

Minutes of the Hurricane City Council meeting held on March 3, 2016 in the Council Chambers at 147 N. 870 West, Hurricane, Utah at 5 p.m.

Members Present: Mayor John Bramall, Council members Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve.

Member Darin Larson was excused.

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

Discussion of Agenda Items, Department Reports

Mayor Bramall called the meeting to order at 5:05 p.m.

Merlin Spendlove said he will be here to answer questions about agenda item #1 during the 6 p.m. agenda. He gave the Council members a copy of a letter from the Fire District given to the property owner in 2014 and the follow up from them in 2015.

He warned them that other property in the neighborhood is also in violation and there should be enforcement in the whole neighborhood. The stored tires have been moved but are still on the property.

Bryce King reported the pool deck is almost done and warned it is blue. They plan to keep the decking maintained as needed. The awning and barbeque area are almost complete and this should increase rental use. He warned there may be days when they will have to turn people away because maximum occupancy is 200 people. He stated this could pose an interesting problem.

Mr. King said the scoreboards at the ball fields are being replaced with the support of five local businesses which paid for the upgrade. One of the old signs will be used at the Middle School. He said events coming up in the next two weekends include a bicycle race, the Sand Hollow Marathon, the Mountain Bike Festival, a running race, and a model horse show.

He reported the soccer program served 500 kids this year but they have had to cease using the fields by the cemetery due to conflicts with funerals. The numbers in the baseball program are down this year and they will try to determine why.

Dave Imlay said he got an email today from Dixie REA about the Copper Rocks project. He explained that is actually in the Rocky Mountain Power service area and they have not been willing to allow another electric company to serve that area. Dave said the only way the City can serve power in that area is if it is annexed into the City limits

Dave reported they have completed the interviews for Vicky's position and have an applicant who has accepted. April Hill will start March 21st and Vicky's last day will be on March 25th. April is currently the executive director of the Cedar Care and Share. All the interview panel members felt she is an excellent candidate.

Mike Vercimak reported all the departments are busy with the Parks Department fertilizing and mowing and installing irrigation systems and testing them. The Water Department has been at the Rural Water conference and the Streets Department is building the fence down along 60 East. Kevin Thomas asked about the weed killer being sprayed along street edges that appears to have over-sprayed on his yard.

Arthur LeBaron said he met with the race director for Ironman regarding Sand Hollow Road due to the chip seal. The directors said changing the route and putting the bikes on SR-7 might be good for the athletes but Ironman wants to support the communities and they appreciate the support from Hurricane City and will continue to run the race through town.

The departments have met with Western Rock about the chip seal and possible repairs.

Arthur said he has received exhibits from UDOT about the turn from SR-9 onto 700 West and they agreed the trucks will have to swing wide and can't because of traffic so the median will not make a significant difference in whether they go over the curb or not.

Mr. LeBaron thanked Clark and Bryce for the improvements to the baseball fields because he is involved in baseball. He said tournament players like the quality of the Hurricane fields. He said the local fields are very well maintained, especially considering it is not a full time job for city staff.

Joe Rhodes reported a new fiber connection to the City building was made today.

Fay Reber said he needs to talk to Ken Richins about some details in the Lemmon agreement.

Bryce King, speaking as the Chamber of Commerce President, said the subject of the Outdoor Expo came up with the talk of marketing the City in a more professional manner and investing in pop up banners to use at events. Bryce said he could include it in Recreation Department advertising for the next budget year.

Mr. King reported the City will need to update the heating and cooling system in the Fine Arts Center because the boiler is leaking and the old steam pipes are 60 years old. Removing the old boiler could be expensive because it is probably asbestos coated but the storage area would be very well used if the boiler can be removed.

Kaden DeMille said he was served with notice of a lawsuit regarding the Elim Valley Development Agreement and the Communications Easement. Clark Fawcett said he does not believe any damages are mentioned against the City. Fay Reber commented it is curious that Cypress Financial was not named in the suit.

Clark Fawcett said he is receiving applications for RAP Tax money which are due by March 11th. Cheryl asked how this deadline has been advertised and Bryce explained notice has been emailed, on Facebook, and on websites. Bryce said the last question on the application is how the use of the RAP tax for a project will be advertised. The Council needs to decide if they will provide a plaque for the acknowledgement. Kevin Thomas volunteered to help review the applications.

Pam Humphries said she attended a drought mitigation planning class which recommends drought mitigation is included in the emergency management plan. She will help coordinate this. Pam reported Connie Martin was awarded the Office Assistant of the Year for the State of Utah at the Rural Water Conference banquet in St. George last night.

Mayor Bramall reported he attended the Virgin River Plan meeting yesterday. They talked about fish projects, the Lake Powell pipeline, and the Natural Resource Conservation Service (NRCS) projects proposed. He asked if the City is committed to 50% of the cost for proposed piping projects which will actually be paid for by the Canal Company and the City. It was clarified this is piping the irrigation water on 180 West, 920 West, and 1100 West where there are now open ditches. This does not change who is served by canal water and still serves for flood irrigation. Mayor Bramall explained the NRCS has a goal of helping conserve water including changing flood irrigation to sprinkler irrigation. He pointed out going away from flood irrigation can help prevent run off.

Mike Vercimak asked how these pipes would be an advantage to the City. John Bramall said he believes this was decided in 2014. Pam pointed out this is not in a Water Department budget. It was recommended this be referred to the Water Board and the Canal Company Board for discussion.

Mayor Bramall expressed a concern that doing this project and the Gould Wash Detention at the same time might be a significant cost at one time. Arthur suggested in-kind materials and labor might help pay for the matching cost requirement.

Kevin Tervort said he is concerned about the septic companies that are illegally dumping into the manholes on the sewer system which unbalances the ponds and causes higher expense. He asked people to be sure to report when they see this kind activity. Mayor Bramall recommended a meeting with the companies that maintain septic systems. He also suggested the Litehouse plant might be dumping material that does not meet the standards set. Fay Reber said an amended agreement with Litehouse is in process and the staff must ensure it is not amended to change the standards for them. Mr. Tervort commented the smell has been a problem recently.

He suggested the Mosquito Abatement District come give a presentation at the next meeting.

Kevin Thomas said he met with the Emergency Preparedness group and they want to talk to the City about sandbags.

He reported Katie Bastion is very excited about getting the Youth City Council going.

Cheryl Reeve invited everyone to come to a Workshop at the Community Center about planting trees on March 12th from 10 a.m. to noon. She reported the Pool Open House is scheduled for May 7th. She asked Bryce to explain the drinking fountain at the Little League field. He said the old drinking fountain has been removed and they would like the Council to fund a new drinking fountain at a cost of \$3,000.

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

6:00 p.m.- Call to Order

Mayor Bramall called the meeting to order and welcomed everyone present, especially the Miss Hurricane Royalty. He told those present they are always welcome to come at 5 p.m. to hear the discussions and reports.

Kevin Tervort led the Pledge of Allegiance and Cheryl Reeve offered a prayer.

Approval of City Council meeting minutes: Motion to approve the Feb. 4, 2016 minutes was made by Pam Humphries and seconded by Kevin Tervort. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

Presentation of employee of the month award – Clark Fawcett introduced Deeana Law and read the recommendation for her from Judge Meyers, including helping with streamlining processes, being willing to cover other employee’s shifts, and having a very helpful attitude. He presented the award plaque to Deeana and Judge Meyers commented on her great work.

Introduction of the 2016 Hurricane City Royalty - The members of the Royalty were introduced:

Jennifer Humphries – Miss Hurricane 2016

Macey Gubler 1st attendant

Sydney Dobson – 2nd attendant

Ashley Langston - Miss Congeniality

Mayor Bramall commented he and the Council members look forward to working with the Royalty at volunteer events.

Review and recommendations for action to correct violation of conditions for site plan approval for use of property at 505 North State Street – Brent Gardner brought up a display of his products and businesses. The Fire code violations for the property were reviewed.

Brent said he is making great progress and he would like to hope the harassment will stop. He said he will clean up his place and then the Fire Department came to find fire violations. He asked if the Fire District is doing that to every commercial property in town. He said then the Police Department started to ticket the vehicles not parked on his property. He explained the violation the Fire Department cited him on was on tire storage. He had them stored on a racking system and he removed all the tires into another location. He said tires are a very important part of his business. He worked with the Assistant Chief and found an agreed upon location for the tires. Then the Assistant Chief came back and said the City Council did not want to them in that location. Mr. Gardner stated "I have gotten rid of a lot of tires but this is part of my business because I sell both tires and tire swings. I am in a commercially zoned property and I am allowed to store tires and parts. I have refurbished my home and will refurbish the other properties I own. We are remodeling and refurbishing the property at 505 N. State."

He said he had promised to move the unattractive parts of his business. He expects to be finished with that in a few weeks and all the parts and tools will be hidden. He provided pictures of other businesses with tires stored up against their buildings, stating he does not think these businesses are facing enforcement actions. Mr. Gardner went on to explain he has several businesses. He has several clothing lines which he sells through his shop in St. George. He said he is an artist and collects barn wood because it is an important part of his business to build frames for his art. He said he sells a lot of art. He stated he is willing to hide the car parts, barn wood, and other items he uses for art.

Mr. Garner explained he also sources and sells leathers. He clarified he does not actually manufacture or sell any of his products here in Hurricane but they come from factories in China. He showed photos of his shop in the mall in St. George and a custom skateboard he built.

He said the north State location is his distribution center for his businesses. This location is also his U-Haul business. He said he can have 10 U-Hauls everywhere near his property because people can't drop them on his property. He will get a shipment of barn wood and it might sit for a week or more and then get re-located. Additionally, people drop off tires to his location or the wood or the old metal and he welds it into sculptures. When it shows up he has to make room for it and then it gets shipped to St. George. He conceded when it first shows up it is not attractive. He said he understands everyone is not into art. He said he would love to bring his store here. He showed the transformation of an old car hood into an art piece.

He said his property is in a commercial area but all the commercial properties are not completed just like residential or vacant property is not a residential subdivision until improvements are completed.

Pam asked about the tires along the front of the property on SR-9. He invited Mrs. Humphries to come walk the property with him. She explained she is concerned in the interests of health and safety about people who might get hurt on the property.

He provided photos of the across the street neighbor's property. Mr. Gardner then showed a proposal to present equipment and art and cars on the property and locate the U-Haul trucks so they can be kept on the property. He suggested a white picket fence in some areas but not where they would block the view of old cars, which he sells a few of and likes to have on the property. He talked about the portion of the street that is now behind the sidewalk, forming a triangle useful only to his businesses.

Pam suggested the City Attorney and Clark meet with Mr. Gardner about his use of the city street as part of his business.

Fay asked about being consistent with the City's ordinance and having the Planning Commission review this proposed site plan. It was clarified for Mr. Gardner that he is using property that he did not own for the business when he first got site plan approval and the Planning Commission needs to review the updated plan to ensure the parking and uses are understood and approved.

Mr. Gardner said he is willing to up his game and use his commercial property to bring his businesses there. He said he is not a hermit trying to collect more stuff. He stated he could bring his property into conformance with the plan presented by the end of this year. He offered to walk the business with Pam by the end of the month.

Kevin Tervort clarified for Mr. Gardner that the issue has been that the business had become a fire hazard and it is not harassment. The kind of business is not the issue.

Council members agreed Mr. Gardner should talk to Clark and Fay about a property lease for the street property and move forward to the Planning Commission with a site plan.

Mr. Gardner commented he wants a nice business and a nice presentation but it all takes time and money and he has seven properties he is remodeling. He promised he could get it done by the end of the year.

Pam Humphries motioned to give Mr. Gardner until his next license renewal to get the property cleaned up, meet with Fay and Clark to draft and sign an agreement on use of the City property, and go to the Planning Commission for approval of an expanded site plan. Motion seconded by Kevin Tervort. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

Update on Hurricane Regional Sports Facility study and consideration and possible approval of request to continue funding for Scott Raine contract for Sports Facility Study management until August 2016-

Scott Raine brought the Council up to date on the study, stating Victus is inventorying all the recreation facilities in Washington County and then looking regionally at sports facilities. During December and January the consultants met with cities throughout Washington County and took a look at each city's needs and the need for a regional park. There was positive response as other communities felt their facilities are being used to the max. They then met with the school district, sports associations, and groups that commented on challenges using facilities throughout the County.

In January they interviewed groups that conduct tournaments including international contacts. They have heard from sports leagues that can't hold the tournaments they want to because of a lack of facilities. The consultants have had over 400 responses to the survey offered to users about the facility. Mr. Raine explained the consultants have not completed phase 1, the determination of need phase, but they feel there is a need for a facility and Hurricane is a good location.

Now they are working on cost estimates and a conceptual plan for a facility to build an estimate of revenues, operations costs, and building costs. Victus expects to have a Phase 1 report ready in about 5 weeks. Mr. Raine commented they believe this can be an economic benefit to Hurricane and said even international groups including one from Korea have expressed an interest in investing in the facility to meet their needs.

Other updates from Mr. Raine included information that the consultants have been asked to look at alternate locations for the facility due to concerns from Sand Hollow residents and the Washington County Water Conservancy District has confirmed in writing they will provide the water needed for this complex. Mr. Raines said he is asking for continued funding through August to pay his salary as approved funding for it ran out last month. Clark Fawcett explained Mr. Raines is paid \$5,000 a month and he pays his own expenses and taxes. He is not an employee but is a consultant. Cheryl Reeve said she was at the meeting when he was approved for six months because he believed it could be done in six months. Mr. Raines said it became a regional feasibility study and took longer than originally anticipated. It was clarified the County Tourism Committee is paying for the feasibility study.

Clark said the original proposal was really for a year but the Council only approved it for the first six month increment. He said the RAP tax will have to be reviewed to see what is available and what has already been committed.

Kevin Thomas asked for an explanation of Mr. Raines' role in the feasibility process and he was asked if he is influencing the study. Mr. Raines explained he told the consultants they need to be sure this project is a

go before they recommend it and he does not want to be involved in a project that will fail. He said it is still possible the final report will come in and the Council will decide against the project.

Cheryl Reeve asked if the feasibility study will take until August. Mr. Raines said it will not take that long to finish the 1st phase. The second phase will be another 75 to 90 days.

Bryce King commented said there is value in learning where all the facilities are in the County. He explained the intent is not to move a tournament in St. George here but to bring in new tournaments. He said this proposed complex will not serve the local sports programs. The facility is going to need to be managed so it is booked all the time. It is not going to be for recreation use.

Kevin Thomas moved to continue the funding for the next six months. Kevin Tervort asked if the study is done in June why the position would be needed past June. Mr. Raine said there might be some need for fund raising if the facility is approved. Cheryl asked when the Part 1 report will be done. Mr. Raine said the consultants are saying 4-5 weeks. This will give an initial idea of how much space is needed and what will it cost to build.

Mr. Thomas motion was seconded by Kevin Tervort, with the understanding the funds must be set aside from RAP tax revenues. Vote on motion as follows: Pam Humphries, nay; Kevin Tervort, aye; Kevin Thomas, aye; Cheryl Reeve, nay. Mayor John Bramall voted to break the tie and voted aye. Motion approved.

Frog Hollow Event update and request for Emergency Services Support- *Cimarron Chacon*

This item was tabled as the applicant was not present.

Consideration and possible approval of an exception to the proposed vacation home rental ordinance-

Chris Davis said he is new home owner of a house that he built as a vacation rental and to ultimately live in for retirement. He said they have come to this area for years on vacation and decided to build a home in Southern Utah. They bought the property in July and got information from property managers Escape Properties on vacation rentals. Then they got bids from three local homebuilders and got geotechnical reports and signed a contract with Ence Homes in August. Mr. Davis then showed the Council a presentation of his family vacations in Southern Utah and his intent with the property. He stated he just found out about the August meeting and the moratorium on whole house vacation rentals in reading through the Council minutes this week. He told the Council his entire financial plan for the house was to build it and use it for family vacations but help pay for it by renting it out as a vacation rental when they are not there. He stated the family cannot afford this house without being able to rent it.

Pam Humphries cautioned there are probably more people than Mr. Davis who built houses during the moratorium.

Mr. Davis said their property is in a good location, has adequate parking with even a place to park with a boat off the street, and they intend to be sure it is managed so it is not a party house. He suggested they could take away the wi-fi password from anyone who causes a problem. His issue with the proposed ordinance changes is the requirement to keep the house to residential uses only for a year after construction, which would severely impact his ability to afford the home.

Council members commented while they understand Mr. Davis concerns and investment decisions, anyone who was starting a home during this time period could argue the need for the same exception.

Mr. Davis said he has a clear record of intent to use this property as a vacation rental. He bought in Hurricane based on the ordinances in effect when he purchased the property.

Fay Reber counseled the Council members should consider the effect of making a decision on this one property before a final ordinance has been adopted.

After comments by Cheryl Reeve and Kevin Thomas about the proposed ordinance the Council set a work meeting to discuss the ordinance before ending the moratorium.

It was explained to Mr. Davis that the reason for the requirement to occupy a house for residential use for a year after a certificate of occupancy is issued is because there are standards in the building and fire codes for transient occupancies that are not met when a house is constructed to residential codes. The time requirement is intended to protect the City in the case of a lawsuit.

Fay Reber strongly recommended the Council not make a decision tonight on this issue.

Kevin Tervort motioned to continue this item for 2 weeks, seconded by Kevin Thomas. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

Consideration and possible approval of the abandonment of SITLA easement 1327 on Turf Sod Road-

Arthur LeBaron explained this is a proposal to abandon the easement where Turf Sod Road is currently located in anticipation of a road dedication plat. As soon as SITLA signs the road dedication plat the City won't need the easement.

Kevin Tervort motioned to approve the abandonment of SITLA easement 1327 on Turf Sod Road as soon as SITLA signs the road dedication plat, seconded by Pam Humphries. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

Presentation regarding Trail Hero Event-Rich Klein said this event is for off roading and rock crawling. He has extensive experience in events for rock crawling and desert racing. He now lives in LaVerkin and is a manager for Conoco Philips in Alaska and this event is his way to give back to the community. He commented Sand Hollow is the perfect site for this event with rock crawling

He said he is bringing in every national promoter in the industry to Hurricane to compete with the Moab Easter Rock event. They have had some land closures and the event may run out of room in Moab and could come to Hurricane. Mr. Klein said he has permits with the State and BLM for the event. He would like to bring the staging and all other aspects of the event to downtown Hurricane to help drive local economic viability. He said this kind of event had an economic impact to Globe, Arizona of \$1.3 dollars. He estimates between 500 -700 vehicles will attend. Staff and Council members commented this event will be the exact time as the St. George marathon so booking rooms may be a challenge.

Mr. Klein said the Desert Roads and Trails society will be guiding the rides. He said locating out of the Community Center will give the event the ability to stage down the side roads of Hurricane and promote using all the local businesses. They also want to be able to drive from downtown Hurricane to Sand Hollow via the designated OHV routes. They will be asking for some leniency as event participants use the roads during the weekend in vehicles that may not be street legal. It was pointed out the only real issue is on State Street, which is a State Route with State Route regulations.

Mr. Klein said he is coming up with an app that will have the GPS location of every trail so people don't get lost. He already has applications from around the nation and the world. He predicted this even will help put Hurricane on the map for off-roading and rock crawling, telling the Council the special events and competitions can bring in 60,000 spectators. Since it is being staged in the downtown, business owners can really get involved.

He explained the event it called a Trail Hero event because they will be honoring veterans and veterans will be out on the trails with a special group helping them.

Mr. Klein asked about a temporary use permits for a camp site as many participants will be bringing large motorhomes and trailers. The area of Sand Hollow Resort scheduled for future development as an RV Park was suggested as a camping site.

Council members expressed support for this event and recommended Mr. Klein work with staff to finalize plans.

He thanked Bryce for his help and told the Council members they will not close down Sand Mountain to other users during the event so the Council could come out and watch the competitions.

Kevin Tervort commented that Cimarron Chacon needs to petition the Fire District before coming to the City Council for help with her race so the City knows what the Fire District will require.

Meeting adjourned at 8:30 p.m.