the local economy. Chief Tom Kuhlmann explained Fire Code concerns, stating if the transient occupancy is limited to 10 guests, sprinkling would not be required. He clarified the transient nature of a vacation rental is different from a group home where the occupancy is not transient. Code requires a sprinkler system of the use is transient in nature, meaning less than 30 days occupancy. This type of use still requires exit signs, exiting routes, and signs posted for occupancy limits. He asked, "Are we taking on liability if the code is not enforced?"

Mike Vercimak said he has some concerns with vacation rentals showing up in advertisements with two sets of double bunk beds in a room, allowing enough guests that they are approaching the capacity of a small motel. A residential vacation rental would mean this can be in a situation in a residential neighborhood.

Chief Excell said speaking as a citizen he thinks the City has to limit the number of vacation rentals or they have just eliminated a business proposition for new hotels. He stated, "I built in a residential neighborhood and had expectations it would remain a residential neighborhood."

Darin Larson asked if a hair salon next door changes a residential neighborhood. Chief Excell stated the resident still lives in the house. He clarified it is hard to create a community with just transient residents. He stated the City needs a good a hotel but if 400 vacation rental homes license in this town, no hotel will locate here.

Kevin Tervort and Clark Fawcett commented they both use hotels and vacation rentals.

Kevin Tervort said he believes the City needs to figure out where it wants to limit this now. Clark Fawcett said he feels residents bought in a residential neighborhood and vacation rentals should go only in an area zoned expressly for those kinds of occupancies.

Darin Larson said he has often stayed in vacation rentals with 25 people. He commented, "If we over-regulate and over-restrict, we maybe better not do it." He questioned when limiting occupancy is a City responsibility and when it is a property owner's responsibility.

Mayor Bramall pointed out if the City has adopted a fire code and does not follow it, the City can be liable. Chief Kuhlmann explained a resident family is able to self-extricate in an emergency situation because they are familiar with the house.

Michele Mounteer commented there are certain things that a nightly rental homeowner can do to make it safer for families. Her house has three floors but there are exits in every room with ladders. Owners can also put the exit plans on the backs of doors which inform the people and gives them a sense of security.

The cost of putting in a sprinkler system was debated. Chief Kuhlmann explained the evacuation plan in a hotel is backed up with a sprinkler system to give people more time to exit. He pointed out families are the biggest users of vacation rentals and explained some differences between residential code and commercial code.

Darin Thomas asked about cabins in Pine Valley and if they are covered in the fire code. Ryan Cashin said the Planning Commission did discuss occupancy limitations but did not adopt any limitations, mostly because it is difficult to enforce for licensing. He stated he knows there are five vacation rentals in a five block area in Dixie Springs which has an impact but deciding what the limit should be and where is difficult.

A question of how to prosecute the flagrant violators of current vacation rental ordinances was raised. A work meeting of the Planning Commission and City Council to discuss all the issues was recommended.

A suggestion was made to use location as the criteria such as corners or on collector streets.

**CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF HURRICANE CITY, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$1,100,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2015; AND RELATED MATTERS** – Clark Fawcett

explained this bond was started to purchase property and then expanded to include the Dixie Springs Park Improvements and Grandpa’s Pond Park. Part of the repayment will be from impact fees but a bond can’t be issued on that basis. It will allow the Dixie Springs Park to include more grass than originally planned. It is a 10 year bond that is currently out for bid.

Darin Thomas motioned to adopt resolution of the City Council of Hurricane City, Utah authorizing the issuance and sale of not more than \$1,100,000 aggregate principal amount of sales tax revenue bonds, series 2015, and related matters, seconded by Darin Larson. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort all voting aye.

**Consideration and possible approval of a proclamation regarding fire conditions and the discharging of fireworks – Level 3 and notice everyone.**

Darin Larson motioned to approve the proclamation regarding fire conditions and the discharging of fireworks setting restrictions at Level 3, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, and Kevin Tervort voting aye.

**Mayor, Council and Staff reports** – these were done earlier in the meeting.

Darin Larson	Planning Commission, Economic Development, Planning Department
Kevin Tervort	Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement
Darin Thomas	Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification
Mayor	Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer
Staff Reports	as needed

Kevan Adams asked the Council to consider bed and breakfasts in the discussion on vacation rentals.

Date for meeting in conjunction with the Planning Commission meeting was set for July 22<sup>nd</sup>.

Meeting adjourned at 8:50 p.m.