

1 Minutes of the Hurricane City Council meeting held on January 5, 2017 in the Council Chambers at 147  
2 North 870 West, Hurricane, Utah at 5 p.m.

3 **Members Present:** Mayor John Bramall and council members: Darin Larson, Cheryl Reeve, Kevin  
4 Thomas, Kevin Tervort and Pam Humphries.

5 **Also present:** City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, Police Chief Lynn  
6 Excell, Police Lieutenant Jerod Brisk, Public Works Director Mike Vercimack, GIS Specialist Joe Rhodes,  
7 City Attorney Fay Reber, City Engineer Arthur LeBaron, Planning Director Toni Foran, Hurricane Valley  
8 Fire District Chief Tom Kuhlmann, Power Director Dave Imlay, Recreation Director Bryce King and Ash  
9 Creek Special Services Director Mike Chandler.

10 **5:00 p.m. Pre- meeting – Discussion of Agenda Items, Department Reports**

11 Chief Excell – reported that within the first five days of the new year the police department has  
12 responded to over 100 incidents. Chief Excell stated that he is working on getting bids for camera  
13 systems for certain areas within the community. He believes that these camera systems will be a  
14 priceless asset to the department. Chief Excell mentioned that his department received a bill from  
15 Washington County for their efforts in picking up the search and rescue vehicle (“CRV”). He will work  
16 out the details with Clark to get this paid.

17 Bryce King – he signed a contract for the revisions of the Fine Arts building. Mr. King reported that the  
18 bids he received came in \$21,000 less than anticipated. The Fine Arts building will be switched to a  
19 natural gas system and no longer a boiler. The new system will be automated, and much more energy  
20 efficient. Mr. King mentioned that he submitted a proposal to attend a parks and recreation conference  
21 in Paris, Idaho.

22 Mike Chandler – the man holes on 1150 W are growing and sinking. He and his team are searching for  
23 solutions and will need to be included in the upcoming budget. His department is wrapping up the 400 S  
24 project and they are ready to bid out the SR 9 sewer project. Mr. Chandler also reported that the  
25 impact fees are on the upcoming Board agenda. He stated that the impact fees might go down, but user  
26 rates may go up slightly.

27 Chief Kuhlmann – reported that at the close of 2016, the number of calls the fire department responded  
28 to were up 18% compared to the previous year. Chief Kuhlmann mentioned that his department made  
29 it into the Life Flight 2017 calendar and that he has a meeting with the contractor next week to discuss  
30 the start of the new fire station.

31 Dave Imlay - thanked Council and staff for the employee Christmas party. Mr. Imlay stated that it is  
32 always such a great time and he knows how much work goes into putting an event like that on. Mr.  
33 Imlay also reported that he received a phone call from Pam Humphries stating that she received a phone  
34 call from a solar company. This particular solar company was very misleading with their incentives to  
35 sign up for service. Mr. Imlay requested that if anyone receives a phone call like this to pass the solar  
36 companies information to him so that he can respond to them.

37 Mike Vercimack – Streets Department has partnered with the county to put cinders out on the road to  
38 the old Diamond Ranch Academy. Mr. Vercimack stated that road tends to get extremely muddy and  
39 washed out. The Water Department is assisting the golf course with cleaning out their pond. Ms.  
40 Humphries stated that with regards to the project on 400 S there is a big dip when you come to 300 W

41 and it seems to be worse when traveling south. Mr. Vercimack stated that sewer work is still being done  
42 on 400 S, but he will check into it.

43 Toni Foran – reported that the Planning Department has had a steady stream of people bringing in  
44 subdivision and business plans. She predicts that this will be a very busy year for her department.

45 Arthur LeBaron – met with UDOT and the Conservancy District regarding the land swap project he has  
46 been working on. Mr. LeBaron stated that they are in favor of the land swap and now he needs to get  
47 together with the land owners. Another project that will go in front of the Planning Commission next  
48 week is the SR9 expressway. Mr. LeBaron explained that trying to turn a little two track road that had  
49 lots of farm accesses into an expressway is a very complicated and time consuming issue. He further  
50 explained that this item will not come before Council until after UDOT makes its decision.

51 Fay Reber – reported that the litigation with Utah First Federal is moving forward. Mr. Reber explained  
52 that his office has received Utah First Federal’s Request for Discovery and responses are due by January  
53 17, 2017 and he will meet with Ms. Foran and Mr. Fawcett to work on those responses. Mr. Reber also  
54 stated that the current indigent defense attorney will be leaving and a new attorney will need to be  
55 appointed. He will get with Mr. Fawcett to discuss potential candidates.

56 Kaden DeMille – stated that he has the State required retention schedule on the agenda tonight for  
57 Council approval. Mr. DeMille explained that the retention of a document depends on the type of  
58 document it is.

59 **6:00 p.m. - Call to Order**

60 Pledge lead by Kevin Thomas. Prayer offered by Darin Larson.

61 Mayor Bramall announced that the City recently lost an employee of twenty years, Steven Cox as well as  
62 Vera Hirchi. Our thoughts and prayers are with his family.

63 Mr. Fawcett presented GIS Specialist Joe Rhodes with his 10 year service award.

64 Approval of Council Minutes: 5/5/2016 – Ms. Humphries stated that she has changes to page 1, line 20-  
65 21 and page 5, line 46. Pam Humphries made a motion to approve the 5/5/2016 minutes with changes.  
66 Kevin Tervort seconded. Motion unanimously approved with Kevin Tervort, Kevin Thomas, Darin Larson,  
67 Pam Humphries and Cheryl Reeve voting aye.

68 Approval of Council Minutes: 12/01/2016 – Kevin Tervort made a motion to approve the 12/01/2016  
69 minutes. Seconded by Kevin Thomas. Motion unanimously approved with Kevin Tervort, Kevin Thomas,  
70 Darin Larson, Pam Humphries and Cheryl Reeve voting aye.

71 **6:10 p.m. – Public Forum – Comments From Public**

72 None.

73 **NEW BUSINESS**

74 **1. Presentation from the Hurricane Aquatic Committee and possible decision regarding swimming**  
75 **pool cover-Jesse Kochel**

76 Jesse Kochel appeared before Council representing the Hurricane Aquatic Committee. The Hurricane  
77 Aquatic Committee is comprised of Katie DeMille (pool manager), Matt Patterson (Assistant Director  
78 Community Center), Cheryl Reeve (Council Member), Jesse Kochel (HHS parent), Audra Kochel (HHS

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79 parent), Jayson Grygula (HHS parent), Rick Wixom (HHS parent) and Karen Douglas (HHS parent). Mr.  
80 Kochel passed a handout to Council that stated that the committee's recommendations:

- 81 • Purchase and start using pool tarps on or before September 1, 2017
- 82 • Current pool tarp bid from Knorr Systems, Inc.: \$24,934.62 tarps, reels and shipping
- 83 • City to pay a minimum 1/3 cost of part purchase, 1/3 RAP tax allotment, 1/3 cost  
84 through private donations, local service clubs, etc.
- 85 • Commit to an extended post season 2017-18. Allow pool use for the Hurricane High  
86 School swim team October 2, 2017 – February 8, 2018.
- 87 • Create post season programming. Examples: Lap swimming, pool rentals, water aerobics,  
88 Scouts, Hurricane Middle School PE classes, swim lessons, weekend public swim.

89 Mr. Fawcett has some concerns about their recommendations and proposed a one year commitment to  
90 see what the costs would be and how the kids would handle getting out of the pool during the cold  
91 winter months. Council discussed the RAP Tax application process as well as the potential for donations  
92 from other local service clubs. Kevin Thomas explained that it is discouraging having a city pool that is  
93 only open three months out of the year and that having these tarps would help extend the pool use  
94 throughout the year. Recreation Director Bryce King suggested possibly extending the summer swim  
95 season by opening at the beginning of May and closing mid-October. Mayor Bramall stated that the bid  
96 for the tarps is \$24,934.62 and the committee is asking for a little over \$8,000.00 from the City budget  
97 and \$8,000.00 from the RAP Tax. Pam Humphries and Darin Larson suggested that the cost of the tarps  
98 might be recouped by the savings of having them after a couple of years. Mr. King suggested that he go  
99 back and run some more numbers and possibly compare them to other places that have outdoor pools.

100 Darin Larson made a motion to support the project and to get more information to get costs and  
101 comparisons from other outdoor pools and get more of the funding information from Clark and that we  
102 revisit this at our next meeting in two weeks to make a proper decision. Kevin Tervort seconded.  
103 Motion unanimously approved with Kevin Tervort, Kevin Thomas, Darin Larson, Pam Humphries and  
104 Cheryl Reeve voting aye.

105 **2. *Presentation of the upcoming Pioneer Musical Production & Firework Spectacular on Pioneer***  
106 ***Day (July 24, 2017)-Justin & Merrill Osmond***

107 Many of the Osmond relatives now live in southern Utah. They would like to put together a firework  
108 musical presentation paying tribute to our heritage, to our pioneers and ancestors. They have talked  
109 with the county and other entities and feel like they have the support to put this on in the community.  
110 Their intentions are to preserve the reasons why Pioneer Day is celebrated. Mr. Osmond stated that the  
111 Dixie State College Stadium is not free and they are requesting donations from every surrounding city in  
112 the amounts of \$2500 - \$5000. After some discussion, Ms. Reeve explained that they contributed to this  
113 event last year but the event never happened. Mr. Fawcett said that he would research the donation  
114 from last year and see where it is. Mr. DeMille confirmed that he has their contact information.

115 **3. *Presentation and update of work completed by the AmeriCorps team and request and possible***  
116 ***decision regarding support and sponsorship of the Hurricane Mountain Bike Festival-DJ***  
117 ***Morisette***

118 DJ Morisette appeared before Council explaining some of the work that the AmeriCorps team  
119 completed out at Quail Creek. Ms. Morisette stated that this crew completed a new five miles of trail  
120 and that trail is now nineteen miles long. In regards to the Hurricane Mountain Bike Festival on March

121 24-26, 2016, Ms. Morisette said that they currently have 100 pre-registrations completed and four  
122 vendors already signed up. They are projecting around 500 participants. She also explained how the  
123 marketing and advertising for the event has already begun. They are way ahead of schedule this year.  
124 Ms. Morisette stated that she is here to ask for sponsorship again this year, but this year they are asking  
125 for \$1,500 rather than the \$3,000.00 they did last year. She also explained that they have to purchase  
126 their permits and liquor permits. Chief Excell had some concerns about the event's beer garden. He  
127 stated that this festival should be required to provide security (from a licensed security company) and  
128 two police officers like what was required from the Retro Rock Fest. After some discussion, Council  
129 stated that there needs to be specific instructions to the participants that the alcohol is to remain in the  
130 beer garden area and that the Hurricane Mountain Bike Festival will be required to provide security  
131 from a licensed security company and two police officers. Chief Excell said that he would provide Ms.  
132 Morisette with a list of the requirements so she can check into the costs.

133 Pam Humphries made a motion to donate \$1,500 to the Hurricane Mountain Bike Festival from the  
134 contingency fund for marketing and waive the licensing fee and use of the Community Center, and  
135 require that Ms. Morisette hire bonded security guards for her beer garden for both nights and comply  
136 with the requirements from Chief Excell. Seconded by Kevin Thomas. Motion unanimously approved  
137 with Kevin Tervort, Kevin Thomas, Darin Larson, Pam Humphries and Cheryl Reeve voting aye.

138 **4. Presentation of bids and possible decision regarding awarding of bid for the Power**  
139 **Department building addition and remodel-Dave Imlay**

140 Mayor Bramall stated that the Power Board has recommended approval of this item. Mr. Imlay  
141 explained that they had an architect and civil engineering work done to make sure this design was  
142 complete. This project was advertised on November 23, 2016 with a pre-bid on December 7, 2016, and  
143 then closed the bid on January 3, 2017. Mr. Imlay explained that they only received two bids out of  
144 seven or eight companies that had previously showed interest. City Council approved a budget of  
145 \$245,000 for this project and bids came in substantially higher than that amount. Zwick Construction  
146 was the lowest bid. Mr. Imlay requested the funds from the Depreciation Fund and moving money  
147 around from other projects. Mr. Fawcett indicated that Mr. Imlay is taking the money out of other line  
148 items to make up the difference and in doing this the budget wouldn't need to be opened. Mr. Fawcett  
149 explained that he asked Mr. Imlay to come before Council for approval because it is such a large project.

150 Kevin Thomas made a motion to approve the changing of line items in the utility budget to allow for the  
151 increased costs of construction for the building. Seconded by Pam Humphries. Motion unanimously  
152 approved with Kevin Tervort, Kevin Thomas, Darin Larson, Pam Humphries and Cheryl Reeve voting aye.

153 **5. Consideration and possible approval of an ordinance amending the Title 3, Business licensing,**  
154 **regulating licensing of businesses, updating definitions, clarifying time frames, and updating**  
155 **state code references-Cindy Beteag**

156 Toni Foran appeared before Council and explained that the department has never had a timeframe for  
157 business license application to expire. Ms. Foran explained that there are multiple incomplete business  
158 license applications from well over two years ago sitting in files where the applicant(s) haven't come  
159 through with fire inspections, or tax identification numbers, etc. Ms. Foran explained that this updating  
160 of the ordinance would help alleviate this issue. The proposed time frame to complete a business  
161 license is six months. Also, Ms. Foran stated that in regards to vacation rentals, the new deadline is  
162 eight months. Mr. Thomas stated that there was a word that was wrong in the proposed ordinance it  
163 states "applicate" and not "applicant".

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164 Kevin Thomas made a motion to approve an ordinance amending the Title 3, Business licensing,  
165 regulating licensing of businesses, updating definitions, clarifying time frames, and updating state code  
166 references. Pam Humphries seconded. Motion unanimously approved with Cheryl Reeve, Kevin  
167 Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

168 **6. Consideration and possible approval of an ordinance amending Title 6, Motor Vehicles and**  
169 **Traffic, pertaining to state adopted traffic code, definitions, and parking regulations-Police**  
170 **Department**

171 Police Lieutenant Jerod Brisk said that the department has received multiple complaints from the public  
172 in regards to the parking ordinance that it contradicted State law. Lieutenant Brisk stated that he  
173 investigated the matter and he did find some discrepancies between the two. He said that he met with  
174 Ms. Foran and Mr. Tervort and they decided to take out the duplicate material that is already in State  
175 law and make the ordinance work for the City with regards to parking, semi-trucks, vehicles for sale, etc.  
176 and go off State law regarding abandon vehicles, etc. Lieutenant Brisk also stated that he briefly met  
177 with City Attorney Fay Reber tonight and he has a few concerns about changing some of these violations  
178 from a Class C misdemeanor to an infraction which would only carry a fine. Lieutenant Brisk explained  
179 that the section entitled Optional 6-1-6: Vehicles Left on Streets is also for Council approval. He  
180 explained that Council needs to decide if the City is ready to move to not allow people to park trailers,  
181 construction vehicles, campers, boats, and those types of things on city streets at any time. Council  
182 discussed the option of placing a time limit on the parking of these such vehicles on city streets.

183 Kevin Tervort made a motion to amend Title 6, Motor Vehicles and Traffic, pertaining to state adopted  
184 traffic code, definitions, and parking regulations with the stipulations mentioned changing the  
185 misdemeanors to infractions and Section 6-1-3a, Sections 1,2,3 will remain Class C misdemeanors;  
186 Section 6-1-5a Section 1, take out the word "unattended" and delete Sections 2 and 3. Kevin Thomas  
187 seconded. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam  
188 Humphries and Darin Larson voting aye.

189 **7. Consideration and possible approval of a records retention schedule for Hurricane City-Kaden**  
190 **DeMille**

191 Kaden DeMille explained that any document that the City produces, emails, deeds, City Council minutes,  
192 resolutions, etc., there is an associated schedule with that document as to how long we should be  
193 keeping it. The State sets forth guidelines as to how long we should keep these individual documents.  
194 The City can expand on a description of a document to be included in the State retention schedule but  
195 making changes to the actual schedule require approval from the State. Mr. DeMille stated that the  
196 proposed City of Hurricane Retention Schedule gives staff a foundation so that they know when they can  
197 throw something away, destroy it, or how long they have to keep it. It also helps with records requests,  
198 whether something is classified, confidential or open to the public. This retention schedule for  
199 Hurricane City allows for our staff to assess these documents and know what they can and cannot do  
200 with them. Kevin Thomas questioned the retention time for house plans. Ms. Foran stated that  
201 currently residential house plans are kept for a year after the Certificate of Occupancy has been issued,  
202 and commercial plans are permanent files. Mr. Thomas stated that he would like to see the City store  
203 house plans digitally for a long time. Ms. Foran stated that there is a limit to the amount digital storage  
204 capability, but it is something that can be looked into.

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205 Kevin Tervort made a motion to approve the records retention schedule as proposed for Hurricane City.  
 206 Seconded by Pam Humphries. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin  
 207 Tervort, Pam Humphries and Darin Larson voting aye.

208 **8. PUBLIC HEARING regarding the issuance and sale of not more than \$4,000,000 aggregate**  
 209 **principal amount of water revenue bond, series 2017 and related matters**

210 Kevin Tervort made a motion to go into Public Hearing. Seconded by Kevin Thomas.

211 Mayor Bramall announced that we are now in Public Hearing. City Manager Clark Fawcett stated that a  
 212 couple weeks ago Council passed the parameters for the maximum amount we could borrow and  
 213 interest rate for this project. This is for the building of a water tank in South Fields to better service  
 214 those individuals as well as any new developments in that area. The amount for this project is actually 3  
 215 million with a twenty year bond and the interest rate was not to exceed 6%, but Mr. Fawcett believes it  
 216 will be around 4%. The process of going through this Public Hearing starts the thirty day waiting period  
 217 before which they can close the bond. There was a question from the audience as to whether or not  
 218 this bond would be open to the public. Mr. Fawcett explained that this bond is small enough to be  
 219 placed privately with a bank and not be open to the public.

220 Kevin Thomas made a motion to go out of the Public Hearing. Seconded by Pam Humphries. Motion  
 221 unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin  
 222 Larson voting aye.

223 **9. Mayor, Council and Staff reports**

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225 **Mayor, Council and Staff Reports**

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineer – Mayor Bramall stated that since we lost Steve Cox he recommends we continue to make the Cobra payments for the next six months to keep his wife insured. Council agreed.
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council
Pam Humphries	Court, Water, Power, Solid Waste – Ms. Humphries stated that if there was any way that she could remove her “yes” vote and support for Mr. Brennen using any of the property on Sand Mountain, she would. After some discussion, Mayor Bramall stated that he feels the same way. He would like to protect Sand Mountain. Ms. Humphries stated that she wants it on record that she is adamantly against the support for Mr. Brennen. Ms. Humphries also stated that the other issue she has is that the gentleman who has the Uhaul business around the corner and she feels that his business license should not be renewed because he does not have parking for his customers, and he has never come in to talk about the agreement that was made well over a year ago. Kevin Thomas stated that he was given a year to clean up the property. Mayor Bramall stated that he would go take a look at.
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation – With regards to the Planning Commission, Council needs to discuss appointments and terms of the remaining commissioners. Mr. Larson also stated that Jesse Kochel called him to discuss the swimming pool cover. Mr. Larson mentioned that Mr. Kochel and other swim team parents did a presentation to the Rotary Club regarding the swimming pool cover and the Rotary Club was open to participating.

Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification – Ms. Reeve reported that people have been asking her about the possibility of a skate park in Hurricane. Bryce stated that we've been talking about a skate park for three years. The issue is not building the skate park, but finding a centralized location for the skate park as well as the funding for the park.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District
Clark Fawcett	City Administration

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227 **Adjournment:** Meeting adjourned at 8:18 p.m.

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