

Minutes of the Hurricane City Council held on Thursday, September 3, 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, Ethelyn Humphries, and Darin Thomas were present.

Council member Kevin Tervort 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, Assistant Fire Chief Merlin Spendlove, GIS Specialist Joe Rhodes, City Attorney Fay Reber, Planning Director Toni Foran, and Power Superintendent Dave Imlay.

Mayor Bramall called the meeting to order at 5: 10 p.m.

Discussion of Agenda Items, Department Reports

Dave Imlay reported the month of August was an all-time record for customers buying power – it beat 2010 by about 1.5%. It is nice and helps out the power fund. He thanked those who were able to attend the UAMPS Member Conference which included a speaker from the Nuclear Regulatory Commission.

Mr. Imlay explained the IPP renewal contract, stating four of the California cities did not want to be tied into natural gas and wanted other options. There could be a lot of money spent on natural gas and then find the natural gas is not acceptable to CO2 regulators.

Those who had attended the conference discussed the carbon regulation proposals and the regulation of power plants east of the Rocky Mountains.

Merlin Spendlove reported August was the busiest month of the year for fire and ambulance calls. The average number of calls per month has been 170 to 180.

Chief Excell said the City's 104.5 FM radio station is going well and recommended those present listen and find out how much information is really available. He is planning a radio station base of operation plan to determine where the station will go to meet the needs of the community. He said he believes the radio station will be a good tool to get information out in power outages or other emergency situations. Chief Excell recommended Council meeting agendas be announced on the radio station. The station is promoting the local reverse 911 system, Everbridge.

Chief Excell said he has asked all of the department heads to look at the Emergency Operations Plan to make sure it really fits the City. He said the projected El Nino year is being studied to assess possible impacts on the City.

Chief Excell reported people believe the flashing light on the speed feedback signs means they are taking photos. They are just warnings but the speeds are dropping.

The chief showed a video of a Prius hitting a signal pole. The motor on the Prius dropped out, the pole sheared off, and the driver was not seriously hurt. Chief Excell thanked UDOT for how quickly the pole was replaced.

Mike Vercimak reported the 600 North paving project has been completed now. They would like to finish removing the field fence and take down three trees. Council members commented

if the fence is down the U-Haul dealer will be using it for part of his business location. Pam Humphries reminded the Council that a discussion on how to fence the cemetery should include a discussion what should be done with the triangle property also. They also discussed the status of the U-Haul business.

Mike invited the Council members to go see the Dixie Springs Park and the Confluence Park Trailhead at the north end of Main Street.

Arthur LeBaron said he and Ken have been working with Ron Lemmon to find a site for a water tank at the 1500 South alignment location.

The Engineering Department has advertised for engineering on the 400 South project, which involves reconstructing from 300 West to 100 East.

Mr. LeBaron commented the City is seeing proposals for the Zitting Brothers and the Todd Getz projects on 2170 West. He said this will probably need an agreement on who is paying for what and when to ensure access and utilities are adequate no matter which project goes first. Mr. LeBaron said he believes this affects the preliminary plat on the agenda tonight.

Mr. LeBaron said he believes the City should support medians at 700 West. He said UDOT will support medians at this time to support their goal for zero fatalities.

He reported the City got a \$41,000 grant for the 400 South Trail. Total project cost will be over \$90,000 but the City's road base, equipment time, and man hours, can be used to match.

Fay Reber said he had the Grandpa's Pond Park agreement placed on the agenda in anticipation of the fact that they may not be able to complete the project by October 15th. Should extend if there is a chance it will not be completed. Mike Vercimak said he had a call from Colt Stratton regarding change orders. It was clarified this project is to deliver a completed park and the City is not involved in change orders. Mike reported they have not started work on the park.

Clark Fawcett reviewed the costs and the credits for the proposed hotel. He also provided the room tax revenue from other hotels for the fiscal year just ended. He recommended the new hotel's building permit fee be waived and the deposit fee, leaving a balance owed of \$31,187. The City could pay these back by using the sales tax revenue from the hotel over the next three years. The hotel will be 84 hotel rooms and includes a meeting room and a board room for meetings. There is also a breakfast room that could be used for packet pick up for events if the City wants to use this location for any of those purposes. Mr. Fawcett said the City could create a narrow scope to keep the incentive agreement specific to this location. Clark pointed out the hotel will benefit the Dairy Queen but conceded it would probably have a much higher occupancy rate if it was located in Springdale rather than Hurricane.

Mayor, Council and Staff reports

Darin Larson reported the Planning Commission wants to look deeper into the vacation rental regulations and is looking at the Airbnb options. He asked how far the Council wants the Commission to dig into this issue and make changes.

Pam Humphries asked what the Council would like to do around the cemetery and said they should ask Darren Barney what is planned for the cemetery. Darin Larson commented it might be good location for a Veteran's Memorial. Pam said she noticed in the notes from staff meeting that the Physical Therapy business has left the space next to the court and asked if the court will be expanding. Clark Fawcett said he believes it needs to be reviewed and some cost estimates

reviewed. There is no money in the budget to do that and the rent income is needed to help pay for the building.

Darin Thomas reported the Board of Adjustment met last night and two of the variance requests were denied. They approved variance for the corner lot on 600 North that needs to fix his stairs and sewer and can't meet the setback.

Ethelyn Humphries said the Sewer District in the process of doing an impact fee study. They are considering setting the fee based on meter size. She commented she wants to keep the mandatory recycling.

John Bramall said the Utah Clean Cities is promoting idle free. He showed the draft management plan for the BLM lands, stating he found many things to object to in some of the options presented, including retiring grazing permits and right of way changes. The public has until October 15th to submit comments to the BLM on the plan, either electronically or in person or by mail.

Mayor Bramall called a break at 5:58 p.m.

Mayor Bramall called the meeting back to order at **6:05 p.m.** Jon Bronson led the Pledge of Allegiance and Clark Fawcett offered a prayer.

6:15 p.m. – Public Forum – Comments From Public

Jerry Brisk gave the Council members a handout regarding the Senior Citizen Center and Senior Citizen month. He told the Council about the meals, activities, and classes at the Center and announced the Center now has a Thrift Store. He asked about a sign on SR-9 directing people to the Senior Center. Chief Excell said he would work with UDOT to get this sign on SR-9. Mr. Brisk said he was asked by Board of Directors to talk to the Council and thanked the City for the advertising on the Community Center sign.

Presentation of Employee of the Month Award Kaden DeMille presented the award to Crystal Wright. She started full time in April and took over the payroll clerk position in August as well as training a new utility department employee. Congratulate Crystal and thank her.

Approval of City Council meeting minutes: July 2, 2015

Pam Humphries motioned to approve with a change on page 5 showing the motion seconded by Kevin Tervort. The motion to approve was seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Consideration and possible approval of a preliminary plat for Zion Village Townhomes, a 92 unit townhome project on 11.41 acres located at approximately 200 N. 2170 West-Todd Getz and his engineer Karl Rasmussen addressed comments provided by staff. Pam Humphries asked about the issues with this project being on an unimproved road. Toni Foran asked Fay Reber to give an opinion on whether or not the preliminary plat could be vested as long as the developer understands the issues with connection to 2170 and an agreement on how it will be developed is signed. Ethelyn Humphries asked about the private road. It was clarified that many driveways out onto a public street is not permitted under Hurricane City's Land Use Code. Pam Humphries asked how the project will look and Mr. Getz commented it will resemble the Coral Canyon multifamily areas.

Ethelyn Humphries motioned to approve the preliminary plat for the Zion Village Townhomes a 92 unit townhome project on 11.41 acres located at approximately 200 N. 2170 West with the conditions an agreement must be in place being in place addressing staff concerns including water connection and 2170 development before final plat, motion seconded by Darin Thomas. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Fay Reber asked Todd Getz if the developers are willing to abide by the conditions just established. Mr. Getz stated they do agree to abide by those conditions. .

Consideration and possible approval of the modifications to the Second Amendatory Power Sales Contract between Intermountain Power Agency and Hurricane City – Dave Imlay explained some of the other cities in the agreement did not want to be tied to the gas repowering and want to have other options in the agreement. The Power Board did recommend approval. Fay Reber said he has reviewed the changes and is comfortable. Upon City Council approval the mayor can sign and Dave will send the documents to the Intermountain Power Agency. Mr. Imlay explained the Monroe City signature on this agreement is going to be difficult to obtain since they are in a coal producing region. Coal will continue to power the plant until 2027 and a repowering will enable the plant to go forward for another 50 years.

Ethelyn motioned to approve the modifications to the Second Amendatory Power Sales Contract between Intermountain Power Agency and Hurricane City, seconded by Pam Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Consideration and possible approval of a preliminary plat for the Villas at Sand Hollow Condominiums Phase 3, a 36 unit 2 building project located at approximately 5248 and 5236 W. Villas North Drive-Sand Hollow Vacation Villas applicant. Robert Allen represented Sand Hollow Resort. Darin Larson commented the Planning Commission has recommended approval. Pam Humphries motioned to approve the preliminary plat for the Villas at Sand Hollow Condominiums Phase 3, subject to all staff and JUC comments, seconded by Darin Larson. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Discussion and possible decision regarding approval of consulting services for the Hurricane Regional Sports Park Complex. Mayor Bramall said the City is looking at a feasibility study to investigate this proposed complex. He stated they have purposely named it the Hurricane Regional Sports Complex to encourage people to recognize the city. He stated he needs the City Council to approve people who will sit on the Board for the complex as listed below:

John Bramall
Frank Allen
Bruce Hurst
Dave Wilkey
Frank Lojko
Greg Croshaw
Brent Gardner

Ethelyn Humphries said she does not believe approval of a board is on the agenda. Fay Reber questioned what gives the City Council the authority to appoint a board.

Scott Raines stood up and was introduced as former director at Tuacahn and employee with United Airlines who was recommended to provide consulting services by the Board.

Mayor Bramall said they propose that the City will own the complex and the Board will head the non-profit that will run the complex. He said the reason Scott Raines should be hired is to send out Request for Qualifications (RFQ) for a feasibility study.

Clark Fawcett said if the Hurricane Regional Sports Parks Complex 501 c 3 is hiring the consultant it could be done this way but if Hurricane City is using their money hiring a consultant must go through a process which includes advertising.

Fay Reber said as City Attorney he would recommend there be some kind of formal agreement between the non-profit corporation and the City and a better understanding of the organization before the City is involved.

The proposed consulting contract for Mr. Raines is for a one year commitment and \$60,000 in payment. John Bramall recommended the money to pay for it comes from the RAP tax proceeds, which is currently \$14,000 - \$15,000 a month.

Clark said he would like to see an agreement before making any funding agreement. Ethelyn Humphries asked where the \$5,000 a month figure came from and why a year commitment.

Pam Humphries said the Council does not understand the scope of this project because it has only heard occasional reports from the mayor. She questioned where the City fits into the plan.

Ethelyn Humphries said she wants to know where the money is going and what it is doing and get a report after six months. Mr. Raines agreed six months is okay.

Mayor Bramall listed the organizations he has contacted regarding this sports park. He said the process has to start with a feasibility study. He said the reason the property has to be owned by Hurricane City is because the Water District has agreed to waive the impact fees.

Pam Humphries clarified Mr. Raines would report on the RFQ. Mr. Raines said the deadline for the feasibility study is the end of February.

Darin Larson motioned to approve a six month allocation of \$5,000 a month from RAP tax money conditioned upon getting a three month update, seconded by Pam Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Pam Humphries requested a Council meeting to discuss spending the RAP tax before any other allocations are approved.

Consideration and possible approval of community support for raised medians in SR-9 from 300 West to 700 West - Branden Anderson, project manager with UDOT, explained the original project was a pavement rehab project going full depth including looking at drainage and utilities from curb to curb. At the project kick off meeting a concept of continuing the center median through to 700 West was presented. At the time the City said they were in favor of medians but UDOT must have formal community support. Mr. Anderson said the goal is zero fatalities, zero crashes, and zero accidents. Additionally the center medians help the design because some grade differential is needed to meet the 2% goal. He showed the accident data for that section

of the road without medians. He said the full depth restoration would last 20 years. A resurface would probably occur in 8-10 years but not another restoration.

Branden referred to a study which studied Hurricane City, Redwood Road in Salt Lake City, and Main Street in Salt Lake City which showed overall increase in corridor wide sales after medians. He stated the impacts do vary from business to business. Darin Larson commented on the statistics and the timing around the recession.

Darin Thomas commented he believes the medians will not affect local customers but any people driving through will continue on by if they have to negotiate a median.

John Bramall said he understands the safety of medians and suggested some safety modifications at 700 West and the accommodation of the businesses.

Branden Anderson said the 520 West access would have a break in the median.

Pam Humphries asked if it is possible to install the left turn pockets in medians like the one into the post office between 1000 West and 1100 West.

Clark Fawcett commented he believes there should be some accesses in the median and a plan should be presented to the City showing how the medians could provide the accesses. He agreed with narrowing the too-wide accesses.

Mr. Anderson said they will be closing some of the accesses along SR-9 in this section with or without medians. Council members commented changing some of the driveways and a lower speed limit could increase safety and not harm the businesses.

Arthur LeBaron explained there is a state code that regulates setting the speed limits on State Roads. He said there are problems with lowering the speed limit.

Branden Anderson reiterated UDOT is in favor of the medians because of the safety difference. People are using the left hand turn lane as an acceleration lane and that is not safe or legal.

John Bramall said he believes a median at 700 West is a good idea. He also agreed a median at 300 West is a good idea and said they could even go into the side streets if the City wants those.

Branden Anderson said the project will move forward with or without medians. Sidewalks will be replaced only where necessary.

Pam asked about planting in the sidewalk or planters on the sidewalk. All agreed the sidewalks are not wide enough for trees. The City could put in irrigation lines for future landscaping.

John Bramall asked how many business owners present were in favor of medians the whole length or at intersections. None were in favor. He then asked how many would like to look at landscaping along the sidewalks and estimated about 25% of those present were in favor of landscaping.

Pam Humphries asked if there was any way to lower the speed limit to 30. Arthur would have to consult with UDOT.

Council members agreed to support the effort to landscape.

Darin Thomas motioned that the City does not give approval for raised medians, seconded by Darin Larson. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Discussion regarding Planning Commission review of vacation rentals - Planning Commission Chairman Ryan Cashin said some of the comments included adding additional regulations and needing to know who has the authority to enforce. Ryan clarified there are a variety of things being discussed regarding all kinds of short term stays. Ethelyn argued the whole house rental is

completely different from a bed and breakfast or a single room rental. Mr. Cashin agreed and said the Commission is looking at them separately.

Merlin Spendlove commented the Fire Code standards need to be adopted into the vacation rental. This would include a limit of 10 occupants in any kind of short term rental.

The question of illegal activities in rental properties and the exact role of the police were raised. Police Chief said passing ordinances without understanding the fiscal implications for staff to enforce them should be considered. All agreed there should be some way to put teeth into the ordinance.

Darin Larson commented there has to be enforcement of noise ordinances. The big question was what is the City going to do about enforcing the regulations?

Clark Fawcett said he believes there has to be some responsibility by the owners of the vacation properties. He recommended the owner would be the one to meet renters when they check in and ensure they are making sure rules are applied. Ryan Cashin recommended requiring a professional management company. Darin Larson said there are plenty of people who can manage their own home without a management company.

All agreed that along with any right to short term rentals the owners need to take the responsibility for management. Fay agreed the City needs to figure out when it is three strikes and how those are dealt with by staff and prosecution.

Pam Humphries said she believes if the property owner does not live in the County, they should have a third party managing the property.

Darin Larson said it comes to what are the main issues and how could they be resolved? There are issues with whole home rentals.

Ryan Cashin said the Planning Commission has scheduled a work meeting to go through those issues.

Ethelyn said she believes the ordinance is a good ordinance. She suggested a substantial fine be added to the ordinance. Fay Reber said he believes there needs to be enforcement on two levels – for instance a violation of a noise ordinance would result in a citation for the guest and the owner would be cited for violating the terms of the license. Fay said after three times there should be an opportunity for the license holder to appeal. There has been a case where a resident called to make a complaint and the police department said it was civil issue and for the resident to call the property owners. It needs to be clear who is responsible for enforcement.

Other ideas raised included making sure the fines are stiff enough, deciding if the City is concerned about whether the owners move in and out of the whole house rentals to rent it on weekend, and deciding if the City cares if 100% of a subdivision becomes vacation rentals.

All agreed they will give the Planning Commission a chance to work on it.

Discussion regarding Airbnb – Ryan Cashin said the Planning Commission discussed Airbnb and concluded it easily falls under the same regulations as a bed and breakfast. He stated the rules should address number of rooms not people to ensure people are not renting out garage space or tents in the back yard.

Mayor Bramall allowed resident Kevan Adams to join into the discussion. He said he is hoping the Council members had an opportunity to read the letter he sent. Residential hosting is a term he suggested to use for the rental of rooms in a home. He said he believes it should be 1 – 4 people. He said people currently have home based businesses and residential hosting fits better in that chapter of the Land Use Code and not the bed and breakfast chapter.

Ryan Cashin pointed out none of the home based business includes having people staying in the home overnight, not just for an appointment, a home office, or for daycare.

Darin Larson asked about detached casitas which might be a problem for bed and breakfasts or residential hosting.

Review of Grandpa's Pond Park Project and possible approval of written agreement for extension of time for completion – Fay Reber said it appears there is a need for a new formal written agreement extending the deadline for completion. The agreement does not impose any penalties but the contract says the agreement could be considered void if the terms are not all met. The City would like to avoid possible issues by agreeing to an amended date.

Darin Larson motioned to continue this item to the October 1st meeting, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Ethelyn Humphries motioned to adjourn the City Council meeting and open a meeting of the Municipal Building Authority at 8:17 p.m., seconded by Darin Thomas. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Mayor Bramall re-opened the City Council meeting at 8:22 p.m.

Discussion and possible approval of an amendment to the bond agreement setting a new rate – Darin Thomas motioned to approve the amendment of the bond agreement, setting the new rate, seconded by Ethelyn Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye and Ethelyn.

Discussion and possible approval of incentives for new Wingate by Wyndham motel

Clark clarified he has learned the power impact fee is \$51, 112 for this project rather than the number on the spreadsheet he had discussed at the 5 o'clock meeting, raising the total impact fees and other fees by that amount. This will make it take more years to see a payback on taxes and the estimate for payback has already been based on higher occupancy than other hotels have shown.

John Bramall explained for those present that the motion on this item would be to defer certain fees as an economic incentive for this hotel because they are building a bigger building with more rooms which will have facilities to host events or meetings with a meeting room and a large reception area. The parties building the hotel have expressed an interest in working with the City for events in the area to provide better room rates and keep visitors in the City. He stated as the mayor he supports an incentive deferring the impact fees but using the increased taxes generated by the hotel to pay back the fees to the City funds.

Clark Fawcett clarified the total incentive amount will be approximately \$81,000.

Darin Thomas asked the developer if with the incentives they would be committing to build in Hurricane City. Project partner Brandon Adams said they will build in Hurricane with the incentives. He pointed out this is a value added business since all the money brought in will come from outsiders and it will employ between 20-30 people, with about 5-6 of those being good paying jobs. He stated it will be the only hotel in Hurricane with a full breakfast and should

help bring in a nice sit-down restaurant to the area. Mr. Adams said Wingate was recently given an award for their hotels.

Kevan Adams said he is really excited about this project but wants to be sure it is available to anyone who brings in the same thing to the City. Clark Fawcett and Mayor Bramall explained another hotel would have to bring the same kind of meeting and reception facilities and rooms to qualify for an incentive. Ethelyn Humphries said it is important that it is clear the money for the impact fees will be delayed but will still be paid.

Mayor Bramall stated this is actually an economic development grant based on the value being added to the property and still ensures the funds are repaid within three to five years.

Darin Larson motioned to approve incentives for the new Wingate by Wyndham motel with the reason being they bring in a value added business, will be constructed with a meeting room, a board room, and a reception area with 84 guest rooms that will be available for event rates up to \$81632 with the funds repaid through taxes from the project. Motion seconded by Darin Thomas. Motion unanimously approved with Darin Larson, Pam Humphries, Darin Thomas, and Ethelyn Humphries all voting aye.

Mayor Bramall announced the comment period for the BLM resource management plan is open until October 15th. He stated all the options except "A" take away uses.

Meeting adjourned at 8:25 p.m.