

Minutes of the Hurricane City Council meeting held on August 18, 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.

**Council members excused:** Darin Larson

**Staff members present:** City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, City Engineer Arthur LeBaron, Streets Superintendent Clay Campbell, Water Superintendent Ken Richins, Public Works Director Mike Vercimak, Police Chief Lynn Excell, Planning Director Toni Foran, City Attorney Fay Reber, and GIS Specialist Joe Rhodes.

**Also present** were Hurricane Valley Fire District Assistant Chief Kevin Gildea and Ash Creek Special Service District Superintendent Mike Chandler.

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

**Ken Richins** asked Mayor Bramall to continue the service award for Dallan Wadsworth and introduction of the Water Department new employee to the next meeting.

**Chief Excell** told the Council that the Preparedness Fair will be held September 10<sup>th</sup> at the Community center. It will include information and demonstrations, not sales, and will give residents an opportunity to talk to the Police Department. On September 12<sup>th</sup> they will hold the annual emergency activity including a communication test.

He reported he has been working closely with Don Behunin and a consultant on the FCC license so everything is up to date. He is also working to renew the lease and agreement for the Toquerville communication site.

Chief Excell announced the Police Department will be participating in the Trunk or Treat activity at Lins on Halloween as well as giving out candy during the holiday.

He reported there is now one adult charged and in jail for the graffiti around town. This person is on parole from northern Utah and is a known gang member. There are also two juveniles in custody. Police detectives they are in the process of getting search warrants for the phones.

Additionally, within the next week or two the Police Department should be ready to file a case with the County Attorney on the damage at Zion Helicopter. The investigation has been costly but the damage was extensive.

Interviews are being conducted this week to get people to serve in a Police Volunteer Corps.

**Clay Campbell** reported the new Streets Department sweeper is here and will be in use as soon as it is licensed and insured. Repairs on the old one will be completed soon and both will be on the street within 2 weeks.

**Kevin Gildea** said the Fire personnel have completed cardiac monitor trade out and training. The Districts brush truck 45 has been in Carson City for two weeks and is scheduled to come back this week. A new fire station bid pre-construction meeting was held Monday and the bid opening for construction will be in 10 days. Looking forward to working with Washington City.

Hope to move the Fire District Board meeting a week back due to the personnel being at the factory finalizing the ladder truck order. Pam asked who will represent the County on the District Board in light of Dean Cox's retirement.

**Mike Chandler** reported to the Council that the sewer capital facilities plan will be ready for discussion soon and he will be meeting with Board representatives. Projects in the City coming up will be the SR-9 project connecting sewer from Wal-Mart up to the hotels at 2600 West. This will open up about 600 acres to sewer access on both sides of SR-9. Additionally they are involved in the Confluence Park project to get water on the fields inside the park and along the trails.

Mr. Chandler stated they are in the process of reviewing an agreement with the Washington County Water Conservancy to help resolve the problems with ground water in the Retreat at Sand Hollow Resort. The Conservancy District's plan will

**Mike Vercimak** reported the Streets Department has been working on the 400 South path along with the minor flooding issues they have addressed and the sand on Sand Hollow Road. The Water Department has been busy fixing leaks and planning for the 1500 South water tank. He explained staff is still having conversations with Interstate Rock about the 400 South project in regards to making way for Peach Days activities.

Pam Humphries asked Mike about the Park's Department employees in a possible dangerous situation while working on medians in SR-9.

**Arthur LeBaron** mentioned he did get a commitment from Interstate Rock to get 400 South cleaned up.

Kevin Thomas asked about the SR-9 project. Arthur explained the contractors have pulverized the south side of the road and are now removing the top layer. Their next step will be to pulverized again and mix with cement powder and water to harden. They hope to have pavement down on the south side by Labor Day weekend. Their focus is final road grade but will most likely not pulverize the north side of the road until after Labor Day. He will discuss Peach Days with UDOT, as this is their project.

Mr. LeBaron said there has been talk about the St. George to Springdale transit study and the last discussion was focused on an interlocal agreement to allow Sun Trans to expand its service beyond St. George. The local option sales tax that can go to transit was discussed as an item of importance in helping fund the service. Kevin Thomas and Cheryl Reeve mentioned the shuttle services – St. George Express and St. George shuttle providing daily service. It was clarified other funding sources will be needed to subsidize a transit system. Half of Sun Trans support is from Federal programs. Arthur pointed out the \$25 shuttle fee is not reasonable for Springdale employees to get to work and keep those cars from being parked in Springdale.

Arthur reported he met with Sand Hollow Resort about the golf course parcels that need to be recorded and has held a preliminary design meeting with the engineers for the Painted Sands project.

**Fay Reber** reported on the agreement discussed and approved for Traditions Health Care subject to review and approval by him and Clark, explaining he and Clark met with Ron Capp and Tony Martin to review the agreement. Fay said he was in contact with some attorneys in Northern Utah who are experts in this kind of agreement and asked them to review the agreements to ensure there are no issues with Medicare down the road. Mayor Bramall said he heard about the Georgia case where a non-profit was required to return all its upper payment limit monies to Medicare so he appreciated the cautious approach to the agreement.

**Kaden DeMille** introduced new part time City employee Beccie Williams who will be working on Council minutes and in the front utility office.

**Clark Fawcett** asked the Council if they plan to meet on September 1<sup>st</sup> – all agreed since there is no conflict with Peach Days. There may not be quorum for the second September meeting since some members of the Council will be attending the Utah League of Cities and Towns Annual Conference.

**Council reports: Pam Humphries** reminded the Council members to let Dave know if they are attending the UAMPS meeting in September.

**Mayor Bramall** asked the Council members to recommend residents to receive Mayor's awards at Peach Days.

**Kevin Thomas** announced he has a granddaughter making her way into the world and may leave the meeting. He is looking for a new person to organize Youth City Council.

**Cheryl Reeve** said the Historical Preservation Committee is scheduled for a meeting.

**Toni Foran** reported on Bella Vita Subdivision preliminary plat that has been submitted again.

**Discussion regarding standards for water pipe and street cross sections and development agreements** – Mayor Bramall explained there has been some concern about the street cross section out by Three Falls Elementary and the Intermediate School where students tend to use part of the street along the sidewalk so he asked the City consider having a bigger safety cushion with a wider striped shoulder in the area of schools.

Arthur LeBaron responded, stating there is a lot of leeway for striping on roads. He told the Council that when the schools were first built along 870 West, the City striped shoulders 20' apart and no center line and it helped slow traffic quite a bit. He said he hesitates to narrow the lanes on 700 West but will look at it.

Mayor Bramall expressed a concern for the water infrastructure out in Sky Ranch that was built to County standards. For example, the Copper Rock project is being built to County standards but the City should perhaps enter into an agreement with the County to inspect any project being built in an

annexation area to Hurricane City standards. Arthur stated his experience has been that the County will require a project that may be coming into a City to annex and build to the standards where they will be annexed. He said he has recommended setting up a meeting with the parties involved at Copper Rock.

Ken Richins commented the Water Department has been negotiating with the Water District on the Sky Ranch system and they will be planning to upgrade the water system before the City would take it over. Mike Chandler confirmed the Sewer District has the same concern with systems being built to meet the Ash Creek standards.

**Mayor Bramall called for a break at 5:57 p.m.**

Mayor Bramall called the meeting back to order at 6:06 p.m. Kevin Tervort led the Pledge of Allegiance and Kaden DeMille offered a prayer.

**Presentation by Zion National Park regarding increased visitation** – Zion National Park Superintendent Jeff Bradybaugh introduced himself and Jack Burns, the Chief Concessions Manager and a key planner with Parks staff. He said they are visiting the Council to talk about the Visitor Use Management Plan that is in process for the Park. They have seen double digit increases in visitation, which is stressing resources and impacting the visitor experience.

Jack gave a presentation which is included in the record of this meeting. The presentation included the mission of the national park service and statistics regarding visitation numbers. He mentioned this is the centennial year for the park service and this year in June visitation was up over 90,000 people from June of 2015. Zion is still the same as it was in the early 30's, including some facilities and roads so there is little room for this many more visitors. He showed photos of lines of people waiting for the shuttle buses – at some points lines of 300 + people standing for 45 minutes to get on a shuttle bus.

The Park Service is reaching out so local groups understand the magnitude of the issue. Mr. Burns referred to a summary report developed after a collaborative meeting held with other agencies last August that could be available if desired. He stated they have held multiple listening sessions in the area and one virtual session while developing their plan.

Mr. Burns and Mr. Bradybaugh stated they need to talk about management strategies for the resources and the visitors. He stated the Park does not believe that people waiting 1 – 1.5 hours to get into the park and then standing in line with 300 people to get on a shuttle is a good park experience.

They have been tracking comments on social media and hearing comments from shuttle bus drivers who get the brunt of complaints about long waits and overcrowding and the comments are getting worse.

Mr. Burns invited those present to be part of the planning process by using this email address to send comments: [zion\\_visito\\_ust@nps.gov](mailto:zion_visito_ust@nps.gov).

They handed out the Foundation Document Overview for Zion National Park that was completed in 2001 that anticipated a Visitor Use Plan. He said they need to start thinking about how they receive visitors, including having visitors pre-plan their visits. A key component of the planning process is determining the capacity of Zion Canyon for both visitors and the natural resources.

Pam Humphries asked about visitation from November to March. Superintendent Bradybaugh said it depends on weather. On Presidents Day weekend this past year they had summer visitation numbers

because of the good weather. In the past spring and fall were shoulder seasons but visitation is now increasing considerably during those seasons, causing them to extend the shuttle season.

John Bramall commented the visitation impacts the economy and the Council has discussed a possible transit system to help with parking issues in Springdale.

Superintendent Bradybaugh said the parking lot at the Visitor's Center is generally full by 9:30 a.m. They are looking at parking and SR-9 through the park. UDOT has been asking how many people the Park is planning to handle so they can plan for SR-9.

Kevin Thomas commented helping with transportation does not seem to help crowding on the trails.

Superintendent Bradybaugh stated the park has used models that have shown that the Park can't build its way out of the overcrowding problem. He pointed out the total number of visitors over the whole year is not a problem but there are peak periods that are causing the problems.

John Bramall said he enjoys Zion National Park and understands the need to help visitors experience it in a positive manner.

Resident Cecile Rathbun asked how the Grand Canyon is handling an increase in traffic and the Zion representatives explained the other National Parks are experiencing the same problems.

They stated they are working with the State office of tourism and county offices of tourism to help encourage visitors at other times of year.

Mr. Bradybaugh and Mr. Burns said they hope to come out with a generalized action plan and more public comment opportunities soon.

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

Paul Lester thanked the Council for the opportunity to speak. He stated he felt some dismay at how the City reached their decision on the pipe. He stated he understood there was to be an opportunity to meet with the City and felt that they were met with a staff that was not interested in changing the standard.

Mayor Bramall asked if a development agreement setting a time frame for improving the road would help this situation with the road being deeded. Paul said deeding property to the City would change the amount of property available to meet the Ash Creek standards for septic tanks.

He stated his belief that his wife and Karl Rasmussen's wife were met with "open condescension and contempt". They did the research they thought they were asked to do and did not feel they were given the opportunity to present their research. Mr. Lester also commented the City Attorney was not present to address any legal issues.

Cheryl Reeve stated she asked for what is the difference in the two pipes. Clark Fawcett clarified that the Council directed staff to do the research not the wives so maybe that was a misunderstanding. The two reports were similar in nature. Pam Humphries commented she was not able to see the report on the chemical in the pipes, not the types of pipe.

Mr. Lester asked the Council to consider different infrastructure requirements in different zones, depending on density. Clark Fawcett explained that the Council can't give an exception to a standard without breaking the law. He reminded Mr. Lester they were given two options for construction on the site by the City staff. Council can decide to change the ordinance but staff has to follow the ordinances. Mr. Lester stated he felt there was a rush to judgement and thanked the Council for their time.

Clark Fawcett stated he asked Ken Richins about his experience in the trenches with the two different types of material. Ken stated there have been a lot of problems with C-900 and they are repairing it a lot. However, there is a cost differential, and the City needs to determine if it is cheaper to deal with breaks than the additional ductile iron material costs.

John Bramall stated he discussed working with the County and neighboring communities to ensure infrastructure is properly installed to prevent future problems. He said Ken Richins has talked about how important bedding with sand is for installation.

Mrs. Lester asked about a time frame for making a decision if the Council decides to make a change.

Mr. Fawcett stated usually 2 or 3 meetings at the most.

Kevin Gildea explained that the fire hydrant only has to be within 250' of the nearest structure. Mrs. Lester said she wants the opportunity to subdivide in the future and Pam Humphries asked if the plan to subdivide later is why they don't want to pave a road now.

Mr. Gildea reminded the Lesters that their driveway will be required to support 75,000 lbs. of weight with a turn-around at the end to meet fire protection standards.

**Discussion and possible approval of purchase of property from Polly Stirland for a roadway-**Clark

Fawcett showed the Council the exhibit of the property in question provided by Joe Rhodes. The property is for sale and the location of this future road has impacted sales. The property needed for the road is .943 acres for the roadway. Stirlands are asking for \$60,000 an acre and should be given some compensation for splitting the property. Mr. Fawcett stated normally the City would get an appraisal before purchasing property and agree on the appraised price but in this case he would like approval to make monthly payments before the final agreement is made to help Polly Stirland.

Arthur LeBaron stated he believes the City owes the public an appraisal for this kind of purchase. He said the County has funding to purchase the road, including the cost of appraisals, appraisal review, and purchase price. He wants to propose that the City purchase the east remainder piece as well as the actual road property. He understands Clark wants to help take care of some short term needs and use that money as a down payment. Arthur explained the timeframe would be a few months and the COG would have to meet and approve the purchase before an appraisal is ordered. The remainder property would be held by the City and the COG and when it is sold the money would go back to the COG. This would depend on if the Stirlands want to sell it.

All agreed there should be an agreement signed stating the City will purchase the property and payments made now will go towards the final purchase price.

Kevin Tervort motioned to authorize monthly payments to Polly Stirland to go towards the purchase price of property for a future road and to authorize Arthur LeBaron to seek funding for the purchase of the roadway property and the east remainder piece from the COG (Council of Governments), seconded by Pam Humphries. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, and Pam Humphries all voting aye.

**Consideration and possible approval of an exemption to section B (3.0) or specifically the 300 ft distance requirement of another vacation rental-**Boyd Smith explained to the Council he bought a

house in Dixie Springs last year and love it but they have a change in family circumstances and need a home with a mother-in-law apartment. If they sell now it will be at a loss and then they can't afford to buy another house. Mr. Smith explained he does not really consider the other licensed vacation rental as a vacation rental because it is rented to a corporation for sales people to utilize. Pam Humphries explained the corporation had a lease on the house but when it expires the owners intend to use it for more traditional vacation rental use. Kevin Thomas asked why Mr. Smith would sustain a loss by selling the home and Mr. Smith explained the cost of agents fees.

Fay Reber stated the Council does not have legal authority to grant an exception to the ordinance.

Kevin Tervort motioned to deny exemption to section B (3.0) or specifically the 300 ft. distance requirement of another vacation rental-, seconded by Pam. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, and Pam Humphries all voting aye.

All expressed compassion for Mr. Smith's circumstances.

**Request for an exception to allow a vacation rental in an R-1-6 zone – lot 14 Old Farm Subdivision located at 679 W. 500 South** – Rachel Thompson explained they are in the same kind of circumstance. Her mom owns this property and has had to move in with her mother because she has Alzheimer's disease so the house is now headed down the foreclosure route. Mrs. Thompson stated she feels this property meets the intent of the ordinance because the lot is bigger than an R-1-6 lot so it meets the intent of limiting the use to the larger zones.

Pam Humphries discussed the possibility of a long term rental since she knows people are looking for houses for rent. The only expense is changing the homeowner insurance to cover it as a rental. She stated it could be rented out month to month while they apply for a zone change to allow the use.

Mrs. Thompson pointed out all the single family lots in the Old Farm Subdivision are at least 8,000 square feet and would qualify for a zone change and for vacation rental use if the zoning was changed. The Council was supportive of the idea of changing the zoning to allow property owners the right to apply for vacation rentals.

Kevin Thomas motioned to have the City initiate a zone change for all of the single family lots in the Old Farm Subdivision that qualify, seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Thomas, and Kevin Tervort all voting aye and Pam Humphries voting nay.

**Discussion regarding planter strips**-Clark Fawcett explained his purpose for this discussion is determining if the City Council supports the landscape strips on the road cross sections. If the Council supports the planter strips the City needs to have an ordinance requiring the property owners to maintain those planter strips. For example, in Cobblestone property owners cut off the water and plantings died. This needs to be looked at especially when planter strips are behind walls and fences. Kevin Thomas stated he is not in favor of planter strips and Cheryl Reeve stated she is not either, stating there is not enough room for everything on roads like parking, bike lanes, and planter strips. A comment was made that planter strips do make better neighborhoods.

The group then discussed a problem with the standard road cross section that includes a 5' planter strip, a 5' sidewalk, and 2.5' for a curb so Kevin DeMille does not have enough right of way on his side to build these improvements and have enough room for two lanes of pavement. Right now the minimum standard has at least 25' of pavement but there has to be enough room to put utilities in properly on both sides of the road and install improvements. Staff members explained Kevin will need to get easements from adjoining property owners in order to install utilities in the correct location in his planned road or will have to dedicate more property on his side to make access to his subdivision work. Arthur clarified the minimum width needed based on the 60' cross section is 38' to get utilities in the correct location. In this case it would be better to shift the road to the south to avoid a house to the east and get an easement for a joint utility trench on the property to the north. All agreed to discuss this more in the future.

**Consideration and possible approval of a final plat for Seville II Subdivision – a 5 lot subdivision located north of 400 South on 900 West** – Applicant Daniel Borchardt was present. Staff members verified the plat is signed and the Planning Commission recommended approval.

Pam Humphries motioned to approve the final plat for Seville II Subdivision – a 5 lot subdivision located north of 400 South on 900 West, 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 an amended final plat for Coral Springs Condominiums Phase 2 - Coral Springs Resort LLC applicant;** Brant Tuttle, agent for the applicants was present. Arthur Le Baron explained he has a file to review and that review should not hold up the Council's approval.

Kevin Tervort motioned to approve the amended final plat for Coral Springs Condominiums Phase 2 subject to final signature by the City Engineer, 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 a preliminary plat for Ridge View Subdivision, a 116 lot subdivision located east of 3320 West between 340 North and 400 North-PM Dev Corp applicant;** Shawn McNeill agent

Donald Stratton of PM Development commended the Council for holding to the ordinances. He said they just put in a subdivision with planter strips and he does not like it but if that is the ordinance it has to be followed. He advised the Council to treat everyone the same even if people come in and complain. Shawn McNeill introduced himself and explained the proposed preliminary plat. He stated he looks forward to working with the City in developing the subdivision to meet the standards and specifications. Pam Humphries asked about the possible connection to the property to the north, stating she understands staff must be responsible to ensure any future plans on the north tie into the proposed connection in this project.

Kevin Thomas motioned to approve the preliminary plat for Ridge View Subdivision, a 116 lot subdivision located east of 3320 West between 340 North and 400 North with the condition the City would like to see a road connection to the north and subject to all JUC and staff comments, 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 preliminary plat and hillside standards variance for Peterson Subdivision, an 8 lot subdivision located south of 150 South at 2500 West-**Jim Peterson said Brant Tuttle with Northern Engineering was present to answer any questions. He explained the Planning Commission recommended changing one of the lots to a flag lot to minimize disturbance of the hillside and recommended a variance from the lot sizes required by the hillside ordinance. He showed the Council where retaining walls will be located in the project.

Pam Humphries expressed her concern with drainage off this property and protecting other properties in the area. Mr. Peterson said they will be routing drainage to the streets and along curbs and not onto other properties.

Kevin Tervort motioned to approve the preliminary plat and hillside standards variance for Peterson Subdivision, an 8 lot subdivision located south of 150 South at 2500 West with the recommendations of the planning commission granting a variance to the hillside ordinance and allowing a flag lot because it is a better design for the hillside, seconded by Kevin Thomas. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, and Cheryl Reeve all voting aye.

#### **Remaining Council and Staff reports**

Kevin Tervort reported on the mosquito issue. He explained that scientists are learning that people are carrying Zika virus but there has not been any Zika virus in this area. The Mosquito Abatement District is not trapping as many mosquitoes as last year because they are using more larvacide and not needing the fogging to kill adults.

**Adjournment:** Meeting adjourned at 8:05 p.m.