

Minutes of the Hurricane City Council meeting held on September 1, 2016 in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

Also present: City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, Police Chief Lynn Excell, Recreation Director Bryce King, Public Works Director Mike Vercimak, GIS specialist Joe Rhodes, City Attorney Fay Reber, Fire District Assistant Kevin Gildea, Ash Creek Special Service District Mike Chandler, Water Department Ken Richins, City Engineer Arthur LeBaron and Power Superintendent Dave Imlay.

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

Presentation given by Ladell Laub of Dixie Power regarding the potential to provide power to the Copper Rock Subdivision in conjunction with Hurricane Power. Dixie Power Engineer Colin Jacks and board chairman Mike Brown were also in attendance. Mr. Laub stated that in 2001 Dixie Power was seeking a franchise to serve within the City. Through a process of discussion and negotiations the result was a boundary line whereas Dixie Power would service one side of the boundary line and the City would service the other side of the boundary line. The potential development requiring service is located outside city limits. If Dixie Power were to service this area they would require permission from the City to do so. Mr. Laub stated that they are here to work with and help the City and if it is not advantageous for the City they will honor the agreement from 2001.

Mayor Bramall wanted to note that Sky Ranch is currently being serviced by Rocky Mountain Power and in 2001 they opted to sell out to Hurricane City at \$180,000. Hurricane City declined that purchase. Mayor Bramall stated that as a City we will need to work with Rocky Mountain Power and Dixie Power to define the elements of the franchise agreement.

Mr. Laub proceeded with his presentation highlighting the Dixie Power's usage, reliability and satisfaction ratings. Mr. Laub also described the existing Dixie Power Service Area with reference to the City's service area. He stated that what precipitated Dixie Power's involvement was Copper Rock came to them and requested service and we told them we didn't have the ability to provide service, but they would ask the City and discuss it and hopefully come up with a mutually agreeable arrangement. Now Dixie Power is asking for guidance on how to proceed as they do not want to violate the 2001 franchise agreement.

Mr. Laub stated that the actual franchised described boundary is represented by the ridgeline in connection with the east side of reservoir as it currently is. Mr. Laub stated that Dixie Power is here to offer service if it makes sense for the City. Mayor Bramall stated that having more sources of power in the area as competition is a benefit to our residents.

Ash Creek Special Service District Mike Chandler said they've cleaned all the lines near the community center in preparation for Peach Days to try and keep the odors down. He recommended to Bryce to talk to the golf course because they have a basin that can transport the grease trap. Mike stated that he is trying to organize with Bryce so that the Peach Day vendors have a place to dispose of their grease. In the past, they would dispose of the grease in the bathrooms and storm drains which have created clogged lines.

Mike also stated that there was significant grease dumping last week that he believes came through the Gateway pump station. They've seen a plume of solids move through pond 4. They are reevaluating the aerators and started looking at a need in the future to start pumping out sludge. Those lagoons have been in service for 34 years. Typically after 30 to 40 years the lagoons will need to be dredged and cleaned. He said that they are trying work out a way to do it in a non-disruptive, non-odorous way.

Water Department Ken Richins introduced new employee Austin Kimber.

Police Chief Lynn Excell stated that there are homeless people living at Heritage Park and kids are using it as a skate park. Officers were sent down to ask them to leave. He also stated that he will be sending out the 2015 crime report and wanted to point out that the Hurricane Police Department officers are half of what the county is and Hurricane Police Department handles over double the cases than the county.

Fire District Assistant Kevin Gildea had the bid opening for the new fire station. The architectural estimate was 1.5 million. Out of the eight bids they received the cheapest bid was 2.1 million about \$220 per square foot which is close to double what St. George paid for the same station five years ago.

Power Superintendent Dave Imlay stated that they are done with their generator run for the summer and power prices have dropped with the cool weather. Crews are back out in the field trying to catch up with the workload. He stated that there is a crew member who stays at Peach Days to make sure that the power stays on for the vendors and no one tears up the equipment. Dave stated that in regards to Dixie Power he will look at the benefits and detriments of Dixie Power's proposition and present it to the Power Board and discuss it and bring it back to the City Council with a proposal.

Public Works Director Mike Vercimak stated that all the crews have been busy down at Peach Days with power, water, setting up shade and hauling equipment. The grease trap basin will be dropped off by the trash cans for Peach Days.

City Engineer Arthur LeBaron distributed handouts to Council of three cross sections of a country lane to be addressed later in tonight's meeting. Arthur also stated that he received an email requesting Hurricane City to give a presentation regarding the growth of the city over the last ten years. They also asked for other specific types of growth expected or desired by governing officials and economic development goals and vision. Arthur will forward the email to council members for their input. Also, the Sand Hallow Loop is set for chip seal on September 19, 2016.

6:00 p.m. - Call to Order – Mayor Bramall led the pledge and a prayer was offered.

Presentation of Employee of the Month Award given by Chief Excell to Officer Eric DeMille.

Presentation of 20 Year Service Award by Clark Fawcett to Dallan Wadsworth of the Water Department.

Approval of City Council meeting minutes: August 18, 2016. The minutes have not been provided to Council for review and therefore have not been approved.

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

-Kyllynn Iverson: Stated he purchased a lot in Angles Heights and started doing dirt work on it and it already had a water meter installed. From his research the water meter has been there for some time. He met with the Water Board and there is no record of this meter being installed. Pam stated that the Water Board made a motion to not write a letter to the District to void the impact fees. However, Mr. Iverson was given a list of previous owners he could talk to and possibly have them verify when the

meter was installed. Mr. Iverson said he contacted the 2004 owner who stated that the meter was there at that time. He has a letter from them stating the same. Pam explained that there was a lengthy discussion with the Water Board regarding this meter. Ken Richins of the Water Department stated that this meter was researched and found to be manufactured in 1996. He also stated that there is no record of this meter ever being paid from any of the previous land owners. The Water District was not taking impact fees before 2004. After some discussion, Mayor Bramall stated that Mr. Iverson has proved enough to the Council and he has permission to proceed.

-Jeff Swyers: He got involved in moving the building off of the old community garden over to the new community garden and donated the material and his labor. Mr. Swyers stated that he is very upset over the treatment he received from the previous owners of the old community garden and he wanted to voice his concerns. He also stated that after moving the building to the new location, some of the new neighbors complained about the building being left on a trailer. Mr. Swyers stated that after Peach Days the building will be taken off of the trailer. Mayor Bramall thanked Mr. Swyers for his donation of time, effort and money.

NEW BUSINESS

1. Discussion and possible decision regarding park policies including dogs in parks and night hours specific to the Pickleball courts

Council discussed the possibilities of allowing dogs in all parks as long as they are on a leash and not just Grandpa's Pond. Fay explained that in order to make a change to include all parks, a change to the City Ordinance must be made. Fay will write up an amendment to the ordinance and present it at the next meeting.

Council discussed the current hours of operation for the Pickleball courts 6am to 10pm, Monday – Thursday and 6am – 11pm Friday – Sunday. Scott and Debra Johnson stated that they and their neighbors are not ok with the weekend closing time of 11pm. Pam stated that she received an email of names collected by Mrs. Johnson and she considers it public clamor. However, Pam said that there are a few names on the list that live far enough away that the noise is not an issue. Pam also explained that she spoke with her son Trevor, his father-in-law and mother-in-law and the noise has never been an issue. Cheryl stated she also talked to some of the people on the petition to find out how they felt about it. Mayor Bramall explained that he conducted a decibel reading on the Pickleball courts and the reading was 80 decibels.

Darin made a motion that during Daylight Savings Time the Pickleball courts hours should be 6am – 11pm April to October and 6am – 10pm in the fall and winter. Kevin Thomas seconded. Motion approved with the support of Cheryl Reeve, Kevin Thomas, Kevin Tervort and Darin Larson and Pam Humphries voting no.

2. Discussion and possible decision regarding country roads

Council discussed the three options and handouts given by Arthur LeBaron regarding the design standards of a country road. The three options discussed were a 52" Right of Way Residential Standard, 45" Right of Way Residential Local or a 70' Major Rural Collector. Clark brought up concerns about drainage standards for each option. Arthur suggested that the drainage be addressed on a case by case basis because of the different variables that can occur.

Motion made by Pam giving Arthur, staff and Kevin Thomas instructions to proceed to design and define cross sections and country lanes. Kevin Thomas seconded. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, Darin Larson and Cheryl Reeve voting aye.

3. Presentation by the Five County Association of Governments and consideration and possible approval of request for support – Joanne Lyman

Ms. Lyman was not in attendance. Pam made a motion to continue. Darin Larson seconded. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, Darin Larson and Cheryl Reeve voting aye.

4. Discussion and possible approval of creating a Community Reinvestment Area for the Retreat at Sky Mountain – Marlin Eldred, Bill Zitting

Bill Zitting introduced himself and stated that he feels this project is needed for the benefit of the city, county and state. The impact fees that they are requesting help with the City of Hurricane will be getting back in revenue and taxes in a short amount of time. If the City is able to help with the fees, they will be able to build 84 units and a nice clubhouse or 32 units without a clubhouse and build slow. The rent on these units is about \$100 less per month, per unit than in St. George.

Marlin Eldred with the Economic Development Planning Group gave a PowerPoint presentation with handouts regarding their proposal of a CRA (Community Reinvestment Area) for the Retreat at Sky Mountain. This project covers two parcels. Phase one would be 84 units, at full build out it would be 184 units. The units are 1, 2, and 3 bedrooms. The square footage per unit ranges from 700 – 900 sq ft. This project is for rental apartments, not low income or subsidized housing. The taxes that will be generated from these two parcels over the next twenty years, at full build out will equate to about 4.8 million dollars. The average annual taxes will be about \$243,000 on the entire project. Hurricane City's portion would be \$34,000 annual for the twenty year period. In the beginning it will be a smaller amount until they reach a full buildout. After the full buildout is reached, it will be greater than \$34,000. The summary of building costs for Phase 1, 2 and 3 are estimated at \$22,599,650.00 with impact fees of \$3,218,275.00 for a total cost of \$25,817,925.00.

Mr. Eldred stated that without the incentive this project will not move forward and the taxing entities will still receive \$2,252.00. If the project moves forward with the incentive the taxing entities will still receive \$2,252.00 but the new taxes generated will cover the incentive with some going back to all taxing entities from the start of the project. Mr. Eldred stated that this is a net zero cost to the taxing entities. They are not asking for other taxes, just the taxes from the Retreat at Sky Mountain to go back to the Retreat at Sky Mountain. They are asking for 75% of the taxes over the twenty year period to come back to the Retreat at Sky Mountain to help fund and build it faster.

After some discussion, Council requested more information and a further breakdown of numbers before making a decision.

5. Consideration of a request for an impact fee adjustment based on studies showing the impact fee is not reasonably related to impacts caused by this development – Bill Zitting, Charles Hammon

Charles Hammon of Excel Design Associates gave a brief PowerPoint presentation with handouts regarding impact fee analysis. High impact fees often make it cost prohibitive to develop new affordable housing projects, although the City has been willing to defer impact fees for some projects. Mr. Hammon asked Council to consider impact fee reductions and deferrals for low income housing

projects. The land use for Phase 1 of this project is 5.12 acres. 51% of that is attributed to landscape, recreational and amenities. Mr. Hammon stated that this project is rich in amenities and open space.

The existing impact fee schedule would cost the Retreat at Sky Mountain \$765,669.00. Mr. Hammon requested that the street impact fees be reduced and the park impact fees be waived. With the proposed impact fee reduction and deferments the total impact fee cost would be \$461,673.00. Clark and Darin requested to see more information regarding the breakdown of costs and impact fee costs.

Mr. Hammon stated that his client would like to ask the Council to consider the parks only fee for this session and they will come back later with additional information.

Kevin Tervort made a motion to adjust the impact fee on parks only to a 75% reduction. Seconded by Kevin Thomas. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, Darin Larson and Cheryl Reeve voting aye.

6. *Consideration and possible approval of an ordinance amending the short term vacation rental ordinance to clarify the requirements to meet fire code – Clark Fawcett*

Clark stated that in order to clarify the maintenance standards required to comply with the International Fire Code, an amendment is needed to the city ordinance. The amendments are to include:

- One smoke and CO detector must also be located in the hall outside sleeping areas. A log showing battery changes for battery operated units must be available for inspection.
- Each sleeping room must be posted with a fire exiting plan and maximum occupancy number on a sign that is at least 8 ½ x 11.
- Structure must have at least two door exits to the outside of the building. Outside exits must be marked with glow in the dark EXIT signs and a sign listing structure maximum occupancy.
- A 36" clear access must be maintained around all breaker panels and gas water heaters furnaces.
- At least one 5 ABC size fire extinguisher mounted at hand height not more than 75' from any point in the structure must be provided. Extinguisher must be new with receipt or tagged by a certified inspector meeting the manufacturer's requirements. More than one extinguisher may be necessary in larger structures.
- Electrical breaker panel must be clearly labeled for each breaker.
- Inspections performed on rentals with fire sprinkler systems will be performed by the Hurricane Valley Fire District and a fee will be charged per their adopted fee schedule.

After some discussion, Kevin Thomas made a motion to continue this topic until next month. Seconded by Darin Larson. Motion unanimously approved with Pam Humphries, Kevin Tervort, Kevin Thomas, Darin Larson and Cheryl Reeve voting aye.

Mayor, Council and Staff Reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineer
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council
Pam Humphries	Court, Water, Power, Solid Waste – Sean Reddish was upset about all of the traffic by the mechanic shop and has requested Council to invest in a code enforcer. Cheryl stated she is against having a Code Enforcer. Police Chief Excell explained that changing certain City Ordinances would resolve the need for a Code Enforcer.
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation - Planning Commission last week had a couple of items that were for general plan map amendments. One item was to change a ten acre parcel right next to Dixie Springs mixed use. The Planning Commission denied that request, unanimously. The second item was a similar type mixed use road but further discussion was needed.
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification - stated that she has attended meetings with the Art and Historical councils regarding getting a monument made with the city bell and thinking of having it placed in front of the community center.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District - new golf carts are gas powered and some residents have voiced concerns regarding the noise from these gas powered carts.
Clark Fawcett	City Administration

Adjournment: Meeting adjourned at 8:45 pm.
