

Minutes of the Hurricane City Council held on Thursday, January 7, 2016 at 5 p.m. in the Council Chambers at 147 N. 870 West, Hurricane, Utah.

Members present: Mayor John Bramall, Council members Darin Larson, Kevin Tervort, Pam Humphries, Kevin Thomas, and Cheryl Reeve were present.

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

Mayor Bramall welcomed the Sports Complex representatives and consultants.

Project progress report on Hurricane Regional Sports Complex – Scott Raine reminded the Council he promised they would be kept in the loop on this project. The Request for Qualifications resulted in two applications to perform the feasibility study. The Washington County Tourism and Marketing Board provided the \$75,000 to hire Victus Advisors and asked that the entire County be inventoried for sports facilities as part of the study. Mr. Raine introduced Kevin Lewis who is the entire newly created County Department of Sports and Outdoor Recreation. Mr. Raine then introduced Brian Connolly, managing principle of Victus Advisors.

Mr. Connolly said his group works on projects throughout the country. He gave a presentation introducing the team, which advises on sports facility planning, essentially developing the business plan. The lead from the team, Walter Francom was introduced to the Council. He also introduced Craig Elliot and Sid Ostergarrd, from Elliot Workgroup, who design sports facilities. He stated their goal is to identify and quantify the demand for sports facilities, both for local need and for sports tourism, finding gaps in the County area and filling those needs with a new facility. Once they identify the demand they will develop recommendations for the types of facilities needed.

Mr. Connolly explained they have worked first at market analysis, including demographics, sports and recreation review, local meetings with recreation directors from area cities, starting an inventory of existing facilities, and holding local meetings and focus groups. The next step is talking to event organizers and finding out what kind of facilities these event organizers require. He explained they will use that information to recommend a feasible concept or, possibly, to recommend against moving forward. Elliot Workgroup will create a preliminary design for facilities and amenities and Alpha Engineering will use that information to create a cost estimate. After all that information is gathered, Victus will analyze the financial feasibility of the project and make recommendations on possible funding sources. Once analysis is complete, the next step will provide a road map for how to move forward if that is the decision made. He anticipated another 6-8 weeks to complete Phase 1 of the project.

Mr. Connolly said he has been impressed with how cooperative the cities in Washington County have been as they have conducted their interviews. Scott Raines added that in some of the interviews people realized how convenient Hurricane is with the new SR-7 road. Mr. Connolly said they are studying what can be built in Hurricane that will benefit the whole county.

Progress report presentation for Purgatory Road Environmental Assessment. Lee Cabell of Horrocks Engineering explained they have been retained to look at road alternatives through the Purgatory Valley from SR-9 to SR-7. He stated one purpose of this assessment is to environmentally clear a pathway to qualify for Federal funds. They must look at Threatened and Endangered species and have identified over 100 acres of Holmgren Milkvetch habitat in the project area which must be avoided. Fish and Wildlife has also claimed a 300' buffer around the area to be avoided. There is a requirement to mitigate

if there is an impact. Mr. Cabell explained the east and west alternatives and the possible location of new bridges to make a connection with SR-7.

He asked the Council members to consider the goal for the road, including public safety access, congestion during events at the Regional Park, and ease of access. Mr. Cabell suggested this road would be the first road in the valley, not the only road in the valley, and other roads will follow in other locations. He recommended the City take advantage of Federal funds for the use. He explained the Shooting Park is a Section 4F property under Federal regulations, protected as a recreation facility. The law requires an alternative that does not negatively impact those recreation facilities. Mitigation is possible but the County Commission must sign off on any mitigation.

He said there are about 8 different easements through the landfill, which allow the landfill to operate equipment through the easements. He expressed a concern for the smells and activity in the landfill that close to the road.

Mr. Cabell felt the issues on the west alignment were extensive enough to recommend the east alignment.

Arthur LeBaron clarified the NEPA nexus is required because of the BLM land in the area, not necessarily for Federal funding as there is a possibility to self-fund the project.

Mr. Cabell said the difference in cost is \$2,000,000, with the west alignment being cheaper. However the possible environmental costs have not been included. These can delay a project and make it more difficult. He said the existing bridge over the Virgin River helps guide the cost analysis.

Mayor Bramall, stated from his perspective the east alignment is closer to a future connection to Turf Sod Road for the City.

Pam Humphries asked about going through the middle of the valley between the habitat and the shooting park designated. Mr. Cabell explained the functional areas of the Shooting Park are designated on the provided map but all of the BLM property is included within the Shooting Park RP&P lease so it extends beyond those designated areas.

Mayor Bramall asked the County Commissioner Alan Gardner and County Administrator Dean Cox present if they are willing to share in the cost difference for the east alignment, pointing out it will avoid the problems discovered in the environmental assessment. Mr. Gardner was hesitant to make any commitment.

Mr. Cabell said the legal requirements of the NEPA law point towards the east alignment. He invited the Council to send comments to Arthur LeBaron before the next meeting.

Mayor Bramall called for a five minute break at 6:04 p.m.

He called the meeting back to order at 6:12 p.m.

Arthur LeBaron led the Pledge of Allegiance and Danny Campbell offered a prayer.

Presentation of Employee of the Month Award – Chief Lynn Excell presented the award to Crystal Wright, an employee in the Police Records department. He stated she works whenever asked if needed and does excellent work with records.

Recognition of service for Greg Lawton and Bryan Jacobson Mayor Bramall said Greg has 41 years and Bryan 17 years of service. Greg Lawton said he started with the Fire Department within the first couple of months of moving here. He worked both Fire Department and Ambulance but had to choose one or the other at his wife's request so has stayed with Ambulance. He said he worked nights while working

days at Workforce Services. Chief Kuhlmann showed those present the awards given to Greg and Bryan during a Fire District ceremony. Bryan said he got into EMS about 25 years ago when he realized he wanted to learn how to help as a first responder. He worked at Alpine Fire. He shared memories of accident scenes where he and his wife have been able help over the years, including an accident just two nights ago. He commented he didn't know if he causes accidents or is just able to be on the scene. Chief Kuhlman said Mr. Lawton was part of the beginning of EMS in southern Utah. Mayor Bramall thanked the men and commented it is because of men like them that there are husbands who still have wives, wives that still have husbands, and parents still have children.

Presentation of award to Mike Vercimak: Mayor Bramall presented to Mr. Vercimak a plaque recognizing his Utah Wastewater and Water Utility Management certification from the Utah Rural Water Association. Mr. Vercimak thanked the Council for the opportunity to work and serve the residents of Hurricane – the greatest place to live and work.

Approval of City Council meeting minutes: Pam Humphries motioned to approve the minutes of the October 14, 2015, November 19, 2015, and December 17, 2015 minutes, stating she could not motion on December 3rd since she was not there, seconded by Kevin Thomas. Darin Larson motioned to approve the December 3, 2015 minutes, seconded by Kevin Thomas. Both motions unanimously approved with Kevin Tervort, Kevin Thomas, Cheryl Reeve, Darin Larson, and Pam Humphries all voting aye

6:15 p.m. – Public Forum – Devin Reusch introduced himself as the Chairman of the Hurricane City Tree Board and said he has appreciated the chance to work on the Tree Board. He said he is hoping to get some consideration from the City Council on how the City deals with City trees. He said the theme for Arbor Day this year was “Our Urban Forest is a Real Treasure” and told those present a mature shade tree is worth about \$50,000. He said his hope is to follow a plan and a pattern as a City to leave something to future generations. Mr. Reusch expressed a hope the City can incorporate edible shade trees into its planning, with the ability to use the trees to produce for those in need. Mayor Bramall expressed his support for fruit and nut trees in parks.

Presentation regarding the HCP-County Commissioners Jodi Borgeson from the County Attorney's office presented an overview of the Endangered Species Act of 1973, which prohibits the “take” of listed species and the “harm” of those species. She explained designated critical habitat creates areas where disturbance of the habitat will create harm and consequent take. She provided a map showing the Upper Virgin River Recovery Area designated as a critical habitat area, which resulted in negotiation of a Habitat Conservation Plan (HCP) to allow development to occur within Washington County. The plan was signed in 1996 and an incidental take permit was issued. This 20 year permit expires in 2016. The HCP is a contract and it requires mitigation, which resulted in an agreement of 62,000 acres being set aside as the Red Cliffs Desert Reserve. The incidental take permit allowed for the take of a designated number of tortoises and allowed for disturbance of certain areas within in the County. The obligations under the HCP required certain expenses by the County in exchange of release of properties. The expenses are paid by County communities charging fees for building permits and platting of property. The agreement requires the acquisition of land holdings within the reserve with methods including land exchanges and using Land and Water Conservation funds so the cost of acquiring lands within the Reserve was not put on the citizens of the County.

Commissioner Alan Gardner explained where some land exchanges occurred in the Hurricane area to get land for the land within the Reserve. Appraisal on the private land that is left to be acquired within

the Reserve is about \$100 million dollars. Other HCP's now compete for the land acquisition funds so getting the money is harder and land values have gone up. County Administrator Dean Cox explained the exchanges are an important part of HCP negotiations and the BLM should be responsible to acquire the private holdings in the HCP. Last year the County got \$7.5 million total in property tax and they do not want to pay to buy property in the Reserve. He commented as Fish and Wildlife has reviewed the progress, the County has gotten very good marks on everything except land acquisition.

Pam Humphries asked what happens if the HCP goes away. Commissioner Gardner said this HCP is the first one to go through the process of having the agreement expire so they don't really know for sure. Dean Cox said there is land that has been developed and built on and those lands would not be jeopardized but any undeveloped land could not be developed without Federal Section 6 clearance. Pam Humphries asked when the endangered designation will be removed. Mr. Gardner said the tortoise population has been impacted by fires and drought so he does not anticipate it being lifted soon. He explained the County's application for renewal has been submitted and the HCP will stay in force as long as progress continues.

The situation with property owner Jim Doyle and trying to find property he is willing to trade was discussed. Mr. Doyle has filed a lawsuit against the County for his value of land that has not been able to be developed.

Dean Cox expressed a hope the cities and the County can all work together to fulfill obligations under the HCP.

Fay Reber explained the fees paid by all the cities in the County under an interlocal agreement to support the HCP.

Mayor Bramall state he sits on the HCAC for the HCP and explained a proposal for a land exchange of 600 acres at Sand Mountain and stated the Long Valley exchange is moving forward.

Kevin Thomas thanked the County Commissioners for making sure the BLM has to bear the cost burden of land exchanges.

Dean Cox said the County is obligated to "facilitate" land exchanges but the BLM is responsible and said he or any of the Commissioners are willing explain why the County is doing what it is doing.

Fay Reber asked if the current interlocal agreements have an expiration date. Jodi explained some of the cities have renewed the agreements. He expressed a concern with the City's ordinance having a sunset date and continuing to collect the fees.

County Commissioner Iverson commented on the good job presenting this report done by those present.

Consideration and possible approval of a resolution approving the designation of a representative to serve on the administrative control board of the Washington County Solid Waste Special Service District Kevin Tervort motioned to approve Pam Humphries as the representative for Hurricane City on the Washington County Solid Waste Special Service District, seconded by Darin Larson. Motion unanimously approved with Kevin Tervort, Kevin Thomas, Cheryl Reeve, Darin Larson, and Pam Humphries all voting aye. Fay Reber explained the resolution will be sent to the County Commission for final approval since Solid Waste is a County Board.

Public Hearing to take comments on a proposed General Plan map amendment from Multi-Residential types to Single Family Residential for property generally located in Mesa View Subdivision, Sage Pointe Subdivision phases 1 & 2, and several developed residential lots in the same location north of 600 North

Kevin Tervort motioned to open the public hearing, seconded by Pam Humphries. Hearing opened at 7:15 p.m.

Toni Foran explained the location of the amendment area, particularly the specific lots in Green Acres North View, and the purpose for bringing this area into better conformity with what is actually developed

Pam Humphries motioned to close the public hearing, seconded by Kevin Thomas. Hearing closed at 7:17 p.m.

Consideration and possible approval of a General Plan map amendment from Multi-Residential types to Single Family Residential for property generally located in Mesa View Subdivision, Sage Pointe Subdivision phases 1 & 2, and several developed residential lots in the same location north of 600 North.

Pam Humphries motioned to approve the General Plan Map Amendment, seconded by Kevin Tervort. Kevin Thomas asked about the exact locations to be changed and reviewed the map. Motion unanimously approved with Cheryl Reeve, Kevin Tervort, Pam Humphries, Darin Larson, Kevin Thomas voting aye.

Mayor, Council and Staff reports and Assignment of Duties for Council – Kevin Tervort motioned to approve the assignments as shown below, seconded by Pam Humphries. Motion unanimously approved with Cheryl Reeve, Kevin Tervort, Pam Humphries, Darin Larson, and Kevin Thomas all voting aye.

<p>Mayor Bramall</p>	<p>Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineer – Mayor Bramall updated the Council regarding discussion on a Lands Bill for moving BLM land to State control. Hurricane Resident Willie Billings is involved on the committee discussing this issue.</p> <p>He announced the City’s Court system has been recertified to 2020 and that on Saturday the Hurricane Canal Company is having their annual Board Meeting.</p> <p>The Winter 4X4 Jamboree on January 22nd to 24th will close trails in Sand Mountain. More information is available at</p> <p>Local Officials’ Day with the State Legislature is scheduled for January 27th at the State Capital. Cost is \$75 for council members and %60 for Youth City Council members.</p> <p>Mayor Bramall announced the 210 million kwh solar farm that opened recently in Millard County, enough to power 18500 homes.</p> <p>He congratulated all the public safety personnel for their work resulting in Hurricane being named one of the top 20 safest cities to live this year.</p> <p>Hurricane is the second city in Utah with a soft interview room available for victim services. Mayor Bramall commended the Police Department for making that happen.</p> <p>He discussed with the Council the situation of a family in Hurricane which will be needing to have a house remodeled to accommodate some family changes and a child who is handicapped right now. Many locals and contractors are willing to help with the construction and the City is being asked to donate the permit fee. Council members directed the Building Department to delay charging a fee until the Council can discuss it as an agenda item.</p>
<p>Kevin Thomas</p>	<p>Emergency Management, Streets & Drainage, Youth City Council, City Attorney – no report</p>
<p>Pam Humphries</p>	<p>Court, Water, Power, Solid Waste – Pam said the Council will need to close the meeting to</p>

	talk about employee issues. She asked for a work meeting date to discuss the vacation rental ordinance. It was scheduled for Feb 10 th 5 p.m.
Darin Larson	<p>Planning Commission, Economic Development, Planning Department, Building, Recreation- meeting next week. Mayor Bramall asked Darin to have the Planning Commission to talk about low income housing. He said he met with Brian Taylor who does USDA grants who said they will contribute towards infrastructure.</p> <p>Darin said the City will organize a meeting to talk about redevelopment downtown in February with property owners.</p> <p>He will be meeting tomorrow with Bryce to understand the Recreation Department</p>
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification – Cheryl commented she has no report and has a lot to learn
Kevin Tervort	<p>Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District – Kevin stated he wants to commend the employees at the Golf Course for their excellent work and expressed a hope that they continue to do a great job.</p> <p>He reported the Board approved the 2016 budget for the Fire District. Kevin said sometimes the City gets distracted from the importance of public safety. He said it takes a police car 12 minutes to respond to Dixie Springs. He stated his is thankful for the fire and police chiefs for being able to understand the budget process. He asked if cutting a budget might mean deciding which life is worth it when it comes to public safety.</p> <p>Kevin said he is handing over the Streets Department to Kevin Thomas and explained the situation with a resident regarding the chip seal problem on Sand Hollow Road. Mike Vercimak explained the oil is the issue and the City is negotiating a solution.</p> <p>Youth City Council – Katie Bastion has contacted the City and she will be happy to serve as a youth advisor for the Youth City Council.</p>
Clark Fawcett	City Administration – Clark explained the City has been contacted about putting a booth in the Parade of Homes house again but the cost for a space is \$800 to \$1100. Council members agreed to buy an \$800 space with the money coming from the Council contingency fund. They agreed to take shifts during the Parade.

Darin Larson asked Chief Excell about **speeds on 600 North**. This is being addressed by the Police Department. They have a tool to analyze speeds and traffic throughout the City.

Mayor Bramall said some bonds will be redeemed soon – Storm Drain bond

Darin Larson motioned to **close the meeting** to discuss the character or professional competence of an individual and to discuss possible litigation. Motion was seconded by Kevin Thomas. Motion unanimously approved with Cheryl Reeve, Kevin Tervort, Pam Humphries, Darin Larson, and Kevin Thomas all voting aye.

Meeting closed at 8:10 p.m.