

Minutes of the Hurricane City Council meeting held on October 20, 2016 in the Council Chambers at 147 North 870 West, Hurricane, Utah at 1 p.m.

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

Also present: City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, Police Chief Lynn Excell, Public Works Director Mike Vercimak, GIS specialist Joe Rhodes, City Attorney Fay Reber, City Engineer Arthur LeBaron and Power Superintendent Dave Imlay, Police Lieutenant Jerod Brisk, Recreation Director Bryce King, Planning Director Toni Foran and Hurricane Valley Fire District Chief Tom Kuhlmann.

1:00 p.m. - Call to Order – Pam Humphries lead the pledge of allegiance. Kaden DeMille offered prayer.

Presentation of 10 year service award by Clark Fawcett to Kyle Lounsbury of the Parks Department.

Presentation of 15 year service award by Clark Fawcett to Todd Clyde of Golf Maintenance.

1:10 p.m. – Public Forum – Comments From Public

None.

OLD BUSINESS

- 1. Consideration and possible approval of an application to join two contiguous lots in a subdivision- lots 97 and 108 in Plat A, Dixie Springs – Stephen and Linda Toombs applicants**

Toni Foran was representing the applicants in this matter. The applicants request to join lots 97 and 108 in Dixie Springs. The second lot is simply a continuation of their backyard to include an RV barn and gardens.

Pam Humphries made a motion to approve the application to join two contiguous lots in a subdivision- lots 97 and 108 in Plat A, Dixie Springs. Seconded by Kevin Tervort. Motion unanimously approved with Kevin Tervort, Pam Humphries, Darin Larson and Cheryl Reeve voting aye.

- 2. Consideration and possible approval of an agreement with Zitting Brothers Construction to allow occupancy of individual buildings as completed in Phase 1 of the Retreat at Sky Mountain apartment development –Bill Zitting**

Charles Hammon appeared before Council as a follow-up to last month's continuation of this item. Mr. Hammon reported that the developer has met with Planning Director Toni Foran and they have ironed out details of this agreement. Ms. Foran's concerns were to comply with the fire departments request for a permanent second entrance for fire and safety. Mr. Hammon stated that there will be a pre-construction meeting to go over the revisions to this agreement. Council stated that they have not received a copy of the agreement and therefore they cannot approve the agreement.

Motion to continue this item was made by Pam Humphries. Seconded by Kevin Tervort. Motion unanimously approved with Kevin Tervort, Pam Humphries, Darin Larson and Cheryl Reeve voting aye.

NEW BUSINESS**3. Presentation on State of the Recreation Department – Bryce King**

Recreation Director Bryce King gave a PowerPoint presentation to Council regarding the Recreation Department. Mr. King highlighted the recreation departments accolades, the different programs currently offered to the public and future recreation programs to be offered. Mr. King also reviewed the Hurricane City Pool's memberships, concessions and rentals for the past year and the needs and maintenance required for the pool and its surrounding recreational areas. Mr. King also updated Council on the different swimming programs as well as the various swim teams. Council thanked Mr. King for his department update and a well put together presentation.

4. Presentation and request for access to the city pool facility for the Hurricane High School Swim Team – Jesse Kochel

Jesse Kochel came before council to request that the operation of the city pool be extended to accommodate the Hurricane High School swim team season. Hurricane High School swim team has 28 athletes participating in this season. The swim season starts October 3, 2016 and ends February 8, 2017. The current practice location is at the Washington City Community Center Pool and the set practice times available are from 8-10 pm for Junior Varsity and 5-7am for Varsity. Desert Hills High School and Pine View High School practice at this same facility. There is a combined total of 130 athletes using Washington City Community Center Pool. Mr. Kochel stated it is beyond crowded and the location and times are a huge inconvenience for the athletes and their families.

Mr. Kochel is asking if the Hurricane City Pool could extend their operation to accommodate the swim team season from October 3, 2016 to February 8, 2017. This would provide a local, less crowded and more reasonably timed two hour practice for the athletes. Mr. Kochel recognized that there would be a significant added cost to the City for making the city pool available to these athletes. Mr. Kochel proposed a purchase or approval of RAP tax funds for pool covers to reduce the heating costs year round. He also provided a pool cover sample and quote from Lincoln Sales.

Council discussed the financial concerns and liability of extending the city pools operation from October to February. Ultimately Council is not opposed to extending the Hurricane City Pool's operation to accommodate the swim team season and discussed possible solutions for offsetting the cost. RAP tax funds, fundraiser options to help cover winter costs, parental donations, and possibly funding from the surrounding cities whose athletes would also be using the pool.

Mayor Bramall gave Mr. Kochel the charge to form a committee consisting of himself, Matt Patterson, Assistant Director Community Center; Katie DeMille, Swimming Pool Manager; Cheryl Reeve, Council Member; and two other parents. This committee's purpose is to research the various funding options and possible participation from surrounding cities and school districts then report back to Council.

5. Consideration and possible approval of a request for a third extension of time for the Development Agreement for Silver Leaf Townhomes – Paul Farthing

Paul Farthing stated that the market is finally picking up and making it feasible for this project to finally get off the ground. He is requesting a third extension of time for this development.

Pam Humphries made a motion to grant an extension for two years. The motion did not receive a second.

Kevin Tervort made a separate motion to approve a request for a third extension for the Development Agreement for Silver Leaf Townhomes. This would be a four year extension. Seconded by Cheryl Reeve. Motion approved with Kevin Tervort, Darin Larson and Cheryl Reeve voting aye and Pam Humphries voting no.

6. Consideration and possible decision regarding excessive noise and nuisance at the Pickleball courts – Scott Johnson

Scott Johnson appeared before Council to address what he feels to be excessive noise and nuisances that come from the Pickleball courts which are located across the street from his residence. Mr. Johnson and his wife, Debra Johnson have appeared before Council a number of times with the same concerns. Mr. Johnson requests that something be done whether it's regulating the times of play, the materials used during play or doing something to decrease the noise.

Council recognized Mr. and Mrs. Johnson's concerns. Council discussed the definition of "excessive noise" and "nuisance" as it pertains to the ordinance. Council came to the conclusion that the noise from the pickleball courts was not "excessive" because the activity on the courts varies and is not a continuous noise level.

7. Presentation to the city council on the Chamber of Commerce Golf Tournament – Bryce King

Bryce King thanked Council for the use of the Sky Mountain Golf Course for the Chamber of Commerce Golf Tournament. Mr. King stated that they had a great turnout for the event and as a "thank you" gift, each council member received a pie from Muddy Bees.

8. Discussion and possible approval of a resolution approving the authorization to execute and deliver the renewal offer documents as they relate to the IPP gas repowering – Dave Imlay

Dave Imlay had to leave the meeting and requested to continue this agenda item until next month.

9. Consideration and decision on a Zoning Map change for lots 2-14, Old Farm Subdivision, as recorded in 1994, from the current R-1-6, Single Family Residential, to the R-1-8, single family residential allowing vacation rentals

Ms. Foran stated that Planning Commission recommended denial of this item based on the fact that initial applicants for vacation rentals have sold the property, and surrounding neighbors signed a petition in opposition of any vacation rentals.

Pam Humphries made a motion to deny a zoning map change for lots 2-14, Old Farm Subdivision, as recorded in 1994, from the current R-1-6, Single Family Residential, to the R-1-8, single family residential allowing vacation rentals. Seconded by Kevin Tervort. Motion unanimously approved with Kevin Tervort, Pam Humphries, Darin Larson and Cheryl Reeve voting aye.

10. Consideration and possible approval of a preliminary plat for Mulberry Estates, a 14 lot subdivision located south of 900 South at approximately 990 and 1100 West – Kevin DeMille

Karl Rasmussen of ProValue Engineering represented Mr. Kevin DeMille in this matter. He stated that Mr. DeMille does not want to install planter strips on 900 South, 990 West and 1100 West within this plat for Mulberry Estates.

City Engineer Arthur LeBaron discussed the approved road cross section in the adopted Transportation Master Plan with Council and determined 900 South and 990 West in this preliminary plat should meet the 60 foot cross section for a minor collector that includes a 4.5 foot planter strip. Council discussed

the various requirements for a paved road and the requirements for planter strips along 900 South and 990 West and not 1100 West.

Pam Humphries made a motion to approve the preliminary plat for Mulberry Estates, a 14 lot subdivision located south of 900 South at approximately 990 and 1100 West, subject to all staff comments, all the JUC comments, the easements in place for the utilities both on the north side of the property and the west side of the property, and 900 South is 38 foot has a planter strip and that 990 West has a planter strip, cul-de-sacs have an easement in place, and requires a soils and geotechnical report. Motion seconded by Kevin Tervort. Motion approved with Kevin Tervort, Pam Humphries and Cheryl Reeve voting aye and Darin Larson voting no.

11. Consideration and possible approval of a zoning map change request from R-1-6, Single Family Residential 6,000 sq. ft. lots, to RM-2, Multiple Family Residential maximum 10 per acre, for a 1.18 acre parcel located at 118 N. State Street in Hurricane – parcel H-179 – Iota LLC Applicant – Roger McDonald agent

Roger McDonald was represented by Nancy Cram on this matter. Ms. Cram stated that due to the time change, Mr. McDonald was unable to attend. Ms. Cram stated that Mr. McDonald's intent for this project is to build affordable single family homes in the downtown Hurricane. The price value for the homes will be \$180,000 - \$240,000. Ms. Cram stated that when this item went before the Planning Commission there were a couple people who had concerns about this project. Ms. Renee LeBaron was concerned about the potential traffic as a result of these homes. Ms. Cram reported that no other people have come forward with their concerns.

Pam Humphries made a motion to approve a zoning map change request from R-1-6, Single Family Residential 6,000 sq. ft. lots, to RM-2, Multiple Family Residential maximum 10 per acre, for a 1.18 acre parcel located at 118 N. State Street in Hurricane – parcel H-179. Seconded by Kevin Tervort. Motion unanimously approved with Kevin Tervort, Pam Humphries, Darin Larson and Cheryl Reeve voting aye.

12. Consideration and possible approval of a zoning map change from A-5, Agricultural five acre, to RA-1, Residential Agricultural 1 acre, for those properties located south of 2300 South between 1500 West and 1100 West that were rezoned in error during and annexation – Hurricane City Applicant

Toni Foran brought this item before Council. Ms. Foran stated that a meeting was held with all the property owners in that area back in May and the consensus from that meeting was that the property owners want it to be RA-1 classification.

Kevin Tervort made a motion to approve the zoning map change from A-5, Agricultural five acre, to RA-1, Residential Agricultural 1 acre, for those properties located south of 2300 South between 1500 West and 1100 West that were rezoned in error during an annexation. Seconded by Darin Larson. Motion unanimously approved with Kevin Tervort, Pam Humphries, Darin Larson and Cheryl Reeve voting aye.

13. Consideration and possible approval of an Ordinance amendment Title 7, Chapter 6 regarding dogs in parks, park hours, and other matters – Hurricane City applicant

Council reviewed and discussed the proposed changes of Ordinance Title 7, Chapter 6. Mr. Tervort made a suggestion of the possibility of taking the recreation center out of the parks and recreation department and classifying it as a separate event center. Mayor Bramall suggested changing the language of noise ordinance to reflect a "sustained" decibel level or to "unreasonably" annoying. Toni will work with Fay on these revisions and bring them back before Council for approval.

Council further discussed Grandpa’s Pond and issue of dogs being able to be on the grassy areas. The major concern was the amount of feces in the grass areas. It was decided that the ordinance should be changed to limit leashed dogs to walking trail only.

Motion made by Darin Larson to approve Ordinance amendment Title 7, Chapter 6 regarding dogs in parks, park hours, and other matters with the amendment that the dog language be limited to the paths and trails that are at that park. Seconded by Cheryl Reeve. Motion approved with Kevin Tervort, Darin Larson and Cheryl Reeve voting aye and Pam Humphries voting no.

14. Mayor, Council and Staff reports

Mayor, Council and Staff Reports

<p>Mayor Bramall</p>	<p>Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineer – NRCS McMillian & Associates out of Boise Idaho, gave their report and they recommend one of three mitigation programs: 1. Remove the dam (which is a million dollar cost), 2. Lower the dam by ten feet (which is a half a million dollar cost), 3. Excavate the top ten feet and redo the top ten feet (if this option is chosen they will participate in a 65% rate and that will cost \$225,000 to the canal company). The canal company may approach the City for participation. Mayor Bramall stated that dams are both an asset and liability. Every dam site that is in existence is a grandfather site. Mayor Bramall doesn’t think any action is needed on this item at this time.</p> <p>Second item is down by the slacks on 200 N between 100 N and 600 N, there is a ditch that used to be used down there but a subdivision has been put in there. The canal company is going to discuss next month whether or not they want to abandon it. If it works for a drainage ditch for the City we could turn it over as an easement to the City.</p> <p>Airport Board – moving forward with the airport redo’s in 2017.</p>
<p>Kevin Thomas</p>	<p>Emergency Management, Streets & Drainage, Youth City Council</p>
<p>Pam Humphries</p>	<p>Court, Water, Power, Solid Waste – Pam received a compliment of Sand Hollow chip seal finished product.</p>
<p>Darin Larson</p>	<p>Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation – Darin reported that he has received a property nuisance complaint about the resident at 676 S 180 W. Apparently the residence has many items collected around the property. Darin needs to have more clarification of the city code, and then he will go and discuss this issue with the resident.</p>
<p>Cheryl Reeve</p>	<p>Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification – She has been receiving questions about our city wide recycling program. Pam stated that the recycling items are being picked up, bundled and shipped up north waiting until the specific recycling prices to increase, and then these items will be processed. Mayor Bramall stated that the recycling program is a five year contract.</p>
<p>Kevin Tervort</p>	<p>Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District</p>

Clark Fawcett	City Administration

Toni Foran spoke with the Council about two zoning enforcement issues. The first involved a 5 acre parcel at the corner of 180 West and 1300 South where the property owner's son has moved a travel trailer. They want to be allowed to come camp in the trailer in the pasture 4-5 times a year. They do not use the holding tanks and dispose of all their waste when they leave. The ordinance does not allow occupied RV's unless they are parked on a lot already used for a single family residence. A temporary use is allowed for family members for up to 6 months if they get a temporary use permit. This proposal does not fit into that category. There have been complaints. After discussion the Council directed the Planning Director to continue to watch the situation.

The second issue involves a motor home on a residential lot at 588 S. Main Street. It has been occupied by an older couple not related to the property owner or the people renting the house on the lot for a year. The property owner has been notified it is a violation of land use code and chosen to ignore it. A second letter this year after complaints from neighbors backing the property resulted in the property owner coming to meet with Planning staff. After discussion the Council directed the Planning Department to send a letter giving the property owner 30 days to have the motor home moved off the property. A suggestion was made to look into a lot in the Canyons for the couple to rent if the neighbors want to help.

Adjournment: Meeting adjourned at 4:20 pm.
