

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

Members present: Mayor John Bramall, Council members Pam Humphries, Darin Larson, and Kevin Tervort were present. Ethelyn Humphries attended via FaceTime. Darin Thomas was excused.

Staff members present: City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, Public Works Director Mike Vercimak, 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 p.m.

5:00 p.m. Pre-meeting – Called to order at 5: 10 p.m. Discussion of Agenda Items, Department Reports

Tom Kuhlmann reported there have been three wildfires and one fireworks fire down near Angell Heights. He expressed thanks for the fireworks and what they do for the community on the 4th of July. Notice was received by the Fire Department to participate in a fire fighters health study which will be tracking just 10 Fire Departments nationwide.

John Bramall questioned Mr. Kuhlmann regarding the \$344 per day for ambulance personnel. The Chief explained the Fire Board decided not to cover the personnel but will donate equipment and supplies for some events.

Chief Excell reported the Police Department has been using the body cams for about a month. He said reactions to law enforcement are becoming alarming with high speed chases and people unwilling to respond without the use of force on the part of the police officers. Technology for body cameras is in its beginning stages. Other agencies are discontinuing the use of body cameras. He explained officers have to physically turn on the body cameras because they can only record 4-5 hours of a 10 hour shift. Car cameras turn on automatically and are more advanced. The cameras are in an awkward place on the shirts and don't record what officers see. The Department has created a Use of Force Board, including one citizen. The first 3 day weekend using the cameras resulted in more video than they could archive on their 4 terabyte server. Chief Excell explained the recordings are considered private documents. Anything to be released must be redacted to blur faces, license plates, and unrelated locations. National statistics show it takes one full time person to manage body cameras for a department the size of Hurricane. In dynamic situations officers may forget to turn on cameras. Supervisors have been trained but there will be errors.

Kevin Thomas asked if body cameras are required. Chief Excell explained he was able to get a grant to pay for the body cams which would have been \$12000 even though it is not required. Darin Larson asked if the City is going to have to buy more storage. Lynn said they are looking at every possible angle but will likely need more storage. The Council members discussed a possible volunteer to help manage the data and agreed it is possible the Police Department MIGHT be able to find an appropriate volunteer.

Chief Excell said the Power Department had a contractor dig in power for a speed limit feedback sign at about 2260 West and a new LED sign will replace the sign at Quail Lake curve. He reported posts are in for the signs by Three Falls Elementary.

Mayor Bramall stated a resident questioned the cost of getting a report from the Police Department and the Council agreed there is a cost to producing reports.

Kaden DeMille explained the Council Primary is scheduled for August 11th. A candidate meet and greet is not scheduled before the election.

Utility Clerk Michelle Newton expressed her opinion of offering an opt-out option for the curbside recycling. She explained it would require the utility staff to track who has opted out, who has opted in, who will be billed, who won't be billed. She asked the Council to either choose to not offer recycling or have the entire community on mandatory recycling. Ethelyn Humphries said it is fiscally irresponsible to have the entire community opt out. She explained if someone moves they will eventually have to opt in. Michelle commented it never matters if the sewer or garbage services are used by a particular resident. They are still billed. She questioned why it should be different for the recycling.

Kevin Tervort stated he believes the responsible route is to go mandatory and if he was elected to represent everyone he should make decisions that are best for everyone. Logistically speaking it makes more sense.

Mike Vercimak reported the parking lot at the Community Center is coming along very nicely. The restroom at the Confluence Park trailhead is also coming along nicely and the access to Gould's Wash on 60 East is almost completed. A bid will be solicited for slurry and chip seal projects this year. Kevin Tervort said he has had lot of complaints about the patch job on 600 North. Mike Vercimak conceded all the bare spots were not covered with the materials and money that was available. He explained why more material was used at the east end of 600 North and stated the job that was done is an excellent job.

Arthur LeBaron said 600 North project is about finished. Different techniques will be used to control speed. Arthur reported UDOT will be installing medians on SR-9 between 300 West and 700 West. An open house will be held August 19th 5 p.m. to 7 p.m. to explain the project and get comments.

Fay Reber explained the process for both mandatory and opt-out programs for the recycling. Other cities have discussed and reviewed the recycling programs but none have come up with a final decision on how to make the options work.

Clark Fawcett told the Council the Fire District must be approved before October 19th for taxing purposes. The tax rate for Hurricane City has been submitted without funding for fire and the addition of Hurricane to the Fire District for taxing purposes is not completed. There is a County Commission hearing scheduled on August 18th. He and Fay Reber explained it is possible both the District and the City may end up not getting any tax revenue if the County Commission does not act soon enough.

Mayor Bramall called for a break at 5:55 p.m.

Mayor Bramall called the meeting back to order and asked for a volunteer to lead the Pledge of Allegiance and to offer a prayer. Kevin Tervort led the Pledge of Allegiance and Council candidate Kevin Thomas offered a prayer.

Mayor Bramall spoke of the passing of Don Musich who was an involved citizen and past member of the Budget Committee and Power Board.

He also mentioned the recent deaths of residents Don Buetler and Gordon Wood.

Consideration and possible approval of an Ordinance establishing the City of Hurricane Curbside Residential Recycling Collection Program, including rules and procedures for implementation and enforcement of said program – Darin Larson said he believes some of the cities will go for opt out, some will make the program mandatory, and all of them will have some kind of participation. He said the burden on staff for an opt out program is considerable and the value of getting recycling for a cost of 85 cents a week and saving the life of the landfill he believes is a good thing for the city.

Pam Humphries said she believes the public should have a choice about recycling but understands it is a good thing for the landfill and the community.

Mayor Bramall said the burden of establishing a new landfill would be placed on the children and grandchildren of residents instead of those making the decision now. He asked if any of the citizens present wanted to make comments on this item.

Don Triptow said he believes he could make a case against curbside recycling but decided to limit his comments. He said old plastic bottles are not used to make new plastic bottles but instead are used to make pipe, tables, and benches. He used examples from business of the extensive process required to use recycled materials. He said he does not want to pay for another container.

Kevin Thomas said he is opposed to the concept of forcing the bins because citizens have the option to recycle and he doesn't like to see taxes raised in general. He commented, "If the Council is going to opt into the program, it should be made mandatory."

Ron Kelsey said he is opposed to the idea of additional bins on streets or on property for aesthetic issues. He asked the Council to consider residents who can't take their bin to the streets. He stated, "I am opposed to the idea of recycling by the City and in the city."

Ryan Cashin, Hurricane City Planning Commission Chairman, said he is not representing the City in any way. He said if the City is going to have recycling it should be mandatory. He explained he pays to recycle and while he will appreciate the lower cost, the real benefit is saving the landfill capacity. He said he considers it not as a tax but actually a cost of service to be provided that overall will benefit the community as a whole for years to come.

Council candidate Cheryl Reeve said she is opposed to mandatory recycling. She said some recycling programs are particular about what kinds of materials are accepted and how they must be cleaned and sorted. She asked if the recycling would be picked up on a day different than the trash day. It was clarified recycling will be picked up the same day as trash pickup.

Daphne Thomas asked about the opt out option and whether it will have a big impact on the staff only at first or for quite a while. She pointed out there will be impact just because of the new fee and questions from residents. She stated she believes most people will opt in eventually.

Mayor Bramall used the example of the secondary water system opt in that ended up being an extra cost for people not using the service because not enough people opted in to cover all the costs.

Pam asked Neil Schwendiman, the Solid Waste District Director, what happens at the end the five year contract if there is no market for the recyclable materials. Fay Reber explained the contract will expire the same time as the trash contract. When the new contract goes out to bid it will be for a combination of recycling and trash services. Mr. Schwendiman explained the District believes they will have the

recycling for the foreseeable future. He admitted the market for recyclables is volatile. If there was truly nowhere to take the material and there was no benefit the District would look at whether it will continue the program. He emphasized the goal is to maximize the life of the landfill.

Fay Reber clarified the City can add an additional amount to the recycling rate for billing and collection. This is more likely to be needed if the City chooses an opt out plan. Any amount desired would have to be included in the ordinance. He explained the ordinance will have to specify opt out rules and then, once it is adopted, the City would have to send notice to all the utility account holders and property owners notifying them of the rules and of the deadline to opt out. The model ordinance allows a one-time opt out for existing residents. People moving after the opt out time period must then be on the mandatory program. All agreed there would be no additional cost to the City if the program was mandatory except a little extra time to add the new fee into the billing program.

Fay Reber explained the cities of St. George and Washington want opt out programs and don't know what rules are going to be used for the program in their cities. There is a meeting scheduled next week for those other city staff members to work out details for those rules and consider the administrative expenses. There is an option for the City to decide to make the program mandatory and decide about any fees. Whatever is decided, it must be in place by September 1st.

Council members discussed whether knowing there is an option for a fee to cover costs of the opt in program and to tailor rules specific to the City makes the opt out program more appealing. Kevin, Darin, and Pam all commented they would have to meet and decide on specific rules before they could pass an ordinance if they chose the opt out program.

Ethelyn Humphries commented she believes there is no need to have a fee with mandatory. She said this has been a long discussion and said, "I propose we go with mandatory and be done with it." Pam Humphries asked if that was a motion.

Ethelyn Humphries motioned to approve mandatory recycling, seconded by Kevin Tervort. Darin Larson voted yes, Pam Humphries voted no, Kevin Tervort voted yes, and Ethelyn Humphries voted yes. Motion carried. Mandatory recycling was approved with the vote.

It was clarified the Council already voted to participate in the recycling program at the last meeting and tonight's decision was on how to run the program in Hurricane City. Fay Reber cautioned if 50% of the County entities decide not to participate in recycling, then the program will not move forward.

Presentation and possible decision regarding funding for the State 4-H Horse Show-4-H Participants –

John Bramall told the 4-H representatives the Council members had discussed their request and are willing to support the State 4-H Horse Show. Members of the local 4-H clubs presented their request for sponsorship of the show to be held September 24th, 25th, and 26th at the Regional Park in Hurricane. This is the first time a Southern Utah location has held this event and they expect 300 participants from all over the state. They explained they will need the ambulance just on Saturday for the speed events. They will grant the City Golden Horseshoe sponsorship for the ambulance support. Over 300 families will be coming to Hurricane and will be staying and eating.

Chief Kuhlmann clarified the Fire District will donate about \$700 and the City will donate about \$300. Kevin motioned to approve the \$387 to cover the City's portion of the ambulance, seconded by Pam Humphries. Motion passed unanimously with Darin Larson, Pam Humphries, Kevin Tervort, and Ethelyn Humphries voting aye.

Consideration and possible approval of a final plat for Parkside at Grandpa's Pond Phase 1, a 19 lot subdivision located at approximately 340 North 3700 West -Mike Madsen explained this will be built in connection with construction of Grandpa's Pond Park. Darin Larson motioned to approve the final plat

for Parkside and Grandpa's Pond Phase 1, subject to legal review and bonding as required, seconded by Kevin Tervort. Motion passed unanimously with Darin Larson, Pam Humphries, Kevin Tervort, and Ethelyn Humphries voting aye.

Consideration and possible approval of a resubmitted preliminary plat for Ballard Multi-Family, a 153 lot townhome subdivision located west of 2460 West and south of 350 North which expired May 2015 LaMar Ballard applicant was not present. This application was recommended for approval by the Planning Commission.

Pam Humphries motioned to approve the resubmitted preliminary plat for Ballard Multi-Family, a 153 lot townhome subdivision located west of 2460 West and south of 350 North for one year with the same conditions set with the preliminary plat approve in 2014, seconded by Darin Larson. Motion unanimously approved with Darin Larson, Pam Humphries, Kevin Tervort, and Ethelyn Humphries voting aye.

Consideration and possible approval of a preliminary plat for Sky Ridge Phase 10, a 23 lot subdivision on 6.6 acres located at 2700 W 270 North-Frank Lindhardt applicant Clarified the 25' buffer. Darin Larson motioned to approve with 25' and all other staff and JUC comments, seconded by Pam Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Kevin Tervort, and Ethelyn Humphries voting aye.

Update on the Victim Service program-Victim Advocate Tiffany Mower stated she appreciates the Council and the opportunity to serve the community. They have recently been given an opportunity to create a Victim Soft room in the Police Department that is more like a living room than a police interview room for meeting with victims. There is only one other such room and that is in West Valley. Tiffany's office has been used to create this space. Funding has been renewed for another year through the Victims of Crime grant.

Discussion regarding existing parking and placing or storing on public streets ordinances and request for policy guidance from the Council – Fay Reber explained Sargent Jarod Brisk brought to the attention of the City the sections in the City code for parking, obstructions in the public right of way, and the State Code and possible conflicts between them. Officers are trying to clarify how to treat vehicles and trailers left on the public streets. Chief Excell said there have been problems with citizens complaining about trailers stored on the street and then the police mark the tires and the trailer is moved 6" within 48 hours so it is not a violation of the parking ordinance. However, the trailers are still being stored on the public street. He expressed the opinion that City streets are not the place to park boats, recreational vehicles, and cargo trailers, asking "What do you want your streets to be used for?" Kevin Tervort said he had a nephew who died because a trailer parked on the street obstructed the vision of a driver. The Council directed Fay Reber to unify the ordinances and not allow storage on City streets.

Consideration and possible approval of an ordinance amending Title 7, Section1, subsection 8 regarding Off Highway Vehicles to bring it into compliance with State Code – This ordinance helps clarify the difference between street legal all-terrain vehicles and other off highway vehicles and aligns it with state code. .

Kevin Tervort motioned to approve the ordinance amending Title 7, Section1, subsection 8 regarding Off Highway Vehicles to bring it into compliance with State Code, seconded by Pam Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Kevin Tervort, and Ethelyn Humphries voting aye.

Discussion regarding request for public support for Tuacahn Center for the Arts – Mayor Bramall explained the City has received a letter requesting more money from the RAP tax and pleading for the cities to donate to Tuacahn. Kevin Tervort said he loves Tuacahn but his answer to Tuacahn for more money is no. Council members agreed they are willing to publically support Tuacahn but not financially.

Mayor, Council and Staff reports

- Pam Humphries Court, Water, Power, Hurricane Fire and Ambulance Department – Pam asked about upgrading the microphone system for the Council chambers. Joe said he will work with Bryan Jocelyn and Tom Kuhlmann to find the best options for electronic participation and use in the Council chambers.
- Darin Larson Planning Commission, Economic Development, Planning Department – Darin said the Planning Commission will be meeting with the Council on August 13th at 5 p.m. to discuss vacation rentals. They have reviewed a Preliminary Site plan approval for a new hotel.
Darin questioned the hotel Impact fee for sewer of \$89,000 for the privilege of hooking up to the sewer that is already there. Applicants have talked to Scott Hirschi of the economic development researched the average cost for hotels. Motels can go to Washington or St. George and pay less. He stated the fee can hamper economic development. Darin explained the hotel property in LaVerkin paid for land and impact fees before they went under and had to sell the project so the current owners bought the benefit. He expressed the need for Hurricane to be competitive.
Darin reminded the Council that a Downtown Plan is being considered and the consultant will give a presentation to the Council looking for support.
- Kevin Tervort Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement – Kevin said he heard people have been walking off golf courses and going home because of the mosquitoes, besides all the residents of Dixie Springs being unable to go outside. Mosquito abatement is spraying and fogging but are trying to find the larva. Kevin explained there are mosquitoes that can lay dormant for over seven years in the soil. There are sixteen breeds of mosquitoes in Washington County. The “Vicious” breed that bites during the day is out right now.
- Ethelyn Humphries Sewer District, Fire District, Solid Waste, Building Inspector – no comments
Mayor Airport, Administration, Building, Police, Animal Control, School Crossing Guards, Emergency Management, Victim Services, Public Works, Engineer
Mayor Bramall presented these information items – the National Journal has named Mike Lee as one of the most progressive federal legislators for being willing to address problems.
He commented on the letter to neighbors of vacation rental homes with an error that makes it appear vacation rentals must violate all the rules.
Utah’s economy is looking good. FYI if you put away gas or diesel with the latest treaty gas prices should drop soon if Iran gluts the market. The mayor commented the City has Issued a lot of permits. He stated growth in Utah is still about 70% homegrown.
He asked about a letter from a local resident regarding Barista’s sign. Council members agreed it has been better to ignore the situation.
- Staff Reports Toni Foran updated the Council on the Dace Goulding zone change that was contingent upon a development agreement being signed within a certain amount of time. The agreement has not been signed and it has been over a year. Council

members said he will have to start over to apply for the zone change.

Meeting adjourned at 7:52 p.m.