

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

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

**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, and City Attorney Fay Reber.

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

**Dave Imlay** introduced his new Administrative Assistant, April Hill, who has been with the Power Department for almost two weeks. April was welcomed by the Council members.

Dave asked if there were any questions regarding the IPP Power Plant documents. Pam Humphries commented that in the long run, this agreement does not change anything. She commented she attended the UAMPS presentation on the siting plans for the small nuclear plant and found it very interesting.

John Bramall commented the small nuclear project has been built at ¼ size and they have proven that it works.

Cheryl Reeve asked how payments are made to UAMPS. Dave explained the billing system is complex and some costs are project specific, usually based on load. He said Hurricane's participation is fair based on its size and is not subsidized by the larger participants.

**Lynn Excell** reported on the damage incident at Zion Helicopter. The damage estimate is up to from half a million to \$1.2 million. The estimate on the helicopter is between \$230,000 and \$600,000. Some evidence has been collected with suspected DNA. Because this is a property crime, it is 2-3 years out for the State to run the evidence through their lab so the Police Department is looking at using a private lab at some cost to the City. Police investigators are following every lead.

In another case a local business had a bad check case where the business lost over \$11,000. Other cases right now include a rape case. Chief Excell told the Council that today a professor at Brigham Young University put out a report that stated 82% of sexual assault cases were not having evidence processed. Chief Excell explained the cases during her study period were not sent to the State of Utah at their request but everything since then has been tested so this is old data.

He reported classes have been organized for flagger training next week to prepare City employees for IronMan, 4<sup>th</sup> of July, 24<sup>th</sup> of July, and Peach Days events.

The Worcs Race plans to shut down Sand Hollow Road during the races on the 15<sup>th</sup> – 17<sup>th</sup> of April. Chief Excell said the race will include 37 hours of time from the Police Department at a cost to the City of about \$1300. He said there should be early warning signs so residents are aware of the pending road closures.

He stated he discussed the Retro Rock Fest with the St. George Police Chief. It appears they cannot hold this event in St. George this year because they owe St. George City money from last year's event. The organizers anticipate 3,000 participants this year. Last year they had between 750 and 1200 participants. There were some issues last year with alcohol getting out of the beer garden. He recommended the City ensure it is paid up front for this event.

He referred the Council to the year to date Police Department statistics including training and incidents and Animal Control.

**Mike Vercimak** reported with the larger parks, the Parks Department has been asked about allowing dogs on leashes in the parks. Darin Larson said he sees dogs on leashes in the Parks all the time. Council members discussed dogs in the parks, including leashes and providing dog poop bags in the park. He stated all the departments are swamped in the spring. Kevin Tervort asked about the Parks Department personnel load with the two new big parks. Clark Fawcett said the Parks Department has a new position in its budget for next year. The grand opening for Grandpa's Pond is scheduled May 20<sup>th</sup> and the Main Street trailhead opening is April 16<sup>th</sup>.

**Arthur LeBaron** reported curb and gutter is being installed at the triangle wayside park but the Lions Club has not budgeted for asphalt to connect to the existing road. He talked to the Council about the proposed development north of Hurricane Garden Homes, where the Garden Homes HOA owns one of the roads through the property as a private street. The two roads through Garden Homes are shown as minor collectors on the City's Master Transportation Plan and Mr. LeBaron said he sees this as an opportunity to get these two roads dedicated to become the collector roads the Master Plan anticipates. He said he met with the Garden Homes HOA last week and believes the property owners would be willing to dedicate the roads. He said he and Mike recommend the City Council accept the roads – including the bridge – if they are paved and drainage is addressed. Arthur LeBaron explained it is to the City's benefit to get these roads dedicated since they are part of the road master plan. He said he does not feel curb, gutter, and sidewalk be necessary in the existing area but will be required on new roads through new development. Pam Humphries asked about the bridge. Mike Vercimak said the City understands it is not up to standard but it is still working and the sewer going on it works.

**Mayor Bramall** called the meeting to order. Darin Larson led the Pledge of Allegiance and Mike Beard offered a prayer.

Darin Larson motioned to move item #6 up on the agenda, seconded by Kevin Thomas. Motion unanimously approved with Darin Larson, Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

**Consideration and possible approval of a grading permit at approximately 810 W. State** – Mike or Aaron Beard applicant – Kevin Thomas motioned to approve a grading permit, seconded by Darin Larson. Pam Humphries asked why no details are being required of this applicant for grading. Mayor Bramall said they are just crushing and stockpiling the dirt. Mr. Scott Stratton said they are crushing only material from the hotel project. Ms. Humphries explained the process of having a plan and requiring dust control and a restoration bond to protect the rights of other property owners. Toni Foran asked the Council not to call it a grading permit if they are not going to set conditions regarding dust and restoration as they have done for other applicants.

Clark Fawcett explained there is difference between grading a site with a development plan, like the hotel, and just grading which leaves behind dust, dirt, rock piles, and tumbleweeds. The biggest issues are consistently dust and tumbleweeds. He stated if the Council wants to change the ordinance they should do that rather than just approve this with not conditions. This affects a lot of people, including those driving by on SR-9.

Kevin Tervort motioned to allow Mr. Beard to continue to allow the cleanup from the construction of the hotel on his property. Seconded by Darin Larson. Motion approved Darin Larson, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye and Pam Humphries voting no.

**Presentation from the SW Mosquito Abatement District**-Sean Amodt, manager of the Southwest Mosquito Abatement District, explained the flyers he passed out to the Council members regarding the District, which covers the whole County. The flyers include fun facts on mosquitoes and the control products used. He said the District prefers to use a biological larvacide but does sometimes have to use an

adulticide. He explained there were six of the *Aedes aegypti* mosquitoes, the carriers of the Zika virus, found three years ago in Washington County in the Harrisburg area. The District has not trapped any of this species in the past three years and hopes the cold and heat will keep them away.

Mr. Armondt cautioned the most pertinent information is about West Nile Virus, which is a real threat in Washington County. There have not been any West Nile positive population pools in Hurricane recently. The District has their own equipment to test the mosquito populations for viruses. There are 70 locations checked weekly for mosquito larva in the Hurricane area, mostly in the fields.

Council member Darin Larson was excused from the meeting at 6:31 p.m.

Mr. Armondt said the areas with water standing on it more than 24 hours can have larva within days so he will be talking with irrigators and pasture owners. The guidelines for control in these areas are included with the record of this meeting.

Kevin Tervort said he feels the Mosquito Abatement District employees are unsung heroes taking care of mosquitoes. He stated he is often asked why we need a Mosquito Abatement District since there are no mosquitoes and he tells people the District is why we do not have mosquitoes.

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

**Sean Reddish** said the Worcs race will be back in town this year next weekend out at Sand Hollow. He said this is a great travel event for the off road sports group. They include a family fun ride. This is the 4<sup>th</sup> year for the event and he has the Police Department and Fire District scheduled for services. Mr. Reddish informed the Council he was unable to work with any of the local hotels to use them as host hotels. All the local Hurricane businesses are listed in a brochure given to all the participants. Mayor Bramall asked Mr. Reddish to ask his participants to comment on a BLM study about disposing of 1200 acres of Sand Mountain. Mr. Reddish commented that local events like his that pay per person fees help support the local BLM office. He explained the event is races and crawls for motorcycles, ATV's and UTV's and it will be televised on MAV TV. People can come and watch for \$10 each.

**Joyce Passmore** introduced herself and asked the City to request a left turn signal at the 1150 West and SR-9 intersection. Lynn Excell commented UDOT has not been willing to install a turn signal at 1150 West or 700 West but the Council should petition UDOT to move forward.

She asked why her neighbors are watering after 8 a.m. and during the rain. She was asked to inform Connie at the Water Department so a letter can be sent.

**Consideration and possible approval of a reservation of capacity of a water line to be installed by Chris Wyler at 5140 W Turf Sod Road**-Chris Wyler explained he is installing an 8" water line to a 45 acre piece at a cost of about \$140,000. Originally the master plan for a 12" water line was going to be built with the City participating in the upsizing but the cost was \$100,000 and the money was not available in the Water Department funds. He explained his concern that the capacity in the line he built will not be available when he is ready to develop the rest of his property if other owners in the area build first and use the capacity.

Mike Vercimak stated the Water Department is not ready to invest in upsizing that line at this time and explained the line Mr. Wyler is tying into was installed by Elim Valley for their project, reminding the Council that standard procedure is the first person to need the line will install it but no capacity is reserved.

Mr. Wyler said Bush and Gudgell told him other cities are entering into development agreements with developers who build infrastructure. He suggested a seven year re-payment plan. Clark Fawcett explained there have been different ordinances over the years trying to establish a re-payment plan and none has worked well for the original developer.

Mr. Wyler agreed he chose to buy the property knowing there was not water to it and hoping to just use a well and then found out the fire protection requirements meant he would have to bring in a water line. He said he is moving ahead on the water line and hopes to start construction on Monday. He would just like to come up with some sort of agreement to get re-payment, stating he did not expect a decision tonight.

Dave Imlay commented with line extensions the Power Department does not give credit for line extensions. A line connects all the way back to the substation and developers build it in sections as needed.

Clark Fawcett said no other developer has been given credit for getting the line this far for Mr. Wyler to connect.

Mike Vercimak said the staff studied this in depth. The first preference would have been to participate in an upsize but at this time for as few people that

are doing anything out there it did not appear to be a good use of funds, understanding the Department may not ever need to upsize this line if in the future it is looped into the water system at Sand Hollow.

Mr. Wyler was asked to bring in a proposal with details and present it for consideration.

Consideration and possible approval of **an agreement for acquisition of real property for the 1500 South water tank and line**-This item was not ready for consideration. Kevin Tervort motioned to table the item, seconded by Pam Humphries. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

Consideration and possible approval of **final plats for Peregrine Pointe Phase 2A a 26 lot phase and Phase 2B a 36 lot phase** – Perry Homes applicant

Pam Humphries motioned to approve the final plats for Peregrine Pointe Phase 2A a 26 lot phase and Phase 2B a 36 lot phase , as long as all the paper work is all signed, seconded by Kevin Tervort. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

**Consideration and possible approval of a zoning map change from GC, General Commercial, to M-1, Light Industrial, for 1.6 acres located at approximately 87 North 1510 West for open RV storage use** – Neilson Properties was represented by Daniel Sanger.

Kevin Tervort motioned to approve a zoning map change from GC, General Commercial, to M-1, Light Industrial, for 1.6 acres located at approximately 87 North 1510 West for open RV storage use, seconded by Pam Humphries. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

**Consideration and possible approval of granting local consent for Retro Rock Fest beer garden**-Lon Allen said the plan is to move forward with the Retro Rock Fest at the Community Center. Cheryl Reeve asked where the beer garden will be located on the Community Center site. Mr. Allen said he does not have the site planned yet but it will be fenced as required and they will try to locate it so drinkers can see the entertainment without leaving the beer garden. They have Tred Security on call for this event. Council members told Mr. Allen the Police Department will have to be paid up front. He reminded the Council this is a three day event to be held May 20-22<sup>nd</sup>.

Kevin Tervort motioned to grant local consent for the Retro Rock Fest beer garden with the stipulation the police fees paid up front, seconded by Pam Humphries. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

Kevin Tervort said he believes an event like this with a beer garden is better than an event with beer served on private property.

The organizers said they want this to be a great event that will grow.

Lynn Excell pointed out the possible issue with noise at the Community Center. The organizer, Mr. Strong, said he believes it will go better for the bands if they are allowed to run until 11 p.m. He stated they don't make money at these events but hope to within the next five to ten years. He said they want to make the Hurricane Community Center the home of this event.

**Discussion and presentation regarding storm drains on property in the Gateway Industrial Park-** Lara Penrod distributed maps of the property in question and the area. She explained they are working on developing a site plan for this area and the storm water from the road comes onto the property, creating a need for them to install over 630' of pipe. She stated they, as the property owners, don't believe it is their responsibility to take care of the water off the street. Mike Vercimak told the Council they have not seen an engineered plan for the storm water with calculations to decide how much pipe is actually needed. Ms. Penrod stated they are willing to do the work if the City can supply the money. Council members discussed the plans, the pipe that drains onto the property, and possible solutions. They directed Ms. Penrod to meet with Mike Vercimak and Arthur LeBaron and discuss plans and options.

**Consideration and possible approval of and authorization to execute and deliver the renewal offer documents and authorization to execute and deliver the agreement for sale of renewal excess power-** Dave Imlay explained the documents with a PowerPoint presentation about the IPP power plant that is included with the record of this meeting.

He explained the already approved agreement is that the power plant can go from a coal fired power plant to a natural gas powered plant. He clarified the only time the City has used power from this plant is when it was more expensive to use other sources. The power has been sold to California entities. The plant is running currently running at about 80% capacity because the California entities are using as little amount of coal generated power as possible to get credits. The managers contemplate going to natural gas generation as soon possible. This may reduce the power plant to an 800 MW power plant from 1200 MW plant. The Californians want the transmission capacity at this location which has become the intermountain west renewable energy hub. Mr. Imlay clarified the City only a small interest in this plant.

The second resolution allows Californians to pay all the costs and the City only uses power if it is needed. The risks have been reviewed. These documents give the City the ability to get access to other energy. Mr. Imlay explained the acronym EPSC's - Excess Power Sales Contracts. He stated these agreements are not scheduled to be delivered until April so he recommended the Council approve them and not send in the executed documents right away.

Pam Humphries motioned to approve the resolutions giving authorization to execute and deliver the renewal offer documents and authorization to execute and deliver the agreement for sale of renewal excess power, seconded by Kevin Tervort. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, and Pam Humphries all voting aye.

**Consideration of a request by Mayor Bramall to create a new position for City employment –** Mayor Bramall said he believes there is a lot of money available for trails and that maybe the City should be thinking about having a full time grant writer. He suggested moving Toni Foran into that position. Fay

Reber objected, stating he believes Toni is doing a good job as Planning Director. Toni Foran commented she was not planning to change positions or wages at this time. Mayor Bramall then suggested some of Toni’s duties be changed so she could include grant writing.

Clark Fawcett explained grants do not allow administrative costs to be covered with the grants. Additionally, matching grants are an issue and an applicant has to ensure you have matching funds and timing has to be just right to get grants. He agreed the City should put its money where its mouth is as far as trails.

John Bramall suggested Brad Fuller should work for the City as a new employee. Clark Fawcett said the City would have to advertise if there is an opening and look at all applicants.

Mayor Bramall passed along a thank you from community members for the paved trail along the Church Farm.

**Discussion of a possible incentive for City employees moving to live within City limits** – Mayor Bramall said some cities offer bonuses to encourage employees to move within City limits and stated he understands this would have to start with new hires. He said there have been employees who have moved out of the City limits. Mr. Fawcett said the Police Department has a hard job promoting police officers if they do not live within the City limits. He said the City can make it a requirement for employees to live in the city limits but sometimes that limits the pool of qualified applicants. Mayor Bramall suggested the Council brainstorm on ideas to help attract and retain employees. Clark Fawcett stated he has been working with staff to review the frustrations and concerns they have listed with their five year reports and creating priorities and vision was one of the issues raised. He explained every new hire or new facility takes money and takes away from the budget. The Council must be willing to tackle the question of “What is the most important thing?”

**1. Mayor, Council and Staff reports**

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineer - No report
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council – Mr. Thomas reported the Youth City Council has not met yet. Have not heard from the volunteer who was going to get it organized.
Pam Humphries	Court, Water, Power, Solid Waste – Pam suggested the Council have some training on the budget. Clark said he would like to have training first and then a joint meeting with the budget committee, the council, and the department heads. Pam reported in the five and half years the City has saved \$65000 in utility costs changing to LED street lights. She explained the transmission line going on the south side of 600 North Pam reported the new equipment is coming soon to complete work at the West Well so it can be on line when water demand goes up.
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification – Cheryl said the Tree Board needs another member. She reported they held a good tree training session with good door prizes. She said the pool clean up looks great and discussed the invitations to the Art Around the Corner event. She said Corinne Stout is going to try to get some artists involved.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District – Kevin showed a printout of the call volume from the Fire District, stating they need back up some days with ambulance calls. He reported the Fire Station project at Coral Canyon is on-going. Kolob area residents want better service so the District is trying to get some communication up to that area with a satellite phone and working with

	<p>getting a cell tower. Eventually there will be a fire station up on Kolob Terrace. The Board is considering the idea of building a cabin so a fireman and family could stay a week for free if they were willing to respond to emergencies.</p> <p>He commented on the good presentation by the mosquito abatement director.</p> <p>Mr. Tervort said the Fire District will be adopting a fee schedule.</p>
<p>Clark Fawcett</p>	<p>City Administration – Clark asked about the secretary at the Chamber of Commerce position and questioned whether the money should be spent for a tourism position. The City had been paying \$5,000 which helps with the employee for the Chamber. Their building space is rent free and the Chamber uses the golf course for their annual tournament. The City probably spends \$10,000 to \$15,000 support the Chamber.</p> <p>Clark suggested he and Bryce visit each business and find out what the Chamber can do for local business.</p> <p>He explained the Committee is tentatively scheduled to meet on Tuesday April 12<sup>th</sup> at 4 p.m. regarding the RAP tax applications.</p> <p>Kevin Thomas said he would love to see something in the budget to modify the glass atrium entry way. Clark said they are budgeting for that item.</p> <p>Budget training was set for April 13<sup>th</sup> from 1 p.m. – 4 p.m. and the budget review meeting was set for April 28<sup>th</sup> from 8 a.m. to 5 p.m.</p> <p>Clark asked the Council to consider concerns in the Streets Department – Larry will be retiring June 30th and Casey is off for an injury. The Department will need someone to start training before Larry leaves and they intended advertising for a new streets worker. However, they need to decide if they are going to just move Clay Campbell up to Superintendent or advertise for a Street Superintendent or a streets worker.</p>

Mayor Bramall called for a break at 8:54 p.m. He called the meeting back to order at 9 p.m. and Kevin Thomas motioned to close the meeting to talk about the professional qualifications of an individual and potential litigation. Motion was seconded by Kevin Tervort. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, and Pam Humphries all voting aye. Meeting closed at 9:01 p.m.

The meeting reopened at 9:15 p.m. Fay Reber talked about the Elim Valley situation including the Utah First Credit Union notice of claim suit. He stated he has talked to Utah First’s attorney and explained Cypress Capital should be named in the suit. Mellon Valley has not responded to the suit. He recommended the City enter into a consent decree with Cypress Capital to end the development agreement as a response to the suit. However, he has asked Neil Lindberg, the attorney who drafted the development agreement, to look at the Cypress settlement agreement and the development agreement to help determine if Cypress has actually been given the full rights of the developer. All agreed it is not clear that Cypress was granted the developer rights.

The meeting was then re-closed to discuss the professional qualifications of another individual at 9:30 p.m.