

Minutes of the Hurricane City Council held on August 20, 2015 at 5:00 p.m. in the Council Chambers at 147 North 870 West, Hurricane Utah.

Members Present: Mayor John Bramall and Councilmembers: Darin Larson, Kevin Tervort, Darin Thomas, Ethelyn Humphries and Pam Humphries

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

**Tom**-Last night the Leeds Fire Special Service District signed an Interlocal Agreement that will execute hopefully tomorrow night and come into effect August 31<sup>st</sup> combining Leeds with the Hurricane Valley Fire District.

**Lynn**-Accidents have been up lately and it has basically been the result of people not paying attention. Lynn showed the council the last few seconds before one of the city's police vehicles was involved in a crash. The Police Department's current technology through L3 activates not only automatically but also when an officer is involved in a crash. When involved in a crash the system will maintain the recording 20 seconds prior to the crash.

This officer involved in the crash has been off on workers comp along with our canine officer who suffered a hand injury from the dog biting through the bite suit. Lynn explained that the side curtain airbags and the size of the police department vehicle contributed to safety of the officer involved in the crash.

New traffic speed feedback signs will be put up Monday by the Quail Lake Estates and at approximately 2300 West heading east bound where the speed drops from 55 mph to 45 mph. A car hit the guard rail on 600 N in the bottom of the dip.

**Dave**-The UAMPS member conference will be coming up Monday. Dave explained that he would like to be excused for the meeting but he does have one item on the agenda for approval, the IPP amendatory contract.

**Mike**-Mike has 3 items on the agenda for approval. Two bid awards and the FAA draft agreement on the fencing project. The new parking lot at the community center has now been paved. They will be trying to get the landscape in and completed prior to Peach Days. The building is almost done at Confluence Park, the area is staked and they will be starting on the parking area. The Dixie Springs Park is almost complete, they are waiting for cooler weather to hydro seed.

**Arthur**-Our Streets Department will be working on painting diagonal lines on Main Street North to the Main Street Park and along 200 West by the Pickleball courts. Hopefully this will be done by Peach Days. Last night a public open house was held regarding the proposed raised medians along SR-9. Arthur explained that ultimately the decision for the medians will be left up to the city. If medians go in then Arthur would propose an opening at 520 West.

**Joe**-Joe has been in the council chambers working on setting up the remote camera. Hopefully by next meeting we will be able to log in to the camera.

**Clark**-Asked that the council clarify the vacation rental moratorium decision recently made. There were approximately 5 individuals who had already talked with city staff about vacation rentals and were given

information about rentals prior to the moratorium and Mayor Bramall felt like we ought to honor the commitments made by staff. The moratorium was in place for 120 days or whenever the issue is resolved, whichever is later. Ryan Cashin explained that Toni's opinion was that the 5 individuals haven't made an actual application and were told they couldn't do so until they had a C.O. (Certificate of Occupancy) on their property. They cannot apply for a vacation rental until they have a C.O.

### **Presentation of Downtown Plan proposal and discussion on levels of support – Bob Nicolson**

Bob has been a city planner for 37 years and has worked for St. George city for the past 29 years. Bob retired in January from St. George. Toni asked Bob about a possible downtown revitalization plan similar to St. George. In 1989, St. George made a 6 block downtown historical district. St. George, like many other towns with big box stores going in on the outskirts of town, had a big concern about maintaining their downtown businesses.

The National Trust for Historical Preservation came out in the early 1980's with the Main Street Program. It is a preservation based program with a formula for revitalizing downtown areas. St. George followed the plan loosely. 4 main approaches of the plan include: 1. **Local organization**-group of people like local businessmen, city staff, etc., 2. **Promotion**-promote downtown sending out a positive message about downtown, 3. **Design**-promote improved appearance of public and private buildings, 4. **Economic Restructuring**-build on downtown assets. Downtown Hurricane is the heart of the city. The buildings in downtown Hurricane represent the original commercial core of the community. It has a historical façade with larger stores on the outskirts of town like many other cities. The community center provides Hurricane a great resource which will aid in bringing people downtown for community events.

There are a number of steps recommended to pursue a Main Street Program include: 1. Create a downtown steering committee including city staff, downtown business-owners and property owners. You need a very active steering committee, if not revitalization will be a real struggle. 2. Define your downtown focus area where the project boundaries are set in place. This may come in phases. 3. Develop a downtown theme based on the strengths and weaknesses of the downtown area. 4. Develop signage and designs that incorporate the similar downtown characteristics.

Façade improvements can be relatively affordable (St. George originally helped with \$1 per \$2 privately funded then later helped dollar for dollar up to \$7,500 for upgrading store fronts). Most expenditures were around \$2,500. Bob presented a presentation showing downtowns of various cities including Moab and St. George and what has been done to revitalize some of these cities. St. George assisted in the upgrades to storefronts of approximately 25 downtown businesses.

Bob questioned whether property owners in downtown in Hurricane would be willing to re-paint and re-landscape, make parking improvements and upgrade signage in an effort to revitalize? Bob suggested creating a phasing plan over a certain period of time so that the city can budget for the upgrades. Bob, referencing St. George, explained that revitalizing a downtown is a long term commitment and effort from the city.

### **6:00 p.m. – Call to order**

Ethelyn Humphries offered the prayer and Pam Humphries lead the pledge  
Presentation of 25 year service to Brent Nelson-Clark explained that Brent has worked in traffic control

for a lot of years and is relied on heavily when traffic issues have come up. Brent is a dedicated officer and has been a great asset to the city.

## **NEW BUSINESS**

### **Discussion and possible decision regarding approval of feasibility study for the Hurricane Sports Park Complex-Scott Raine**

Mr. Raine distributed a request for qualifications for the proposed regional sports complex. Mayor Bramall explained that between Sand Hollow, the School District and the City there are approximately 80 acres of land that they would like to do a feasibility study done on for a proposed regional sports park. Mr. Raine explained that Washington County is growing rapidly. It is estimated that by 2050, the county will have about 472,000 residents which is a projected increase of 242% over 2010. Tourism continues to grow with state and national parks with record occupancy and attendance. Washington County is becoming known for large scale special events including the Ironman and the Huntsman World Senior Games. Sports is a key to the success of the area but the facilities in the area are lacking and at over capacity.

A to Zion has preliminary approved funding up to \$60,000 to help with the feasibility study of this sports complex. The outline provided to the council by Mr. Raine is a request for qualifications which is a precursor to selecting a company that will do the study as well as outlines specific things the area is looking for in a sports complex. This feasibility study will tell whether the project makes sense and whether it will meet the needs of the local residents.

The school district has land next to the city's property in this area and they would be open to some sort of joint development that would be of mutual benefit. Mr. Raine Scott explained that if the project is feasible the question is where the money is going to come from to build the project. There is the possibility to ask the state legislature for line item funding and Dixie State University would like to help make it happen as well. The county commissioners have expressed interest in the project and the RAP tax monies would also qualify for use in building the complex. There are also donations available from private entities such as Real Salt Lake who has expressed interest.

Darin Thomas asked what kind of firm would do a feasibility study? Mr. Raine explained that in Salt Lake City and neighboring states there are businesses that specialize in this kind of work.

Mayor Bramall explained that if the city gets involved the Sewer District would waive the associated fees. Darin Larson asked what level of commitment is being requested from the city to get this complex up and going. Mayor Bramall would like to commit RAP tax money to employ Mr. Raine to see the feasibility study completed.

Pam asked what the city was receiving by way of RAP taxes. Clark explained approximately \$15,000/month. Darin Thomas asked if the local residents will have a say with any concerns they may have. Mr. Raine felt that resident comments should be addressed. Darin Thomas explained he would like to see Hurricane in the name of the complex. Fay asked if the complex is an entity. Mr. Raine explained that a 501(C) 3 has been formed.

Mayor Bramall would like the city to commit RAP tax money to pay for Mr. Raine to see the feasibility project through. Pam asked if hiring Mr. Raine would require a bid of some sort. Fay felt like it wasn't

necessary to bid out this service since he would be a consultant. A local resident in the audience asked if the public could view the proposals and have input. Mayor Bramall explained that there will be public hearings and residents will have the opportunity to have input in the complex.

Darin Thomas motioned to approve the RFQ to go out so that the feasibility study may be completed after the qualifications are received. Tonight's decision is solely to approve the request for qualifications. Once approved and qualifications come in then a RFP can be approved. Kevin Tervort seconded the motion. To clarify the process, once the RFQ is completed then a price will be negotiated with that particular company not with multiple companies. The motion passed unanimously.

Darin Larson requested that on the next council meeting agenda compensation for Mr. Raine be discussed and approved.

### **Consideration and possible approval of awarding a contract to construct the West Well booster pump and sand separator tank project-Arthur LeBaron**

Arthur explained that bids were opened yesterday on this project with two bids submitted, one of \$968,551 and the other of \$645,151. This project will include the installation of a booster pump at the west water well and a sand separating tank. Arthur felt like this would help resolve the problems we have had out there with sand in the water. Interstate Rock was the low bidder of \$645,151. Mobilization was a big difference between the two prices. Arthur felt like the bids were qualified and both were responsible bidders. Kevin Tervort motioned to award the contract to Interest Rock in the amount of \$645,151. Darin Larson seconded the motion and the motion passed unanimously.

### **Consideration and possible approval of support for Tuacahn Center for the Arts-Jeff Fischer**

Jeff is currently the executive director of development for the Tuacahn Center for the Arts and was presenting along with Kevin Smith the CEO and COO Kevin Warnick. Jeff explained that this presentation has been presented to the State of Utah, the county and other local communities. Tuacahn started putting on musicals around 20 years ago with the facility taking approximately \$25 million to build. It is very expensive to put shows on at Tuacahn essentially breaking even, even with \$11 million in revenue last year alone.

There are two other professional theaters in the state, The Shakespearean Festival and Pioneer Theater. Both are affiliated with universities. The Shakespearean Festival in Cedar City brings in about \$7 million per year and the Pioneer Theater about \$5 million. Public participation is essential to sustain this asset. As an economic driver they generate \$75 million/year in economic impact. Out of 265,000 tickets sold about 200,000 are sold to people outside of Washington County. Tuacahn is the 2<sup>nd</sup> largest economic drive with the 1<sup>st</sup> being Zion National Park. About 30% of patrons come from outside of Utah.

Jeff went over additional numbers in his presentation. About 96% of Tuacahn's revenue comes from ticket sales, concessions and gift gallery. About 4% comes from external support.

Tuacahn is seeking capital support to build a new arts center, a 19,000 square foot facility for rehearsal space and rooms for the professionals. The other portion of the project will be deferred capital repair needs like amphitheater seating, parking lots, stage flooring, rooftops, sound and seating. All of which are original. The total cost of the project is \$9.5 million with \$2 million already raised through private donation. Tuacahn is requesting a long term financial commitment of \$450,000/year for 20 years from

the local communities to float a 20 year bond. What Tuacahn is asking cities to do is to help cover the \$6 million shortfall with RAP tax.

Between November and the next Tuacahn season they would like to get the project started. Commitment from the cities is what they are seeking now and the money would be required later in the spring. Ivins city and Tuacahn will be the bond holder.

Jeff asked Hurricane city to commit \$10,000 a year for a 20 year period to help them with this project. Darin Thomas asked what other cities they have asked for money from. Right now they are focusing on Santa Clara, Ivins, St. George, Hurricane and Washington. The county will be the biggest contributor.

Pam felt like she would like to see that kind of money spent in Hurricane like at the community center or the sports complex. Ethelyn explained that this tax right now sunsets in 10 years, what will happen if the city commits to 20 years and by chance the RAP tax is not voted for after the 10 years are up. Darren felt like if one person builds a home and moves in to Hurricane as a result of Tuacahn then it more than makes up the annual amount that is being discussed and this should be considered as a benefit to all the communities not just for Hurricane.

Darin Larson motioned to approve support for Tuacahn for \$10,000 a year for 20 years committing it from the RAP tax revenue (as the main funding source during the next 10 years) starting the next season. Kevin Tervort seconded the motion. Kevin Thomas commented that he as a businessman gets plenty of requests for funding as well and he felt like having the numbers prior to committing to this much would be nice. Question from audience: do city councils have the ability to commit funds beyond their terms of office? The answer is yes. Pam voted no explaining that she felt like a decision right now is premature and would like to see more numbers. Ethelyn felt like Tuacahn is an economic driver in the county and said yes. Darin Larson, Kevin Tervort, Darin Thomas and Ethelyn Humphries voted yes. Pam Humphries voted no.

#### **Consideration and possible approval of an application to join two contiguous lots in a subdivision-Bob and Darla Roe and Rock Tite Construction applicants**

Ryan Cashin explained that the planning commission approved this item. It conforms to the neighborhood and fits within the subdivision. This is in Dixie Springs Phase 2. Kevin motion to approve the two contiguous lots, Darin Larson seconded the motion. The motion passed unanimously.

#### **Consideration and possible approval of a zone change on 11.41 acres at approximately 200 N. 2170 West from RM-2, multifamily residential, to RR, Recreation Resort based on the preliminary site plan-Todd Getz agent**

Mayor Bramall explained that it is basically changing the zone so that people buying in the area know that it is a recreation resort area. The question came up if the preliminary plat must be approved at the same time of the zone change. Karl Rasmussen passed out the preliminary plat to the council. Ethelyn motioned to approve the zone change as state above, seconded by Kevin. Motion passed unanimously.

#### **Consideration and possible approval of a preliminary plat for Zion Village Townhomes, an 88 unit townhome project on 11.41 acres located at approximately 200 N. 2170 West-Todd Getz agent**

There was a concern about the staff not seeing this item. Karl explained they handed it out Wednesday. The concern about access and a hammerhead turn for fire access had been addressed. The fire department is ok with the layout. Mike explained that these plans were passed out to staff yesterday in JUC. Questions concerning several items have not yet been addressed with staff and JUC. Ethelyn motioned to continue the item for two weeks for staff and JUC review then back to city council. Pam seconded the motion. The motion passed unanimously.

**Consideration and possible approval of a preliminary plat for the Villas at Sand Hollow Condominiums Phase 3, a 36 unit 2 story project located at approximately 5248 and 5236 W. Villas North Drive-Sand Hollow Vacation Villas applicant**

The planning commission recommended approving the item. There was discussion during the planning commission about completing the landscaping and paving the access road but it was not contingent on the approval. They were asked to get the road paved voluntarily and Sand Hollow explained that if the project would allow they will include it in their costs. Mike explained that the reason this section was not paved in the beginning was due to the fact that Sand Hollow didn't own the property at the time. Darin Thomas motioned to continue the item for two weeks to address the landscape issue. Kevin seconded. Kevin, Pam, Darin Thomas and Ethelyn approved. Darin Larson voted against.

**Award of crushing contract-Mike Vercimak**

Mike explained that the city accumulates day to day old asphalt, concrete and boulders at the street department. It is screened and then after 2-3 years they solicit bids and have someone crush the material. Western Rock was the recommended bidder. Pam motioned to approve Western Rock the crushing contract. Ethelyn seconded the motion. The motion passed unanimously.

**Consideration and possible approval of draft grant agreement with the FAA-Mike Vercimak**

The FAA will send the agreement out for the city to sign for the fencing project to be completed. The contract would be on the way Monday if the council approves it as is now. This covers funding for the fencing. Taylormade fencing will be doing the work. Pam motioned to approve the concept draft agreement and authorize the mayor to sign once the final numbers come in. Darin Larson seconded the motion. The motion passed unanimously.

**Consideration and possible approval of award of bid for airport fencing project-Mike Vercimak**

Mike explained that Taylormade fencing was the only bidder for this project. They did some of the fencing on the 600 North project as a subcontractor for Interstate Rock. They seem very proficient and knowledgeable about federal requirements. Pam motioned to accept the Taylormade fencing bid for \$305,396. Ethelyn seconded the motion. The motion passed unanimously.

**Consideration and possible approval to delegate approval to Power Board of the modifications to the previous City Council approved Intermountain Power Project Secondary Amendatory Power Sales Contract-Dave Imlay**

Fay has a concern with trying to expedite this approval process. Fay felt like this item should be continued until the time that the power board can review the agreement and offer the council a

recommendation. Kevin motioned to continue this agenda item until a recommendation can be reached. Darin Larson seconded the motion and it was unanimously approved to continue this item to the next council meeting.

### **Consideration and possible approval of waiver of board of adjustment fee for setback variance along 600 North-Albert Lapinski**

Mayor Bramall felt like we didn't need to have to approve this waiver. Clark explained that he has already waived the fee. The question was whether he should have to come to the Board of Adjustments even though the fee waiver has been decided. Fay felt like this ought to go to the Board of Adjustment to adhere to the process. Arthur asked if there is state code that addresses this issue where he would have the use of the land from the original property line where his property was donated for public use. Fay didn't think that state code would address this. Pam motioned to waive the board of adjustment fee, seconded by Kevin. The motion passed unanimously.

Darin Larson was excused at this time.

### **Approval of appointment of John Slack to Water Board**

Mayor Bramall asked if all councilmembers were in favor of John Slack being appointed to the Water Board. All present councilmembers unanimously approved.

### **Approval and Canvass of 2015 Primary Elections**

Kaden explained there was a difference of 8 votes between the bottom two candidates with Sean Reddish receiving the lowest number of votes followed by Jason Smith. The council approved the numbers submitted by Kaden for the 2015 primary election canvass.

### **Discussion and possible decision regarding format of 2015 November Election-Kaden DeMille**

Kaden explained that the city sent out by mail nearly 580 absentee ballots this election with more applications continually coming in. 60% of the absentee ballots mailed out were returned. Kaden broke down for the council the cost differences between holding an election by mail versus using the same paper ballots as done in the past. The 2013 election cost about \$4,500 with this years expected cost to be somewhere around \$3,500. To do it all by mail, the cost jumps to approximately \$13,000.

Darin Thomas motioned to continue to hold the election in the same paper ballot format like we have done in the past. Pam seconded the motion and all voted unanimously to keep the election format the same.

### **Discussion and clarification on vacation rental moratorium decision**

Mayor Bramall explained that Kevan Adams has been coming for the past 5 months seeking a decision on Airbnb. Kevan asked that a dedicated agenda item be set up to address Airbnb. Mayor Bramall asked that it be placed on the September 3<sup>rd</sup> agenda. Ethelyn expressed concern that one vacation rental was approved yet the home was their primary residence. That should not have happened. Ryan Cashin felt like the council should give the planning commission the directive to get Airbnb in a work

meeting. It was asked what the difference was between a bed and breakfast and Airbnb. Bed and breakfasts serve breakfast of some kind at the location. Kevan explained that Airbnb is an app that advertises a room but it doesn't have to be a room, it could be a couch or a tent even.

Ryan was given direction to have a discussion on Airbnb during the planning commission's next work meeting in September. Kevin motioned to approve the ordinance as originally given, that unless someone is in the actual process of filing papers, everyone else would be in the moratorium. Pam seconded Kevin's motion. Darin Thomas and Ethelyn Humphries both voted no. Mayor Bramall also voted no defeating Kevin's motion.

Ethelyn motioned to approve the moratorium but allow individuals with verbal approval to continue even if they haven't submitted an application which are only 4 or 5. Darin Thomas seconded the motion. Pam and Kevin voted no and Mayor Bramall voted yes. Motion passed with Mayor's vote. It was recommended that Toni make a list of people she talked to so that it is known who may continue through the process.

### **Mayor, Council and Staff reports**

Pam Humphries	Court, Water, Power, Hurricane Fire and Ambulance Department-Attended the transportation meeting yesterday. When the council voted no on the .25% Road Tax, it was just that the council didn't want the county to put the tax on the ballot for November not vote to deny it. Since other cities haven't agreed the county will not place it on the ballot in November. Leeds and Hurricane have both been approved to enter the fire district as approved by the County. There is still a 60 day protest period. Pam has been getting calls about mosquitos. Kevin said they are out there now fogging.
Darin Larson	Planning Commission, Economic Development, Planning Department
Kevin Tervort	Golf Course, Streets & Drainage, Industrial Park, Youth City Council, Mosquito Abatement
Ethelyn Humphries	Sewer District, Fire District, Solid Waste, Building Inspector-Ivins, Springdale, and Hurricane have all gone mandatory on the recycling program. Everyone else has voted for an opt out option.
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

**Adjournment** - Ethelyn motioned to adjourn and Darin Thomas seconded. The meeting adjourned at 8:50pm.