

Minutes of a Hurricane City Council meeting held on March 17, 2016 at 3:30 p.m. in the Council Chambers at 147 N. 870 West, Hurricane, Utah at 5 p.m.

Members Present: Mayor Bramall Council members Kevin Tervort, Pam Humphries, Cheryl Reeve, and Kevin Thomas. Council member Darin Larson joined the meeting at 4 p.m.

Staff members present: City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, City Engineer Arthur LeBaron (at 3:55 p.m.), Public Works Director Mike Vercimak, Planning Director Toni Foran, Power Superintendent Dave Imlay, City Attorney Fay Reber. Ken Richins, Lance Gifford, Charles Reeve.

3:30 p.m. Discussion regarding Frog Hollow Dam NRCS/WCWCD Project Future: Members of the Hurricane canal Board Mac J. Hall, Kelby Iverson, and Stuart Stout were present to discuss this issue with the Council members.

Mr. Hall told those present he wanted to talk about both the Frog Hollow Dam and a joint project with the Washington County Water Conservancy District (WCWCD) for improvements to the Hurricane Canal system.

He said the National Resource Conservation Service (NRCS) came to the Canal Company to get permission to study a way to move water from Gould's Wash basin to the Frog Hollow basin. They decided they couldn't move the water from Gould's in behind the Frog Hollow dam but wanted to study the Frog Hollow dam. The consultants the NRCS hired to do the study concluded the dam was in very bad shape. They then did two other studies looking at where flows would go if the dam was breached. These studies went to the State of Utah before the City or the Canal Company had seen them. Because of the reports, it appears that if the Canal Company does not do some work on the Frog Hollow dam, the State dam safety officials will order the dam removed. If the dam is taken out there will be some flooding implications – up to 1400 cubic feet per second (cfm) according to their study. Mac questioned their estimate of flood flow, stating he saw floods in the 50 – 60 cfm range before the Frog Hollow detention structure was built. It was originally constructed to protect farm ground but the City allowed homes to be built below the dam so now it is rated as a moderate hazard structure.

Cheryl Reeve asked about flows after the dam was built. Mr. Halls estimated the most at about 25 cfm – essentially no flooding since the dam was built in 1956. The Soil Conservation Service built the dam.

Mr. Hall explained the report says if the dam breaks 50 roads will be inundated and 209 homes will be damaged. The maximum number of people affected was reported at 720 with a maximum loss of life of 5 people.

Mac said he has not seen the mitigation plan. Dave Black gave the consultants some options and they said the cost for the temporary fixes are about \$390,000 and that will only delay the order to breach by a year or so. Mac estimated the cost at closer to \$200,000 but that is based on conversations only, not on seeing a plan.

Clark Fawcett said he and Mac talked to the State Dam Safety officials and they do not seem to be able to provide details on what options would contribute to a long term fix and which ones would have to be torn out.

John Bramall offered some brain-storming ideas and recommended a semi-permeable membrane on the dam face and then using the clay soils in the basin to seal the face for around \$200,000 because there would not be any hauling costs. John said he believes the standards used to build the dam which required wetting the soil, which has now dried out, are the source of the problem.

Cheryl asked where the water would go if the dam was breached. Mac said originally the Frog Hollow Wash came down about where the Intermediate School is located and met up with Gould's Wash at about the 700 West Chevron. That has all been filled in and developed. Mac said in the conversations he has had with State Dam Safety and NRCS personnel, they say when the City signed on for the study, they agreed to be responsible for the dam so they don't even need to talk to the Canal Company about the Frog Hollow Dam. In their opinion, it is now the City's dam. Council members questioned how the dam that was built for the Canal Company and maintained by the Canal Company became the City's dam. They asked what it would take to breach the dam.

Mac estimated it would take about 4 days using a CAT at \$200 an hour to breach the dam. They might, however, have to take the dam down completely and restore the area. He said some engineers have indicated grading the face of the dam smooth, lying in a membrane, and scraping soil back over the membrane would widen the dam to 10' and cost about \$60,000. If the NRCS would sign off on the suggested fix and allow a match the actual cost would be about \$10,000 cash and credit for the in-kind materials.

Mike Vercimak asked if the NRCS has provided a fix plan for the issues they raised. Mac said they have not seen a fix yet but have a Dam Safety inspection scheduled for March 30. Based on the numbers in the study, the dam would be considered a high hazard dam.

Arthur wondered how the City got swindled into signing for a study and assuming responsibility. How does a willingness to have Gould's Wash studied mean the City is responsible.

Kelby Iverson said he believes the Canal Company does not agree the Dam Safety should be able to require \$4 million dollars in repairs. He said the Canal Company should drag that approval.

Mike Vercimak suggested the City pick up the ball with the canal company and find out what is being proposed. Mac J. Hall said he would like the City and canal company to be included in all correspondence. Arthur said the City has not received any correspondence from dam safety.

John Bramall said he believes the dam is an asset and a liability. If the Lake Powell pipeline comes through maybe it is possible to upgrade the Frog Hollow dam to generate power, though this would require Federal approval.

Mayor Bramall asked how the government could force the Canal Company to perform an upgrade. He said as the City he would be comfortable telling the government the City is immune from spending the \$4million to \$5million when the problem can be solved for a lot less money. He said he believes the NRCS will share costs.

Clark asked if it is better to take the offensive and proposed some solutions rather than wait for their proposal.

Mike said from a strategic standpoint the City should not admit anything right now with the understanding the City and Canal Company will work together to solve the problem.

Mac said if the letter comes, his inclination is to take out the dam because if anything happens, there is too much liability on the canal company and the board members.

John Bramall said the mayors will be meeting with FERC in Colorado Springs, Colorado to encourage approval of the pipeline. He said maybe the mayors should suggest the dam for the pipeline be at Frog Hollow rather than as shown in the plan.

Mac cautioned that once the dam is breached there is going to be a process of approvals before any new dam is approved.

Clark said the City should propose a solution that includes the City and Canal Company working together. Arthur said next week some geotechnical investigations should be taking place at the dam according to a follow up to a conference call that involved both Arthur and Mac.

Mac said he wanted to clarify improvements to the canal company system in the valley. He explained they started working with WCWCD to close some open ditches on 180 West and take the pipe out of 920 West and replace it with pressure pipe and upgrade the pipe through Doug Beecher's ending at Mac Gibson's property and upgrade the pipe out to the Bench Lake area along 1100 West. He talked to Larry and Clay of the Hurricane City Street department about the agreement to allow the storm run off on 1300 South to go into the pipe on 920 West. The pipe cannot handle storm water run-off and canal water at the same time. He has talked to them about the City putting in a 48" drain line from 1300 South to Gould's Wash. The City's contribution to the Canal Company project would be for the City to put in a drain line. Mike explained this is not a project the City has looked at for cost estimates.

The NRCS would pay 50% of the Canal Company project and the State can give a loan for the remainder of the cost. Mr. Hall said he is still not sure the Canal Company is able to pay for the project and there is still time to decide. The WCWCD wanted to package this canal company project with the County NRCS projects but it does not obligate the City to share costs.

Mayor Bramall called a break at 4:30 p.m.

Meeting called back to order at 5:05 p.m.

Staff members present for 5 p.m. meeting: City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, Public Works Director Mike Vercimak, Planning Director Toni Foran, City Engineer Arthur LeBaron, Police Chief Lynn Excell, and Recreation Director Bryce King. Also present was Hurricane Valley Fire District Chief Tom Kuhlmann.

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

Chief Kuhlmann said in February the District's call volume was up 147% over last year. This week they responded to a dryer fire at the jail but were not required to evacuate the building. If there had been a need to evacuate the jail, the lack of a second access could have become an issue.

The District's new truck will not even get into the construction que until August. The Chief said he is working with the architect on the new fire station at Coral Canyon.

Chief Lynn Excell introduced new officers Eric DeMille, who came with 4 years of experience from Washington City, and Kyle Little, a new officer from Cedar City who is moving down. The Chief explained they try to hire officers who fit in with the Hurricane life style and department personalities. He also introduced Officer Justin Gray who is one of the Field Training officers who is working with Kyle to get his field training completed. He said Darren Tucker, a new reserve officer who works full time as a ranger at the State Parks will be introduced another time.

He said recently they did an exercise with the Health Department and coordinated by updating radio numbers and medical forms for City personnel to be used in the case of a pandemic medication distribution.

Chief Excell announced. Officer Kacen Gubler was awarded Small Agency Officer of the Year by the Utah Police Chief's Association. Clark Fawcett announced Chief Excell was awarded Police Chief of the Year.

The Chief explained for the Council members that there are situations when officers do work in pairs if they feel they are in a dangerous situation.

Mike Vercimak provided photos of Grandpa's Pond Park and the 60 East trail access project. He said the only thing left to do on 60 East is the fence along the Hinton's property. He reported the Water Department personnel just finished attending the Rural Water Association Annual Conference.

Arthur LeBaron said Mike Vercimak issued a notice to proceed for the off-site improvements to the Zitting's apartment project.

Mr. LeBaron stated he will be meeting with property owners along 400 South because there will be impacts to many different owners, in addition to the open house invitation. He reported he is making progress on the environmental work for the 400 South trail project.

He is also working with the Parks Department to finish up the surveying for the City's property in the Dunes at Sand Hollow for park design.

Arthur said the 6-9 year project timeline was reviewed at the DETAC meeting and it includes SR-7 to SR-9 in 9 years. They are moving the project at exit 16 to phase 1. There was a lot of discussion on the ¼% sales tax option for road projects.

He stated the City intends to record against each property a notice of the possible shallow groundwater in the Retreat plats. Every 12 – 13 minutes a 5 gallon bucket of water discharges from the basement of the Hancock house. The Washington County Water Conservancy District goal is to draw down the water with new wells.

Arthur reported the second Event Committee meeting was held today regarding the Tour De St. George bicycle race planned for April. Another proposed event is the Rock Fest that wants to use the Community Center and hold a drag race – maybe on 600 North.

Fay Reber reminded the Council about the Elim Valley meeting with Cypress Financial. He said that he asked to see the court documents that showed Cypress had control of the development agreement but the language in the court documents does not show a clear claim of control. He

suggested the Council send those documents to Neil Lindberg who drafted the original development agreement for a review.

Clark Fawcett said he sent out the KSL contest results for the current round of Top cities in Utah March Madness. The winner gets full bragging rights.

Mayor, Council and Staff reports

Darin Larson said the Planning Commission recommended approval of the final plat on tonight's agenda.

Pam Humphries read the water capital improvements list reviewed with the Water Department for the Council.

Mayor Bramall commented Mr. Zitting and his partners are willing to bring in water lines for their Copper Rocks project and they would be willing to lease the water they have so the City can water their golf course. If the City agreed to that they would put in an additional well in the next five years.

Gus Arscott of the Emergency Preparedness Committee said he is informing the Council that "it is a hazard living next to the Chief of Police because you get volunteered." He said he works with the 21 Districts, the two stakes, and the Police Department. The committee has been able to build a bridge to allow both the City and Emergency Preparedness to work together. He stated there have been some flooding issues and the training with sand bags and the location of the bags helps ensure the City is better prepared.

Kevin Tervort said two or three people have contacted him about the lights at the pickleball courts but the time for those has been updated to 10 p.m. Kevin suggested letting the lights stay on until 11 p.m. now that summer is approaching. Council agreed to try the later time. Mike will contact Darren Barney and get the change done.

Kevin Thomas asked about cleaning medians. Lynn Excell said UDOT's trucks are only down here a few times a year to clean up medians so the City picks up the slack.

Cheryl Reeve reported the Tree Board had a conference last week with the State Arborist and the local departments.

Bryce King updated the Council on events this weekend – including the Mountain Bike Festival Friday between 5 p.m. and 9 p.m. He asked the Council members to go see the Mountain Bike Festival. Additionally, Rocky Mountain Baseball is in town this weekend, the Sand Hollow Marathon is this Saturday, and there is a conference at the Community Center.

Mayor Bramall **called the meeting to order** at 6 p.m. Kevin Thomas led the Pledge of Allegiance. Lon Allen offered a prayer.

Mayor Bramall invited the public to attend the 5 p.m. meetings and reported on the 3:30 meeting.

Presentation of 20 Year Service Award to Brandon Buell - Clark Fawcett said it is nice tonight to have the opportunity to see the good dedicated people who have served the City for so many years.

Brandon has done a lot of good in the Police Department and helping citizens understand what the police department does and helping citizens set up neighborhood watch groups.

Presentation of 20 Year Service Award to Vicky Ogden Clark said Vicky started working in the Utility department for many years before going to work in the Power Department. She has worked well with the Power Department and saved money for the power customers by learning to buy and sell power. Clark announced Vicky is retiring and leaving next week. Mayor Bramall thanked Vicky for lower power bills.

Presentation of 30 Year Service Award to Lynn Excell – Clark said he and Lynn have worked together for a lot of years. When Clark first started working for the City the LaVerkin and Hurricane Police Departments were joined and they had to choose one chief. He joked that they may have made the wrong choice in choosing Lynn but then confirmed Lynn has been an excellent Chief. He announced Lynn was awarded Police Chief of the Year for small agencies in Utah. Chief Excell was awarded a rifle.

Mayor Bramall said Hurricane is ranked high in emergency preparedness and Chief Excell is a big part of the reason.

Recognition of Connie Martin and Gary Wilcox for awards received from Rural Water -

Mayor Bramall presented the awards and thanked Ms. Martin and Mr. Wilcox for their abilities and training to protect water supplies.

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

Ken Livingston of Tri-State ATV club and ATV Jamboree thanked the City for all the support given over the years to the Jamboree. He offered special thanks to Chief Excell for helping with legal issues for the charity drive held at the Jamboree. He also gave special thanks to Dean Harrington for help with an interview for the club and the charity drive. Mr. Harrington said he probably has a listening audience of about six or seven on the City's FM station. He said he announced the radio station at the Jamboree and added three new listeners. Mr. Livingston thanked the Council and said the ATV club could not do what they do without the City's assistance.

Lon Allen said he is representing the Chamber as the Past President and presented Kaden DeMille with a plaque for acting as liaison with the Chamber for 5 years.

Mr. Allen announced this weekend is the barbeque festival at Sonny Boys. He said he attended the meeting with the Events Committee today for an event in May that they are excited about the opportunity to bring to Hurricane. He said they are looking at having a beer garden with this event and there is a need to meet the timing for the DABC for the local consent. He introduced Curtis Strong, the event promoter for the Retro Rock Fest. He stated it is a pleasure to deal with a City that is interested in events and said he hopes to establish a long term relationship with Hurricane City to build family events for the next three or four years. The upcoming Retro Rock

Fest is the immediate goal. He said last year they had bounce houses, a slide, a beer garden, and the bands. The entertainers themselves filled about 150 rooms. This year's event includes food, music, and some kind of fuel. He said last year they had about 1300-1500 attendees to this event last year in St. George with rain and snow in Cedar City keeping some people from coming down. They hope to do better this year. Lon Allen said this is a Rock Fest but he wants to add a Rib Fest at the same time to create a destination type event.

Mr. Strong stated they have contacted the winner of the season for the Street Outlaws show on the Discovery Channel and have 14 cars and drivers to come out for the Street Outlaws. Each of the drivers has followers on Facebook. Mr. Strong said they have their own video production company and hope to showcase this area.

Approval of City Council meeting minutes: February 10, 2016 and February 18, 2016

Pam Humphries motioned to approve the minutes of both dates, seconded by Kevin Tervort. Motion approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve voting aye. Darin Larson abstained as he did not attend those meetings.

Consideration and possible approval of a final plat for The Retreat at Sand Hollow Phase 3A a 26 lot phase – GA Homes applicant

Kevin Tervort motioned to approve the final plat for The Retreat at Sand Hollow Phase 3A subject to the City Engineer signing the plat and that notice is recorded on each lot regarding high ground water, seconded by Pam Humphries. Motion unanimously approved with Darin Larson, Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

Presentation from the Washington County Drug Task Force-Detective Travis Hall introduced himself. He is with the Hurricane City Police Department but has been attached to the Washington County Drug Task Force for the past three years. He explained the Task Force consists of most of agencies in Washington County with the positions paid by Federal grants with a focus on narcotic trafficking. His direct supervisor is Sgt. Gubler. He said the Task Force has always had only one officer from Hurricane and Detective Hall recommended a move up to two officers to cover the east side of the County better.

Detective Hall explained that how drugs affect the community is the reason he wanted to become a police officer, stating, "I have seen what drugs can do to people and families." He said drugs are not a victimless crime. For example, the suspect in the high school kidnapping case had been drinking and smoking marijuana and taking illegal prescription drugs the day before – the girl he tried to kidnap is the victim. The pharmacy robbery left the clerks at the pharmacy very traumatized. He said one of his friends since he was a child with a meth addict who is now divorced and really hurt his kids. He is now getting out of rehab and doing well but there was lot of hurt.

Detective Hall said he is willing to meet with Council members one on one if they want information. He stated treatment methods for users are great but dealers need to be taken seriously. Last year the Task Force handled 263 cases with felony arrests. Their target for search warrants is one per month. Controlled buys are done using informants. Each takes about six hours. They also did drug presentations throughout the County, with a goal of 50 presentations

annually to reach kids early. Detective Hall stated heroin use is going through the roof. Impure heroin is causing some overdose deaths.

Pam Humphries asked who she would contact to report a meth user who lived in one of her rental units and required her to spend \$10,000 to detox the house. She was encouraged to contact Detective Hall. He stated there is no longer money in meth labs but just meth use can put toxins into the air.

Darin Larson asked if he had statistics breaking out the total number of the cases in Hurricane area. He had statistics for the eastern side of the County. He said he is bringing in investigations to Hurricane to help drive the dealers out.

He said the Police Department tried to remember a single family fight case where alcohol or drugs were not involved and they could not. He also offered congratulations to the City's new K-9 officer for stopping a shipment of drugs.

Discussion and possible approval of an ordinance amending Title 3 Chapter 11 Short Term Vacation Rentals or extending the moratorium on licensing short term vacation rentals

Pam Humphries commented she felt the meeting on February 10th had everything worked out for this ordinance and then it all changed during the work meeting last week. She stated she feels approving a vacation rental in a residential neighborhood means the residents without the vacation rental are having a commercial business move into the neighborhood. If the City wants vacation rentals it should be done in new subdivisions so people know when they buy. When she was elected she felt it was her duty to protect to the health, safety, and welfare of the community and to protect resident's property rights, and she was not elected for special interests. She asked the other Council members to please stop and think that you are asked to protect neighborhoods as well as house owners.

Kevin Thomas motioned to approve the ordinance and remove the moratorium seconded by Darin Larson. Motion approved with Cheryl Reeve, Kevin Thomas, and Darin Larson voting aye and Kevin Tervort and Pam Humphries voting no.

Discussion and possible approval of an ordinance adding section 6B to Title 3, Chapter 1 regarding licensing fees for Short Term Vacation Rentals

Kevin Thomas motioned to approve the ordinance adding section 6B to Title 3, Chapter 1 regarding licensing fees for Short Term Vacation Rentals, seconded by Cheryl Reeve. Motion unanimously approved with Darin Larson, Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

Consideration and possible approval of waiver of impact fees associated with the construction of Habitat for Humanity Home

– Linda Baker of Habitat for Humanity of Southwest Utah said she is excited to have a lot in Coronado Ridge to build their 22nd home in Washington County. She explained the house is for someone who qualifies at 60% of the median income in Washington County. They must pay the mortgage but it is an interest free mortgage.

She explained the requirements for applicants: They must have lived in Washington County for at least a year, meet income level requirements, must be able to pay back a mortgage with a

job, and must be a partner with Habitat. They must put in sweat equity on the house of 250 hours each individual over age of 16. They are also partners in videos and help with fund raising efforts. They have to live in the house for 11 years before they get equity. If they sell sooner they do not get any equity.

Clark Fawcett clarified the City is not waiving the fees but using money from the City's affordable housing fund to pay the fees.

Darin Larson moved to approve using funds from the affordable housing fund to cover the cost of Hurricane City impact fees for the Habitat for Humanity Home in Coronado Ridge, seconded by Kevin Tervort. Motion unanimously approved with Darin Larson, Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

Rueben Wadsworth of the St. George News asked what had changed in the vacation rental ordinance and the Council explained the changes.

Meeting adjourned at 7:15 p.m.