

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

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

**Also Present:** City Manager Clark Fawcett, Assistant City Manager/Recorder Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Toni Foran, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes, Water Department Supervisor Ken Richins, Blair Gubler with Ash Creek and Fire Department Inspector Kevin Gildea.

## **AGENDA**

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

Blair Gubler – Ash Creek Sewer District recently had a Board meeting. They received their impact fee study back. Impact fees dropped and are now \$2,220.00. The Board also awarded a 1.3 million bid to Interstate Rock for a line that comes up from Walmart and up the State highway. They also awarded a small change order on 1500 South for a sewer line.

Kevin Gildea – They have a new hire going on shift next week. They now have two engines and a ladder truck in Hurricane. The new ladder truck is nearing completion and should be complete by the end of April. The construction on the new fire station is going well. The La Verkin station remodel will go out for bid in about two weeks.

Chief Excell – He provided a handout to Council. Chief explained that this report reflects the police department's activity for January and February. Major crimes are down while drug incidents are up. Officers are being diligent about removing drugs from the streets. Chief stated that everything is ready to go for the ATV Jamboree next week. There are currently 700 registered participants and all permits are in place.

Bryce King – shared his concerns about several baseball tournaments that are being held down at the equestrian site. The location of the cows at the equestrian site has become an issue. There were kids that broke into the stalls, threw rocks and sticks and got the cows all worked up. Mr. King suggested moving the location of the cows out by the airport or possibly move the cows temporarily. Mr. King encouraged Council to tour the facility with him to address this and other concerns he has for that area. He also mentioned that he sent an email to Council that included pictures of the new heating and cooling system for the Fine Arts building. The previous system was from 1967 and this new system is a great addition. He also reported that the Recreation Department is moving forward with the pool project. The pool cover should be arriving next month. Mr. King also requested that Council accompany him to Kanab next week to tour their pump track to get ideas of what would work for the City of Hurricane.

Dave Imlay – attended the Power Board meeting last week. The Power Board denied the Soda Springs Geothermal Energy Resource proposal. Mayor Bramall agreed with the Power Board's decision. Mr. Imlay is presenting a resolution for Council's approval tonight. The resolution describes the power base rate adjustments. He also stated that their lineman apprentice passed his third step apprenticeship test

and as of today he is a four step apprentice. He has one more year before he will be taking his journeyman test.

Mike Vercimak – the Zion Village Townhome project was near completion and the original owner sold it. The new owner came in and reviewed the original development agreement. The original agreement referred to the paving of 2170 W between 600 N and 100 N and it being impact fee eligible. The new owner is requesting that the City step in and pay for the spine road up from Zone 1 up to 100 N. Because of this, the agreement has been amended to reflect these changes and Mr. Vercimak recommends approval. This agreement is on the Agenda for Council’s approval tonight. Pam Humphries inquired about the status of Bill Zitting’s project. Mr. Vercimak stated that Mr. Zitting is still moving forward to complete his punch list, but he still has a few items that need to be completed before the City formally accepts the improvements.

Toni Foran – her department received the final plat for Mulberry Estates. The Planning Commission recommends approval with a couple conditions that are listed. Regarding the Gateway Commercial Center, Planning Commission recommends we hold to the agreement with UDOT so that we don’t allow them to come out on SR9. With regards to the Edwards zone change, it’s pretty straight forward and there were no protests at Planning Commission. Pride Rock might be a little more challenging. Planning Commission made a recommendation and had a hearing. Ms. Foran also stated that at that hearing, Fay Reber offered people the opportunity to come to this City Council meeting to also voice their concerns. Mr. Reber stated that there were a number of people at the Planning Commission hearing who also wanted to be heard at the next City Council meeting.

Arthur LeBaron – he attended a preconstruction meeting for a project that UDOT is doing regarding signal communications from I-15 through La Verkin on SR9. This project will start next week. You will start to see some construction activity going on down there.

Fay Reber – reported that today is last day for the protest regarding the annexation. Any protests were supposed to be filed with the Washington County Boundary Commission with a copy being filed with here with the City Recorder. Mr. Reber stated that if there are no protests, the next step will be for Council to set up for a public hearing, which will likely be during the next City Council meeting. If Council decides to approve the annexation, then during that meeting Council would be approving the Annexation Agreement, Development Agreement and the ordinance approving the annexation.

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

Pludge: Pam Humphries                      Prayer: Eric Clark

Mayor Bramall introduced the Miss Hurricane Royalty and stated he looks forward to working with them over the next year:

Miss Hurricane	Sydney Tanner – daughter of Jimmy & Destiny Tanner
1 <sup>st</sup> Attendant	Camille Gummow – daughter of Kevin & Patricia Gummow
2 <sup>nd</sup> Attendant	Aspen Langston – daughter of Marie Langston
Miss Congeniality	Lizzy Stout – daughter of Stuart & Heidi Stout

Approval of 02/02/2017 Council minutes:

Corrections were submitted to clarify the park impact fee reduction for Zion Village. Pam Humphries also requested the additional clarification regarding the time limit for lawn mowers in the noise ordinance.

Darin Larson made a motion to approve the 02/02/2017 Council minutes with those changes. Seconded by Pam Humphries. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

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

None.

#### **OLD BUSINESS**

- 1. Discussion and approval of a resolution establishing a Sand Hollow Basin water rate and defining the area where it is applied -Mac Hall**

Mayor Bramall explained that Council has already discussed this matter but public notice needed to be given and a written resolution was needed. Mayor Bramall asked if there were any public comments or objections relating to this matter. Elizabeth Ray came forward and explained that she wants it noted that they have a surplus of \$73,000 in their budget and are showing a \$5,000 negative that they are running at right now. Ms. Ray stated that these two equations don't make sense to her and she wants to make sure that the rate is going to be what's best for the community and all involved. She doesn't like to see an amount held and then a negative flow. The Water Department Superintendent Ken Richins explained to Ms. Ray that the City Water Department fund is not running a negative cash flow factoring in the funding of depreciation.

Kevin Tervort made a motion to approve the resolution establishing Sand Hollow Basin water rate and defining the area where it is applied. Seconded by Pam Humphries. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

- 2. Discussion and possible approval of a resolution approving revenue neutral rate power base rate adjustments-Dave Imlay**

Mayor Bramall stated that we now have a resolution approving revenue neutral rate power base rate adjustments.

Pam Humphries made a motion to the resolution approving revenue neutral rate power base rate adjustments. Seconded by Kevin Tervort. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

#### **NEW BUSINESS**

- 3. Presentation of TAP award to Hurricane City-Brent Oakeson, Utah Local Government Trust**

Mr. Oakeson presented the award to the City of Hurricane. Mr. Oakeson stated they are the insurance provider for the City of Hurricane. The City has received this award a number of times in the past. This program helps to reduce losses and claims by having active safety committee, looking at incidents and reviewing those to make improvements, making sure accidents aren't happening, looking at sewer best practices, making sure man holes are being inspected, preventing vehicle accidents, etc. Mr. Oakeson

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said that Kaden DeMille and Clark Fawcett were directly involved and have done a great job with this program. Mr. Oakeson explained that the award comes with a check to the City and an award that can be displayed in the city office.

**4. Special Recognition to Harmony Vanderhorst and Leslie Reeve for their efforts to help secure funding and city resources for the construction of the 400 South Trail**

Arthur LeBaron presented Harmony Vanderhorst and Leslie Reeve with a certificate for their efforts to help secure funding and city resources for the construction of the 400 South Trail. Mr. LeBaron said that they helped prepare a grant from the State and followed through with the City to make sure the project was completed.

**5. Report on the NRCS-Mac Hall**

Mac Hall – The Water Conservancy District and the Natural Resources Conservation Service (“NRCS”) had a meeting on Monday and they revisited a grant that was proposed last year. Mr. Hall explained that last year there were issues with the grant process and the Canal Company backed out. Since then, the issues have been fixed and they are asking if the City wants to add their name to the grant proposal to apply for up to one million dollars in grant money. The grant is a 50% match, so a two million dollar project would cost one million dollars. Mr. Hall explained that this grant could potentially help with the irrigation expansion for the City of Hurricane. It is a five year project, meaning from the time you submit the proposal it takes a couple years to receive the funds, and then you have 2-3 years to spend the funds on the project. The scope of the project that was discussed with the Water Board was the east side of 180 W would be an ideal place to put a pressurized system in. Another project was 700 W down 400 S to 1200 W for both sides of that subdivision. The pond that the irrigation system has now is not enough so they want to put in another pond.

Mr. Hall explained that the first document of this grant process is due by April 1st. He is not asking Council to commit to the grant tonight; he is only asking if the City wants to be considered for the grant. Clark Fawcett mentioned that the City wants a pressurized irrigation system and getting it at a discount would be beneficial. He also reiterated that the one million dollars could only be spent on this irrigation system, that the grant funds are project specific. Mr. Fawcett explained that the cost to citizens would be approximately \$12 per month or \$144 per year and he doesn't think there would be a problem getting people to participate in it. Pam Humphries stated that she has been discussing this item with Ken and Mac for a while now and if this is an opportunity to just look at it and see what we can do with the funds, it's worth looking at. Darin Larson, Cheryl Reeve, Kevin Thomas and Kevin Tervort agree that this grant is worth looking into, but they feel they do not have enough information to commit to it. Mayor Bramall told Mr. Hall that he can add the City of Hurricane's name to the grant proposal list.

**6. Discussion regarding HCP-Washington County Commissioners**

Victor Iverson stated that the mission of the HCP is to implement and protect the County's incidental take permit so that economic development can occur while protecting critical wildlife habitat, recreational areas, and open space stipulated by the HCP. When the desert tortoise was listed as threatened, it was the agreement made with the Department of Fish & Wildlife that allowed for the rest of the critical habitat in the County to be developed. Mr. Iverson explained that we are at the end of that first twenty year agreement they feel it was important to come out to the cities to talk about this process as they prepare to go forward and to answer any questions Council may have.

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Mr. Iverson introduced Deputy County Attorney Eric Clark, Commissioner Cox, Commissioner Renstrom, HCP Director Cameron Roghan. Mr. Clark proceeded to give a presentation regarding the Habitat Conservation Plan Renewal. He stated that the initial agreement took about seven years to set up and now we are looking to revise this agreement twenty years later. Mr. Clark reviewed the benefits of the HCP and how different threatened species have thrived under this program. Mr. Clark also covered the costs of running HCP and the impact fee costs of \$250 per acre and the .2% of construction costs associated with it. Mr. Clark stated that they are working hard to lower these impact fees, and he is confident that the Department of Fish & Wildlife will allow them to do that within the renewal. He mentioned that a statement from the City in favor of lower impact fees would definitely help. Commissioner Cox stated that they are working with the HCP Advisory Committee to construct a revised budget and he doesn't think these impact fees need to be that large. Commissioner Renstrom reiterated the same. He also stated that this is a unified effort and they would appreciate any feedback Council could give that they can take back with them.

Mayor Bramall thanked the Commissioners, the Deputy County Attorney and HCP Director for their time and presentation. Mayor Bramall commented that he has sat in many meetings with regards to this matter. He continues to represent the City of Hurricane and wants to keep the access to Babylon Springs and the ATV trails open. He also suggested the possibility of a paved road out there so that the desert tortoises won't continue to get upper respiratory infections. This paved road would help in keeping the dust down so the tortoises wouldn't have to breathe in so much dust. Pam Humphries stated that in Las Vegas you can have a desert tortoise as a pet, but here in Washington County it is not permitted. HCP Director Cameron Roghan explained that here in Washington County you are not allowed to have a desert tortoise as a pet, unless it was grandfathered in from twenty years ago. He also explained that almost every state and county have their own regulations.

Audience member Elizabeth Ray requested the phone number of the HCP so that if she finds a desert tortoise, she can turn it in appropriately.

**7. Consideration and possible approval of request for support of the Dixie Applied Technology College permanent campus-Kelle Stephens**

Kelle Stephens came before Council requesting support for the Dixie Applied Technology College permanent campus. Ms. Stephens stated that last year the school had 750 enrolled students from the City of Hurricane. Dixie Applied Technology College provides a number of certificates and degrees for technical careers. These technical careers include Automotive Technician, Certified Nursing Assistant, Certified Medical Assistant, Pharmacy Technician, Digital Media Design, Drafting and Design, Diesel Technology, Electrical Apprenticeship, etc. Ms. Stephens explained different tuition and payment options. Dixie Applied Technology College also waives tuition for high school seniors.

Ms. Stephens also brought with her Linda Duke and Jeff Adamson. Linda Duke coordinates and instructs the Pharmacy Technician program. Ms. Duke explained that the Pharmacy Technician program is a 600 hour program and students can get a job in nine months working in a pharmacy. The program runs for six months and four nights a week. At the end of the program students are eligible to take a national exam to become certified. Ms. Duke explained that these graduating students are above the minimum wage earnings.

Mr. Adamson teaches Health classes at Hurricane High School for 24 years. He stated that it has always been an issue updating all of the teaching material because it is always changing. Two years ago they were approached by Dixie Applied Technology College and they wanted to come out and present a CPR

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and AED program for the students. Mr. Adamson said that they had 150 students participate last year alone. This is a wonderful program, very professional and the students do participate.

Ms. Stephens explains that these Dixie Applied Technology College students are critically needed. There is a beautiful new campus being built in St. George. It is about halfway complete. Ms. Stephens asked if Council would partner with them to obtain a bond to complete the funding for this facility. The Washington County Bond will be 9 million dollars, which equates to a \$650,000 a year payment. Ms. Stephens said that they are currently asking towns and cities within Washington County to participate with the bond to build this campus. They are asking that participants come in with \$1.5 million overall with a yearly payment of \$15,000 (the bond is for 20 years, but they hope to retire it in 12 years). Students from the City of Hurricane represent about 10% of their student population. Ms. Stephens said that any donations would be appreciated. Some cities are electing to make a one time, large donation rather than yearly payments.

Mayor Bramall explained that the State Legislature funded a portion of this project and now the college is asking the surrounding cities and business to help fund the remainder. Kevin Thomas and Kevin Tervort stated that they fully support this program and the benefits the college has on our residents. Cheryl Reeve explained that she supports the program but she isn't ready to commit to any yearly payments tonight. Pam Humphries explained that she is also in favor of supporting this program, but she agrees with Ms. Reeve that we need to look at the numbers more carefully. Darin Larson is also in support of this program but he suggested that more discussions need to happen to figure out how to fund this. Mayor Bramall reiterated that Council is supportive of the project but they need to discuss how to support the project.

**8. Consideration and possible approval of a final plat for Mulberry Estates, a 14 lot subdivision at 900 South 920 West – Kevin DeMille applicant**

Karl Rasmussen explained that they are hoping to get this rolling so they can break ground tomorrow. Mayor Bramall stated that this was recommended for approval by the Planning Commission with the listed conditions. City Engineer Arthur LeBaron explained that Council has a scan of his comments pertaining to the conditions. Mr. LeBaron stated that one of the conditions was that there needs to be an amendment of the 920 W subdivision so that they have the width they need on 900 S. Mr. Rasmussen stated that this is being completed per the Planning Commission's request.

Kevin Thomas made a motion to approve the final plat for Mulberry Estates, a 14 lot subdivision at 900 South 920 West with all of the conditions being met. Kevin Tervort seconded and added that the Planning Commission unanimously recommended approval with the conditions that an amended plat for the 920 West Subdivision is recorded before this plat is recorded and that all drainage and tail water design concerns are addressed before notice to proceed is given for construction on this project.

Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries, and Darin Larson voting aye.

**9. Consideration and possible approval of a preliminary plat for Gateway Commercial Center, a proposed 8 lot commercial and industrial subdivision located at approximately 166 N. Old Highway 91 – Gateway Commercial Center LLC applicant**

Gateway Commercial Center LLC did not have a representative present at this meeting. Mayor Bramall stated that the Planning Commission recommended approval if we follow the UDOT guidelines and give them access to Old Highway 91 for safety. Kevin Thomas stated that he doesn't want access being

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granted to SR9 because the traffic there is already an issue. Arthur LeBaron stated that back in 2007 we signed a Corridor Preservation Agreement and basically agreed with UDOT that we would do everything we could to close down certain accesses to SR9. In this agreement we agreed upon signal locations, interchange locations, and accesses. Mr. LeBaron explained that this particular property has a deeded access to it, and Hurricane City can't necessarily grant them access on SR9. Mr. LeBaron stated that he would prefer if we honor the agreement and not allow the access. City Attorney Fay Reber stated that Gateway Commercial Center had a representative present at the Planning Commission meeting, and advised that this item be continued until a representative is present to discuss their needs.

Kevin Thomas made a motion to continue this item until they are here and can discuss this issue with them. Darin Larson seconded. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**10. Consideration and possible approval of a zoning map change request from R-1-10, Single Family Residential 10,000 square foot lots, to R-1-8, Single Family Residential, for parcel # H-39-B to allow creation of one additional building lot –Wayne and Margaret Edwards owners/ Raymond and Gina Eves applicant**

Jack Eves came before Council and stated that his family has owned the property for many years. With his in-laws getting older they have requested that we come build by them and help take care of them. That is why he is here to request the zoning map change. Darin Larson stated that the Planning Commission unanimously recommended approval.

Cheryl Reeve made a motion to approve the zoning map change request from R-1-10, Single Family residential 10,000 square foot lots, to R-1-8, Single Family Residential, for parcel #H-39-B to allow creation of one additional building lot. Seconded by Kevin Thomas. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**11. Consideration and possible approval of a zoning map change request from M-1, Light Industrial, to M-2, Heavy Industrial, for 2 acres located at 188 N. Old Highway 91 with parcel a #'s of H-4-1-34-333-RD3 for the purpose of improving the concrete batch plant site on the site– Pride Rock/Leavitt applicants, Dave and Nicole Stewart agents**

Dave and Nicole Stewart appeared before Council requesting a zoning map change from M-1, Light Industrial, to M-2, Heavy Industrial for their two acres. Mr. Stewart stated that he has been in the concrete business for a long time. He noticed a need for another batch plant within the city area. He researched different locations and decided on the Gateway Industrial Park. Sunroc has a much larger facility in this area, but he is a small operator. He met with the owner of the property and agreed to leasing terms and he also met with the City and got everything in place so he could start running Pride Rock Materials (also known as Pride Rock Concrete) in 2012. He started out small with only a few trucks. Now business has grown and he has become more successful. The owner of the property gave him specific instructions that he is to not improve the property. He was not allowed to pour concrete, asphalt or build any permanent structures. Unfortunately the owner of the property passed away and his family sold the property to Mr. Stewart. Since that time, Mr. Stewart continued to be successful with his business and in 2016 he was able to purchase the neighboring 1.4 acres of property to increase the production of his batch plant. Last March he ordered a brand new batch plant with current day technology. His current batch plant is from 1988. This one has met all the air quality and EPA requirements. This new batch plant will conform even better to all of the air quality and EPA guidelines.

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This new plant will also allow them to be a better neighbor, more efficient, better producer and be more environmentally friendly. Mr. Stewart stated that his new batch plant is finished and ready for delivery. He is ready to get this permanent structure up and running. Mr. Stewart also reported that 70% of his business is from the City of Hurricane. He wants to continue to be a good neighbor to the other residents of the industrial park.

Pam Humphries asked Mr. Stewart what his plans are for the newly acquired 1.4 acres of property. Mr. Stewart went on to explain that his plans are to build a six foot block wall along Old Highway SR9, construct a new two story building in the center of the property, and behind that building will be the new silo and the new plant. Ms. Humphries stated that she went out to the property today and she had a taste of cement in her mouth and she wants to know how Mr. Stewart can solve this problem. Mr. Stewart explained that the heavy cement dust from the plum is still in compliance with Air Quality and that the new batch plant will have even more control over the dust. Mr. Stewart also indicated that he intends on building storage units that will be at least 20 feet high on the newly acquired 1.4 acres.

Nicole Stewart said that approximately 7 or 8 months ago she met with Toni Foran, Clark Fawcett and the Fire Department regarding the requirements for that because this is something they have wanted to do for some time. Mrs. Stewart stated that if the zoning change request is approved tonight they will work on getting their site plan drafted and ready for Planning Commission approval as soon as we can.

Cheryl Reeve asked about the enforcement of any current CC&R's for Gateway Industrial Center. There was questions if those CC&R's were intended for the Gateway Industrial Park as a whole or for certain individual subdivisions contained within the industrial park. City Attorney Fay Reber will investigate these CC&R's to determine their validity. Mr. Reber also mentioned that while at the Planning Commission meeting he mentioned that some of the problems with these zone changes is people come in and say they are going to do all these things, and after the zone change is granted, they sell the property and the new owners can come in and do whatever they want. To prevent this from happening Mr. Reber indicated that they sometimes include a provision in the Development Agreement that states if they don't comply with the terms of the Agreement then the zone change will revert back to its original status. Mr. Stewart said that Pride Engineering drafted the Development Agreement that was submitted to Council. Mr. Reber has not had a chance to review the submitted agreement yet.

Chance Aplanalp, Management Intern at DATS Trucking located in the Gateway Industrial Park appeared before Council and read a statement on behalf of Danny Ipson, Chief Financial Officer of DATS Trucking. This statement was in support of Mr. Stewart and Pride Rock Materials.

Corbin Davis is a Pride Rock customer. Mr. Davis said that they provide a quality product, they treat their customers well and customers appreciate and support their small business. Mr. Davis supports Pride Rock Materials.

Trent Leavitt is a partner of Dave Stewart. Mr. Leavitt said that Pride Rock is an asset to the City and he's creating a bigger tax base for the City. He stated that Sunroc has a beautiful facility and Mr. Stewart has many improvements there and in place, all he needs is the zone change. Mr. Leavitt is in support of Pride Rock Materials.

Patrick Hass is a mobile service mechanic. He spoke out in support of Pride Rock Materials.

Ron Davies, Principle Owner of Black Gate, LLC. Mr. Davies owns the property next to Pride Rock. Mr. Davies provided Council with a handout and is in opposition to the zoning map change. This three page handout outlines Mr. Davies opposition in detail. Mr. Davies stated that Hurricane City issued a business

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license to Pride Rock Concrete without the required Conditional Use permit which is mandated by city ordinance. He also believes that Pride Rock Concrete is in violation of the Gateway Industrial Park's CC&R's.

Jay Crosby he owns the commercial buildings on the north end of the industrial park. He leases to over twenty different businesses. He has some concerns with having Pride Rock in this area. He stated that in his opinion here is no cement containment where Pride Rock is concerned. Mr. Crosby explained that he has had meetings with other business owners in the complex and it seems to be the consensus that Pride Rock has not been a good neighbor. He believes that Pride Rock is in violation of the CC&R's.

James W. Mason also submitted a letter in opposition to the Pride Rock Materials zone change application.

Greg Hardman appeared before Council and stated that he is the attorney obtained by Black Gate, LLC and other business owners in the Gateway Industrial Park. Mr. Hardman stated that he wanted to focus on the city ordinances and other records that can clarify and give context to the things that Mr. Davies and Mr. Crosby have said. Mr. Hardman referenced his letter dated January 19, 2017. In this letter Mr. Hardman states that Pride Rock Materials application for a zone change is not in harmony with the operations and properly permitted uses of all other surrounding properties with businesses in the area. He also mentions that Pride Rock Materials has always been an improperly licensed business and should have not ever received a business license from the City and that they are in violation of multiple city ordinances. Mr. Hardman explained that Sunroc is in the Gateway Industrial Park and they are subject to the same CC&R's as his clients. He believes that Pride Rock Materials is in violation of these CC&R's.

City Attorney Fay Reber said that it is his recommendation that the Council move to continue this item to such a time when the Development Agreement has been drafted with all of the specific details of the operation, equipment, site plan, etc. and reviewed by himself and staff. Until such time, Mr. Reber is not comfortable with a decision being made.

Mayor Bramall stated that he has heard both sides and he cares about everyone. He would like to think about things and review the final Development Agreement and try to come up with a solution that can benefit those involved. Kevin Thomas indicated that there was too much information given tonight for him to make a comfortable decision. Pam Humphries stated that she also wants to see what the final Development Agreement and the specifics contained in it.

Pam Humphries made a motion to continue this item until March 16, 2017. Kevin Thomas seconded. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**12. Consideration and possible approval of purchase of property for office space for the Parks Department**

Darren Barney – Over the past several years, the Parks Department has exploded with employees. These employees have all been crammed into one room. Mr. Barney said that a house behind the cemetery has become available for purchase. The purchase of this residence would be a huge savings to the City, rather than trying to build a brand new facility. They have spoken with the neighbors and no one is in opposition to the City's purchase of this property for the Parks Department. Mr. Barney stated that there will be a small amount of remodeling to do inside. The total amount for the purchase of the home and the remodel should be \$350,000-400,000. The remodel will consist of redoing the floors

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throughout, building a staff room in the basement, moving a couple walls, etc. The current Parks building will be used for storage.

Clark Fawcett gave a rough estimate of \$400,000. Mr. Fawcett indicated that there are a couple of funding options that can be explored for the purchase of this home. To bond this purchase would cost about \$45,000 per year and that needs to be taken in consideration where the budget is concerned. Darin Larson added that if we have city workers help with the remodel that would also keep the costs down.

Pam Humphries made a motion to approve the purchase of property for office space for the Parks Department. Seconded by Cheryl Reeve. Motion unanimously approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**13. Consideration and possible approval of an agreement with the Gordon and Pauline Stirland Family Trust regarding the preservation of the 1400 West corridor across Trust property- Arthur LeBaron**

Arthur LeBaron said that the purpose of this purchase is to acquire ownership of certain real property for the purpose of preserving a roadway corridor for the future construction and use by the residents of the City as a public roadway in accordance with the City's Master Road Plan. Mr. LeBaron mentioned that the COG money is in place for this agreement. The only issue is that Mr. Stirland requested to receive the money over two payments that are spread out and Mr. LeBaron isn't sure if that is a possibility or not. If it is, then the agreement would have to be changed to reflect this payment payout. The property would be divided into two parcels, the road parcel plus an easement on one side, and there is a remainder parcel. The road parcel would become the City property and the remainder parcel would be jointly owned by the City and Washington County Council of Governments. Mr. Larson stated that there is a gravel pit on one side of where the master planned road would go and there would be a definite import cost to get that road built up. Mr. Larson also has concerns if this is the best route for the Master Planned road. Mayor Bramall and Mr. LeBaron agreed that this is the best route for this road. Mr. LeBaron stated that it is important for the City to act on this when there is a willing seller.

Pam Humphries made a motion to approve the agreement with Gordon and Pauline Stirland Family Trust regarding the preservation of the 1400 West corridor across Trust property. Seconded by Kevin Tervort. Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries voting aye. Darin Larson voted no. Motion approved.

**14. Consideration and possible approval of an amendment to the reimbursement agreement for 2170 West Street improvements – Mike Vercimak**

The original agreement referred to the paving of 2170 W between 600 N and 100 N and it being impact fee eligible. The new owner is requesting that the City step in and pay for the spine road up from Zone 1 up to 100 N. Because of this, the agreement has been amended to reflect these changes and Mr. Vercimak recommends approval. In this agreement the City will be reimbursing Zion Village Townhomes for the paving of the spine portion of the road from the end of Bill Zitting's first phase to the end of Zion Village's first phase. Ms. Humphries asked for clarification on page three where the agreement states "road reimbursement shall be made as each zone is completed and accepted by the City" Ms. Humphries explained that if there is only going to be one phase, then her suggestion is to remove the word "each".

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Kevin Tervort made a motion to approve the amendment to the reimbursement agreement for 2170 West Street improvements with the changes mentioned. Pam Humphries seconded. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**15. Consideration and possible re-approval of an authorization for a grading permit at SR-9 and 2000 West issued in April of 2015 – M&C Warren Investment, LLC**

Mark Burgess a general contractor appeared before Council. He stated that he was here representing M&C Investment, LLC who purchased the property from the Bank of Layton. Mayor Bramall explained that the Bank of Layton requested a grading permit for this property and it was granted. Now there is a new owner and they request to execute the grading permit.

Pam Humphries stated that she was not present when Council initially approved the grading permit. She has concerns about the west side of the grading because it is quite steep. Mr. Burgess explained that it is actually the south side that is the steep side. Mayor Bramall mentioned that the sooner it is graded, the sooner it can be ready to build on.

Kevin Tervort made a motion to approve the re-approval of an authorization for a grading permit at SR-9 and 2000 West issued in April of 2015. Seconded by Kevin Thomas. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**16. Mayor, Council and Staff Reports**

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, and Engineering- reported that the Mayor’s Association has spoken out against the proposed BLM leases. These proposed leases are located above the aquafer that waters our whole county and we are in objection to having them up there. Mayor Bramall also stated that the Water Conservancy District is also in opposition to these proposed leases.
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council-
Pam Humphries	Court, Water, Power, Solid Waste- asked if Council can purchase city shirts for Cheryl and Kevin out of the discretionary funds. Mayor Bramall suggested the purchase of all new shirts for the Council. Council agreed to the purchase of new city shirts.
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation-
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification- reported that interviews are underway for the Parks and Cemetery open positions. Mayor Bramall stated that he has received a few applications to review for the Planning Commission. He hopes to have recommendations by March 16, 2017.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District-
Clark Fawcett	City Administration- he has met with the department heads to put together a five year capital and personnel budget. Mr. Fawcett would like to present these budgets to Council prior to the regular budget meetings. Mayor Bramall suggested a work meeting on Thursday, March 16, 2017 at 4:00 p.m. Kevin Thomas will be out of town for Spring Break, but the other Council members agreed to the meeting.

Kevin Thomas said that Pat Jepson on Main Street came to him with a concern. Mr. Jepson has a neighbor that is running a homebased business out of their garage. It is a dance studio. Mr. Jepson has valid concerns of loud music and the amount of cars being parked on the streets. Mr. Thomas stated

that he went over to Mr. Jepson's house and there were at least 20 clients in the garage, loud music and there was no parking. Ms. Foran suggested that they send them a letter explaining the home based business standards and have them come to Mr. Thomas and discuss their business license.

**17. Adjournment 9:45 p.m.**

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