

Minutes of the Hurricane City Council held on Thursday, June 04, 2015 at 5 p.m. in the Council Chambers at 147 N. 870 West, Hurricane, Utah.

**Members present:** Mayor Pro-Temporae Pam Humphries, Council members Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries. Mayor Bramall was excused

**Staff members present:** City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, Public Works Director Mike Vercimak, Power Superintendent Dave Imlay, City Engineer Arthur LeBaron, Police Chief Lynn Excell, Fire Chief Tom Kuhlmann, GIS Specialist Joe Rhodes, and Planning Director Toni Foran. Fay Reber joined the meeting at 6 p.m.

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

Kaden DeMille reported there are 6 people who have filed as candidates for Council seats. If anyone else files before the filing period ends on Monday at 5 p.m. a primary will be required.

Dave Imlay introduced Korde Chynoweth, the new employee for the Power Department who moved here from Tropic. Dave also explained Jared Ross has moved up to second step for substation Tech apprenticeship. He is working generation and is adding to his education.

Dave explained the delay for grid tied solar policy. He stated residents are still installing solar but are not getting any refunds at this time. He asked the Council to finalize with him soon who will be attending the UAMPS Member Conference August 23<sup>rd</sup> to August 26<sup>th</sup>.

Lynn Excell reported the body cameras will be delivered on Tuesday and they will be setting up the server to store the recordings. All the supervisors will be getting specialized training on body camera use. A pandemic tabletop exercise will be held next week and Council members were invited to attend. Chief Excell reported the police have been busy and things are going really well. Tonight the department is holding stress de-briefing for the officers and fire department personnel with a local psychologist due to the number of fatalities they have dealt with recently.

Tom Kuhlmann said the smaller ladder truck demo will be in the back parking lot at about 5:45 p.m. He said it is a tighter turning and further reaching ladder truck with a number of new patents that makes it an excellent tool.

Mike Vercimak asked about the building permit requests for houses with basements in the Retreat at Sand Hollow. The most recent geotechnical report includes information that the monitoring wells show a rise of 6" over the past 6 months. Mike said the underground plume of water appears to be moving from the dam to the river. The fix proposed for water if it should begin to infiltrate the basement is to have a pump that will start pumping water to a 1,000 gallon tank that will be located where it can serve two houses with basements. The tank would then have to be pumped out. Mike questioned the capacity of the tank without a study of what the flow might be if the pump is required.

Toni Foran explained her conversation with Fay Reber regarding the basements and liability. Mr. Reber is basing a release of liability form on the one used by Santa Clara City and recommends the property owner be required to sign the form before a building permit is issued. Mike Vercimak stated he believes the permits should have notes on the permit itself and in the file to ensure the City is covered. The Council discussed the idea of prohibiting basements in these areas where groundwater depth is uncertain.

Mr. Vercimak said the chip seal was supposed to be started this week but it has been delayed until the weather changes and rain is not in the forecast.

He reported the Streets Department has been working on the parking lot down by the community center. The building has been removed and base has been laid. The parking lot has been designed and will provide 33 parking spaces. Crews are also working on the trail head on Main Street.

Arthur LeBaron expressed his opinion regarding making a decision on no basements, stating it should be a properly noticed agenda item and the public should have the option to comment.

He reported 600 North is almost done. Contractors are waiting for some railing so there are unfinished sections of sidewalk. It is paved and looks nice. Darin Larson asked Arthur LeBaron about the deterioration of 120 East during the project. Mr. LeBaron said it will be looked at during the project walk through and if it is determined the damage is part of the 600 North project it will be repaired.

Pam Humphries asked about 325 East. Mike Vercimak said the Streets Department is planning to do some clean up and road repair on adjoining roads after the 600 North project is out of the way.

All agreed there have been a lot of compliments on the project. All departments have been taxed by the project and they have come together to make it happen. Arthur LeBaron said the City should give special thanks to Mason Snow.

Arthur said the Road Respect event resulted in over 80 kids attending the bike rodeo and they gave away 104 helmets and some bikes. He reported the Sand Hollow Marathon appeared to be a successful event. Meeting adjourned to the parking lot to look at the ladder truck demonstration at 5:35 p.m.

Mayor Pro-Tem Humphries called the meeting back to order at **6:00 p.m.** Darin Thomas Led the Pledge of Allegiance and Kevin Tervort offered prayer.

**Presentation of employee of the month award-** Bryce King presented the award for the month of May to Tiffany Wright. He said she is teachable, and hard-working and has become the face of the youth sports program at the Community Center.

**Presentation of 10 year service award to Karlin Myers, Justice Court Judge.** Clark Fawcett explained Judge Myers brought professionalism to the court, being the first lawyer to serve as judge in Hurricane. Also, over the period of time he has been here, he has decreased the number of employees, and has proven to be a great administrator. He then presented the award. Judge Myers thanked the Council for the award and told a short story pointing out often the people in court are good people who were in the wrong spot at the wrong time.

**Presentation of Citizens Academy Certificates –** Chief Excell said Sgt. Buell organized this first ever Hurricane City Police Citizens Academy. Sgt. Buell specially acknowledged graduate Dan McKee who helped organize the program. The graduates; Lon Allen, Greg Allred, Gus Arscott, Jim Breitweg, Jan Goodwin, Pam Humphries, Dan McKee, Sherry Robinson, and Richard White were presented certificates by Chief Excell.

Chief Excell announced the Police Department is planning on offering a Citizens Academy twice a year. If people are interested they should contact Sgt. Buell.

Pam Humphries thanked everyone who was involved with the Police Academy.

**Approval of minutes – 3-5-15 –** Darin Thomas motioned to approve the minutes with the grammar corrections, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

**Consideration and possible approval of an exchange of title for a parcel described by metes and bounds and a subdivision lot for Lot 9 in Redstone Springs and parcel H-3-2-7-33011 – Kelly and Adam Murie applicant.** The applicants were not present so Darin Thomas motioned to move this item to the end of the meeting, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

**Consideration and possible approval of a zone change request at 713 W 1300 South from RA-1, Residential Agricultural one acre, to RA-.5, Residential Agricultural half acre-**Vicky Sanders explained they would like to build another house on the back lot. It will be facing 700 West. Council members were concerned about the smaller lot in an area with larger lots. Mrs. Sanders explained the frontage will be the same as the other larger lots facing 700 West so it will not be as obvious. Council members recommended a circle drive to make it easier to enter onto 700 West.

Darin Thomas motioned to approve the zone change at 713 W 1300 South from RA-1, Residential Agricultural one acre, to RA-.5, Residential Agricultural half acre with the note the Council would like a circle drive, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

**Consideration and possible approval of a preliminary plat for Sand Hollow Twin Homes Subdivision, a 26 lot attached single family subdivision in Sand Hollow Resort PDO-Sand Hollow Resort applicant, Alpha Engineering agent** – Todd Gardner from Alpha Engineering explained this was a church parcel on the original Sand Hollow Resort site plan. Toni Foran clarified this also takes up a portion of the Retreat preliminary plat and that will have to be re-platted. Council members asked about the ground water issues in that area. Mr. Gardner said they don't have any basements planned so they don't think there will be a groundwater issue. Fay Reber explained he is recommending the City require that when a building permit application is submitted for an area where the City knows there are problems property owners would have to sign a release of liability and agreement to follow geotechnical recommendations. Council members agreed there are potential problems and property owners must be made aware. Ethelyn Humphries asked for notice that will give people notice whenever they purchase property. All agreed a notice against each parcel in a subdivision is more effective than a note on the plat because it will show up in a title report.

Ethelyn Humphries motioned to approve the preliminary plat subject to the conditions of the JUC and staff comments in the staff report and a requirement that notice will be recorded against each of the lots at final plat warning of potential high ground water. Motion was seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

*Consideration and possible approval of a resolution approving the first amended Interlocal Cooperation Agreement between Washington County and municipalities within the county regarding the distribution of RAP Tax revenue* – Fay Reber explained the Counties and City signed an agreement regarding the RAP tax. There was disagreement on whether municipalities had to consult the County Advisory Board when they distribute their share of the tax or could make the decision independently and whether the money could be used for operating expenses. This resolution clarifies the cities can make their own distribution decisions but the County has to consult the Advisory Board and allows the use of the money for operating expenses. Section 11, page 4 regarding altering the agreement by "both" parties was discussed and the Council members asked that it be changed to "all" parties before the resolution is signed.

Darin Larson motioned to approve the resolution approving the first amended Interlocal Cooperation Agreement between Washington County and municipalities within the county regarding the distribution of RAP Tax revenue, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

**Presentation, discussion and possible approval of a new Grid Tied Solar Policy or extension of moratorium until July 11<sup>th</sup>**-Dave Imlay explained the complexities of getting a final policy approved and asked for the moratorium to be continued.

Darin Thomas motioned to extend the moratorium until July 11, 2015, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

**Discussion and possible approval of land purchase offer to property owner(s) to facilitate a power line route**-*Dave Imlay* explained he has been discussing getting a power line easement along the east side of the property. The land owner is unwilling to sell enough for the power as they would like to divest themselves of the entire 13 acres. However, they are willing to sell the property if the City will facilitate the purchase of the old Rocky Mountain Power substation property. Dave has talked to Rocky Mountain. Negotiate up to the appraised value of the 30' strip and the old substation property. Roadway property appraises at \$11,000 and .43 acres at \$9,000 for a total of \$20,000. Asking for the approval to purchase at up to the appraised value. The asking price for the property is about \$230,000

Darin Thomas motioned to give Dave the ability to negotiate, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HURRICANE, UTAH, SUPPORTING THE HB 362 (2015) AUTHORIZED 0.25% LOCAL OPTION GENERAL SALES TAX DEDICATED TO TRANSPORTATION, ENCOURAGING THE COUNTY OF WASHINGTON TO SUBMIT THE PROPOSAL TO VOTERS IN NOVEMBER 2015, AND ENCOURAGING VOTERS TO SUPPORT THE PROPOSAL**

Clark Fawcett explained the State Legislature authorized the gas tax raise and the .25% sales tax for cities and counties to enact for their own roads. Washington County seems to be not likely to support this tax unless the cities push it. The ULCT is concerned the Legislature will see the efforts of the UCLT to make them see the need for the money on the local level as wasted if the counties and cities don't adopt the tax. The cities must request that the County put this on the ballot. Mr. Fawcett explained the tax must be used to increase road work funding, including construction, maintenance, manpower, or possibly even trails and bike paths could qualify. Cities can't cut General Fund revenues they have used for transportation and substitute the tax revenue.

Ethelyn Humphries motioned to not adopt the resolution, stating it is just another tax, seconded by Kevin Tervort. Darin Thomas asked what happens if the majority of the cities decide to support the resolution even if the City does not and Clark clarified it will still go on the ballot for the voters. Darin Thomas, Ethelyn Humphries, and Kevin Tervort voted aye and Darin Larson voted nay. Motion carried. Resolution was not adopted.

**Consideration and possible approval of an exchange of title for a parcel described by metes and bounds and a subdivision lot for Lot 9 in Redstone Springs and parcel H-3-2-7-33011 – Kelly and Adam Murie applicant.** The applicants were not present. Darin Thomas motioned to continue this item to the

June 18<sup>th</sup> meeting, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Darin Thomas, Kevin Tervort, and Ethelyn Humphries all voting aye.

**Mayor, Council and Staff reports**

- Pam Humphries *Court, Water, Power, Hurricane Fire and Ambulance Department* – Pam reported that on Monday Chief Kuhlmann and Clark and the Leeds Fire Chief met to discuss Leeds joining the Hurricane Valley Fire District. The Leeds captain is going to meet with their firefighters and then meet with the Hurricane Valley Fire District Board. This will require a public hearing and getting the Fire District Board questions and Leeds questions, such as a seat on the board, resolved. The Rural Water Association would like to come down and discuss backflow with the Council and explain how important it is to a water system to have them on every house.
- Darin Larson *Planning Commission, Economic Development, Planning Department* – Darin explained consultant Bob NicholSEN’s suggestion that the Council visit some other towns that have used Main Street programs and look at options. All agreed they would meet with him the 2<sup>nd</sup> meeting in August. Toni will arrange with Mr. NicholSEN.
- Kevin Tervort *Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement-* Kevin reported now he is getting new complaints that hole #4 is too tough.
- Ethelyn Humphries *Sewer District, Fire District, Solid Waste, Building Inspector* – Ethelyn said the Solid Waste Board has scheduled a special meeting so they can chose who they negotiate with for handling of the recycling. Clark clarified he has not gotten a response from Sand Hollow Golf Course.
- Darin Thomas *Recreation, Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Beautification* – no report.
- Staff Reports as needed – Clark asked the Council to review the email he sent regarding wage adjustments and get comments back to him.

**Adjournment – meeting was adjourned at 6:55 p.m.**