

## MINUTES OF THE HURRICANE CITY COUNCIL MEETING HELD ON JUNE 18, 2015 AT 5:00PM IN THE COUNCIL CHAMBERS AT 147 N 870 W, HURRICANE, UTAH

Present: Mayor John Bramall and council members Ethelyn Humphries, Kevin Tervort, Pam Humphries and Darin Larson. Darin Thomas excused. Also present: City Manager Clark Fawcett, Assistant City Manager/Recorder Kaden DeMille, City Attorney Fay Reber, GIS Specialist Joe Rhodes, Police Chief Lynn Excell, Ash Creek SSD Superintendent Darwin Hall and Water Superintendent Ken Richins.

### **5:00 p.m. Pre-meeting**

**Ken**-Ken explained that Nickerson Company was the lowest bidder for the West Well booster pump work. Ken has a letter of recommendation from Alpha Engineering supporting Nickerson as a reputable company capable of doing the work. Their bid came in at \$66,290. The second bid came in at \$82,900. Ken explained that everything is still on schedule with the sand separator and engineering. He will be back in a few weeks for additional project approval.

**Lynn**-The police department body cameras came in last week. 30 cameras came in total. The police department has already had training on their use. There are a few problems they have encountered with the cameras such as the seat belt wearing on it. Redaction of recorded information will likely be a real problem with these cameras. Lynn explained that there will need to be a review of policy but he is currently in charge of redaction and release of information that is obtained through the use of the cameras. The cameras can record for 5 hours continuously and download time to the department server is about 45 minutes. Ethelyn asked Lynn if the recordings are subject to GRAMA. Lynn explained that right now he is the one with authority in the department to make the recordings public or private.

Lynn updated the council on a meeting he had with UDOT about the speed feedback signs. UDOT informed Lynn that they will have two new feedback signs out by Quail Lake Quick Stop and one out by the 45 mph change coming East into town. The signs should be up and installed in less than 60 days. The cost for the signs Lynn will cover in his budget which is approximately \$7,000. Solar powered signs cost more and Lynn explained that there is power available at these locations so that is the direction they will go.

The police department is currently doing interviews for a replacement part-time records clerk. They had 19 applicants for the job of which they will test 8-10 of the applicants through Dixie State University.

Darin Larson asked about the drowning at Quail Lake. What appears happened was that when a group was about 500 feet out from shore, a young man jumped out of the boat to swim ashore. He was in five feet of water when he started to panic. He started pulling the people trying to help him under the water and when they got the boat back out to where he was he didn't resurface after going under the water. They found him in 9 feet of water.

Lynn also informed the council that UDOT will be out on SR-9 tomorrow to start doing studies on the possibility of installing medians on SR-9 from 300 West to 700 West.

Darwin Hall-This will be Darwin's last meeting. He will be retiring. Darwin asked about the waiver form that is on the agenda for subsurface and ground water, agenda item #5. Darwin was just curious if the council would be passing it. If so, the sewer district will likely copy the same language for their use.

Clark-explained to the council that the budget numbers on the Dropbox file were not all correct due to a couple of links that failed. He passed out a hard copy with the correct numbers.

6:00 p.m. – Call to order – Pledge of Allegiance was led by a local scout. Trailo Prince offered the prayer. Mayor Bramall offered a thought about America and the freedom we have and enjoy in our country.

Approval of City Council meeting minutes: June 4, 2015, March 19, 2015 and May 27, 2015-On the March 19<sup>th</sup> minutes on page 3, line 16 the word should be “do”. Ethelyn Humphries motioned to approve the minutes with the change, Kevin Tervort seconded the motion. Motion passed unanimously.

6:15 p.m. – Public Forum – No one submitted their name to talk during the public forum.

#### OLD BUSINESS

**1. Consideration and possible decision regarding appeal of zoning for a vacation rental property located at 2194 W 200 S-Scott Telford**

Scott wanted to approach the council again to help clarify his situation. On behalf of his dad Bob Telford, his wife passed away and has now re-married and moved away. They would like to keep the house and thought this would be a good way to keep the house and pay for the taxes and bills while providing a place for the family when they would like to come and visit. The other options they have with the property would be to sell the house or rent it out long term. Neither option was something they wanted to do. Scott feels like it is a good win/win for the city and their property, which would provide services to tourists and also employ people in the community to help maintain the property. He knows they are not in the correct zoning but he feels like this would be a benefit to the community and asked for an appeal on the zoning.

They have had no complaints from their neighbors. It is zoned in a R-1-10 but the overlay doesn't allow for a vacation rental. It was discussed that if a change is desired then the ordinance needs to be changed not just give a variance. Fay explained that this vacation rental issue has been a concern for many cities that are dealing with the same issues. Until the planning commission can address the issue, which they will be doing during their next meeting, Fay felt like the agenda item should be continued until an unspecified date until the time that the planning commission addresses the issue.

Kevin Tervort motioned to continue this item and let Mr. Telford know when the planning commission has addressed the issue and if any changes have taken place to accommodate his situation. Pam Humphries seconded the motion. The motion was approved unanimously. Scott asked approximately when he could anticipate an answer. The council felt like the end of July would probably be the soonest.

**2. 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 applicants**

This adds to parcel 9, it does not create a new lot. Darin Larson made a motion to approve the exchange of title for the parcel described by metes and bounds and a subdivision lot for lot 9 in Redstone Springs and parcel H-3-2-7-33011. Kevin Tervort seconded the motion. The motion passed unanimously.

#### NEW BUSINESS

**3. Presentation of 2014 TAP award to Hurricane City-Doug Folsom**

Mr. Folsom thanked the mayor for his thoughts and for being here. Doug representing the Utah Local Governments Trust is a loss prevention consultant. Doug has been working with the city for the past 10 years. The Trust Accountability Program TAP is a series for best practices and safety in controlling losses. Hurricane is among a small group of approximately 10% of cities that participate in the program and have actually completed the

program. Doug thanked the city, Clark and Kaden for spearheading the efforts of the city and for completion of the requirements for the award. Doug presented to the council the 2014 TAP award.

**4. Discussion and possible decision regarding the permitting process for the BSA Quail Creek Scout Camp Pavilion and Amphitheater and possible relief from permitting costs-Jeff Madsen and LaVelle Prince**

LaVelle Prince explained that this has been a big project with a lot of hours spent in an effort to bring power, water, and other utility services into the Boy Scout Quail Creek Scout camp. This has helped with landscaping and development of trees. About 9 years ago the BSA re-negotiated with the WCWCD the lease of approximately 10 acres with not a lot of progress being made to its development. Re-negotiations have allowed for 85 acres in total. They have negotiated a 40 year lease for \$1.00. They also allowed for 35 acre feet of water to help with the trees and landscape. There have been thousands and thousands of man hours donated for the construction of the infrastructure that has already been put in.

Jeff Madsen with Interstate Rock will be the general contractor on the project. They will be doing a ground breaking on the 4,000 square foot multi-purpose pavilion which includes a small amphitheater that can house approximately 100 people. Long term there will be a large amphitheater built. It will be a year round building that will be both heated and cooled. The camp is primarily a training camp. The camp has serviced all the surrounding communities and especially Hurricane. The groundbreaking will take place Friday, June 26<sup>th</sup> at 9:00am. LaVelle has also included for the council the revised site plan which was just updated. This immediate project will be the construction of the pavilion and adjacent amphitheater.

LaVelle explained that they are seeking a waiver of the building permit fees for the pavilion and amphitheater. Jeff explained that they do not currently have a full construction set but they have sent a review set to Toni and Lance. Toni told Jeff the review set plans have since been sent to GIS. Pam expressed concern that there are no final numbers for the council to see what they would be waiving. Water fees were previously waived. It was determined that it would be the building and inspection fees they were asking to be waived. Kevin Tervort made a motion to approve the waiver of the building permit fees for this specific phase or pavilion. Ethelyn seconded the motion. The motion passed unanimously.

**5. Consideration and possible approval of an ordinance Enacting Title 9, Chapter 1, Section 3, of the code of revised ordinances of the City of Hurricane relating to waiver and release of liability in connection with the issuance of building permits in areas where subsurface or ground water, unstable soils, and other geological hazards are present –Fay Reber**

Fay explained that there are areas within the city that have geological hazards such as collapsible soils and high ground and subsurface water. The city is struggling to find a way to protect not only the city but homeowners who build on these soils. This ordinance would be an attempt to help hold the city harmless for building that takes place on these areas as well as still provide landowners the ability to develop their lands.

The builder/landowner would be required to sign a waiver acknowledging that the city recommends they obtain a geotechnical report and follow it and that they would accept all liability in the event of shifting soil or other problems. Once the waiver is signed it would be recorded with the property so that any subsequent landowner will have due warning. This wouldn't cover someone who wants to come in and buy a lot.

Pam Humphries motioned to approve the ordinance, Darin Larson seconded the motion and the motion was approved unanimously. The council also recommended that the issue be brought to the attention of the planning commission to discuss how to better protect individuals that are purchasing lots.

**6. Consideration, review and award of bid for West Well Booster Pump-Mike Vercimak**

Ken explained that the city's engineering company Alpha engineering recommended that the water department accept the lowest bid of Nickerson Company (\$66,290) for the construction of the new West Well Booster Pump facility to be built. It takes approximately 8 weeks to get the equipment here so they have done this prematurely so that they can account for the length of time required to obtain all the equipment. Kevin Tervort motioned to approve the bid of \$66,290 by Nickerson Company, seconded by Pam Humphries. The motion passed unanimously.

**7. PUBLIC HEARING TO ALLOW PUBLIC INPUT REGARDING THE ISSUANCE AND SALE OF NOT MORE THAN \$1,100,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2015 AND ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT TO BE FINANCED WITH THE PROCEEDS OF THE SERIES 2015 BONDS MAY HAVE ON THE PRIVATE SECTOR AND RELATED MATTERS**

Kevin Tervort motioned to go in to a public hearing. Ethelyn seconded the motion. This is for Grandpa's pond and for the property just purchased south of the community center for parking. Kevin Tervort motioned to go out of public hearing, Pam Humphries seconded the motion and the motion passed unanimously.

**8. PUBLIC HEARING to take comments on the following:**

- a. Proposed amendments to the 2014-2015 budget
- b. 2015-2016 fiscal year budget
- c. Proposed wage adjustments for the 2015-2016 fiscal year

Pam Humphries motioned to go into a public hearing to discuss the amendments to the 2014-2015 budget and the 2015-2016 budget. Ethelyn Humphries seconded the motion. Clark explained that there will be a \$437,000 reduction in taxes by joining the Fire District. Ethelyn inquired about amendments to the current budget. Clark explained that there was an additional \$581,727 in general fund revenue raising the total budget to \$10,382,267.96. In the amendment, there are additional revenues like grants as well as revenue increases in recreation with additional programs all totaling \$372,000. The state requires that the budget be balanced so the additional amount is so that the budget does not go over in case of other unexpected revenue. Some of the other funds have also been adjusted.

A question came up about whether the 400 South path was funded. Clark explained that \$20,000 has been added to the budget with the intent that it will be the grant match. If the grant is denied then it would be up to the council to save that money and use it another year with additional budgeted money. Kevin Tervort motioned to go out of the public hearing. Pam Humphries seconded the motion. The motion passed unanimously.

**9. Consideration and possible approval of a resolution adopting the proposed amendments to the 2014-2015 budget**

Ethelyn Humphries motioned to adopt the resolution adopting the proposed amendments to the 2014-2015 budget. Kevin Tervort seconded the motion and the motion passed unanimously.

**10. Consideration and possible approval of a resolution adopting the 2015-2016 fiscal year budget, proposed wage adjustments for the 2015-2016 fiscal year and proposed retirement contributions for the 2015-2016 fiscal year**

Pam Humphries motioned to approve the 2015-2016 fiscal year budget, proposed wage adjustments for the 2015-2016 fiscal year and proposed retirement contributions for the 2015-2016 fiscal year. Kevin Tervort seconded the motion. The motion passed unanimously.

**11. Hearing regarding proposed annexation preparatory to annexing Sand Mountain Area**

Mayor Bramall explained that the city needs to get a map showing notice of where the city would like to annex. Clark explained that we need a private property owner to start the process and petition. The state trust land can start the process of annexation. Mayor Bramall asked if the council was in favor of supporting the possibility of annexing the Sand Mountain area. The council was in favor of support. Fay asked if they expect a lot opposition to the annexation. Mayor Bramall explained that a few developers may oppose it. Fay explained that petitioners need to file a notice of intent along with other requirements to move the annexation forward. Fay, Kaden and Arthur will need to talk.

**Mayor, Council and Staff reports**

Darin Larson motioned to adjourn the meeting. Pam Humphries seconded the motion and the meeting adjourned at 7:15pm.

Pam Humphries	Court, Water, Power, Hurricane Fire and Ambulance Department-Pam asked if anything will be done with the small piece of property by Brian Hinton's property on 600 N that was not part of the 600 N project. The staff will have to look at that property.
Darin Larson Kevin Tervort	Planning Commission, Economic Development, Planning Department Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement-Talked with group about setting a policy/adopting an ordinance for allowing council members to Skype so they can attend the meeting and vote even though they are not present. The council asked to have a telecommunications policy on the agenda to approve.
Ethelyn Humphries	Sewer District, Fire District, Solid Waste, Building Inspector-The Solid Waste District has contracted with Rocky Mountain Recycling to offer two recycling options: if 70% of the county or more participates or signs up then the price would be \$2.94/month. If there is more than 50% but less than 70%, the price would be \$3.82/month. If there is less than 50% of the county participating then they will scrap the whole program. Ivins, Santa Clara and Springdale will be going mandatory. Those that will be opting out will be given 60 days to decide whether to participate or not. Ethelyn explained that the demand for recycled material is at an all-time low. She wouldn't expect the city to make any money back on recycled product. More populated nations are just not interested in buying recycled products from the USA.
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