

Minutes of the Hurricane City Council meeting held on March 16, 2017 in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

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

**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 and Fire Department Inspector Kevin Gildea.

## **AGENDA**

**4:00 p.m.** Discussion regarding 5 year budget – Clark Fawcett presented the Hurricane City 5 Year Budget 2017-2023. Council received a handout of this presentation. Mr. Fawcett’s reasoning behind the five year plan is to organize the different departments and their Supervisors. He spent time with each Supervisor and discussed in detail their department’s needs. He also discussed with each Supervisor their need for additional employees and the annual cost associated with the new hires. Mr. Fawcett stated that a yearly basis budget is easy to do, but planning for the next five years is a little more challenging. He requested that Council read through the budget and prioritize what they feel is most important for the different departments and where the money needs to be spent. Mr. Fawcett went on to discuss the overview of the General Fund which includes Buildings, Infrastructure, Equipment Replacement, New Furniture & Equipment, Personnel and New Programs. Council appreciated the 5 Year Budget 2017-2023 that was put together. They will review the information and discuss it at the next budget meeting.

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

Bryce King – Sent email out regarding the pump track for the mountain bike festival. Our cost will be \$1,500 for the rental of the portable pump track. This pump track will be open for public use. Mr. King will set up a public announcement on Facebook to help get the word out. Council gave their support for the pump track rental. The Mountain Bike Festival has approximately 200 registered participants and growing. Mr. King attended a two day Recreation conference in St. George where he presented two times. This conference had a great turnout and the City was represented very well.

Mike Vercimak – Ken Richins wants to request a special meeting with Council to further discuss the expansion of the pressurized irrigation system. Council set the meeting for March 23, 2017 at 2pm. Street Department has been busy picking up tumble weeds and burning them. Mr. Vercimak also mentioned that they are doing some research into purchasing a used dump truck. Their current dump truck is over eighteen years old and is costing more in repairs to keep it operational.

Toni Foran – she and Fay Reber met with Dave and Nicole Stewart of Pride Rock earlier in the week to start working on the Development Agreement. After some discussion Mr. Reber suggested that they go and meet with Mr. Davies to work out a few issues and that without the finalized Development Agreement they wouldn’t have Council approval.

Arthur LeBaron – he is attending a UDOT meeting tomorrow. UDOT requested a map showing the development pressure the City of Hurricane is under for the Southern Parkway. Joe Rhodes made a map and Mr. LeBaron will take it with him to the meeting. Mr. LeBaron stated that tomorrow will be a good

opportunity to petition the Commission and have them look in detail at the Southern Parkway and hopefully secure funds for some much needed improvements.

**6:00 p.m. - Call to Order –**

Pledge: Kevin Tervort Prayer: Darin Larson

Presentation of Service Award to Debi Lefevre – Chief Excell presented the award.

Approval of Council minutes for 2/9/17 and 2/16/17

Kevin Tervort made a motion to approve the 2/9/2017 and 2/16/2017 Council minutes. Pam Humphries seconded. Motion approved with Cheryl Reeve, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

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

Suzie Cashin – she and her family have lived in the City of Hurricane for 19 years. She is here as a concerned citizen. She has had both wonderful and negative experiences in dealing with the City. Recently, they received a Certificate of Occupancy on their house that they built. In her opinion, that should have never been issued. They are having many electrical and other issues but because the Certificate of Occupancy was issued they have no recourse. Mrs. Cashin stated that she believes the City allows these contractors to work without having proper certifications. She also stated that she has had negative experiences with the local police. She was in a traffic accident and the responding officer didn't investigate the accident properly. She feels that the City should be more attentive to their employees and their training.

Ryan Cashin – he can verify the claims just made by his wife. Mr. Cashin served on the Planning Commission for a long time. He feels that the past six months have been very difficult for him and his wife because he feels that there has been a lack of support from the local government and city. Mr. Cashin reiterated what his wife stated regarding their issues with the Certificate of Occupancy and their recent traffic accident. Mr. Cashin stated that he had to hire outside people to reinvestigate the accident. He feels that the City and elected officials need to take more steps to make better decisions, and find a better way to educate people on how to run the City. Mayor Bramall thanked Mr. Cashin for all his years of service on the various boards and apologized for the issues he's experienced. Mayor Bramall asked for a list of issues and he will follow up with Mr. Cashin. Mayor Bramall stated that the City is in need of a Code Enforcement Officer and that would help eliminate some things that may have fallen through the cracks.

Donna Coles – she has lived in Hurricane for approximately three years. Her and her mother bought a couple houses in Dixie Springs. She passed out pictures for Council to view. They've had issues with the showers in each master bedroom. They had to hire an outside flood inspector to do basic flood testing. Each home failed miserably. Ms. Coles stated that both homes were not compacted properly and they have to be piered. She said she will have to go to extraordinary measures to keep the foundation clear of water. She is currently in litigation with that contractor as these are major issues. Ms. Coles also stated the project that is being built next to her came to the City and asked to have three foot side yards and ten foot frontage on a two story residence. She said that there are a lot of downpours in that area and the water runoff from the two story residence would flood her foundation and potentially cause more issues. Ms. Coles noticed this was a problem when the crew started digging on her side of the

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property. She also has a propane tank on that side of the house and the location of this two story residence is now a fire hazard. She also stated the project was being built over a utility easement. Ms. Coles stated that this particular item was approved by the Board of Adjustments and she was never notified that it was going before the Board of Adjustments. She came down to the City and filed a complaint within 30 days after becoming aware of this. Mr. Vercimak and Ms. Foran explained that the Agendas are posted on the City website, the post office and library just like the City Council Agendas. Mayor Bramall stated that he understands her concerns for her property and explained the utility easement setbacks. He said that they will have someone go out and verify the easement and “red tag” them if they are in violation. He also explained that the use of special rain gutters will defer the water runoff from entering her property.

Dick Charles – he’s retired from Wheeler Machinery after 35 years. Mr. Charles stated he moved to the area about 8 years ago, and he is an avid ATV person. He was down at Sand Hollow and came across the tunnel. He said that there is a very ragged, rocky ridge up there and it is a safety concern. He wanted to bring this to the City’s attention. Mayor Bramall explained that sand has been removed from the side of the road, but not from the area Mr. Charles is describing. Mayor Bramall further explained that when the wind blows the sand moves and that over the last 30 years the sand dune has moved 150 feet to the east. Mayor Bramall said that he has a meeting with the State tomorrow to solidify some funding so that things like this can be taken care of. Mr. Charles thanked the Mayor and Council for their time.

#### **OLD BUSINESS**

- 1. 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**

Fay Reber – he and Ms. Foran met with Pride Rock on Monday. Mr. Reber suggested that Pride Rock and Mr. Davies meet and try to resolve some issues before the Development Agreement is finalized. Mr. Reber is hoping that these two parties can work together to resolve some of the major issues they have. Mr. Reber suggested continuing this item until the Development Agreement is finalized. Council agreed to continue this item to a later date.

#### **NEW BUSINESS**

- 2. Discussion and possible decision regarding rear lot access to garage on 3680 W in Dixie Springs-Tim VanVranken**

Clark Fawcett explained that this subdivision received approval by the County before it was annexed to the City of Hurricane. It was approved with a few lots only having access off Dixie Springs Drive or 3700 West, both of which are main collector roads. Mr. Fawcett explained that Mr. VanVranken’s property is a larger lot that extends from 3640 West to 3680/3700 West. Mr. VanVranken’s home faces 3640 West and 3700 West is a collector street that is on a slight curve. Mr. VanVranken is asking for rear lot access on 3680/3700 West to build a garage. If he was to have access to the rear of his lot from the front of his house, then the telephone utility box would need to be moved.

Tim VanVranken – he purchased the lot four years ago and he stated that the City told him he could put the house on either side of the large lot. He put his house on the 3640 side so he could have the sun in the backyard and the garage towards the rear of the lot. If he could go back, he would put the house

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facing the 3680 side so he wouldn't have to fight to have access to the rear of his property. He also doesn't feel that 3700 West is going to be that busy of a street.

Pam Humphries explained that 10-37-12E of the City Code states:

Double Frontage Lots: Lots having frontage on two (2) or more streets shall be prohibited except for corner lots and double frontage lots in subdivisions which back onto streets shown on the city's road master plan. Such double frontage lots shall be accessed only from an internal subdivision street. Frontage on lots having a front lot line on more than one street shall be measured on one street only.

Mr. VanVraken stated that he was never informed of the City Code when he purchased the lot. He paid extra for the lot so he could have access on both sides. Cheryl Reeve stated that if she owned this particular property, she would also want to have access on both sides. Mayor Bramall explained that this property is on a curve on a collector street which is a safety issue and that's why the City Code was written.

Council discussed with Mr. VanVraken the possibilities of widening his driveway and extending it to the rear of his lot. Mr. Fawcett stated that he offered to move the telephone utility box at the front of the property at the City's expense so that Mr. VanVraken could widen his driveway, but Mr. VanVraken turned it down. Mr. VanVraken expressed his concern of the cost to run a driveway from the front to the rear of his property. He also requested that if he doesn't get access to 3680/3700 West, that the City inform everyone in his neighborhood that they can't have access to 3680/3700 West and Dixie Springs Drive.

Mr. Vercimak explained that everyone on Dixie Springs Drive has been told that they are not to have access to that road and there is not one lot out there that has been approved access by the City.

Darin Larson suggested that a Development Agreement be made specifically for the lot, different than any other lot. He explained that this lot is near a stop sign, it's not during the flow of a 35 mph road, and it is before a stop sign where someone would be slowing down. He believes the risk is mitigated by the location. Cheryl Reeve agreed with having a Development Agreement specific to this lot. Mayor Bramall stated that even with a Development Agreement the City would be liable and held responsible for any incident resulting from disregarding the engineering standards and traffic safety standards and City Code by giving access to a collector road. Mr. Reber stated that there is a specific prohibition in our Code for a double frontage lot such as this one.

Kevin Tervort made a motion that the City pay to upgrade Mr. VanVraken's telephone box and deny rear lot access. Seconded by Pam Humphries. Cheryl Reeve and Darin Larson voted no. Kevin Tervort and Pam Humphries voted yes. Mayor Bramall voted yes. Motion was approved.

**3. Consideration and possible approval of an ordinance amending Title 6, Chapter 1, adding section 7 School Property Regulations-Kraig Stowe**

Kraig Stowe – he is the school resource officer at Hurricane High School. There is a traffic issue at the school. Students are flying in and out of the parking lots with no regard to the speed limits. Mr. Stowe found a state law that gives school districts the authority to give police departments the ability to enforce traffic laws in their parking lots. Mr. Stowe checked with the school district and it is already in effect, Council needs to approve the ordinance change.

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Kevin Tervort made a motion to approve the ordinance amending Title 6, Chapter 1, adding section 7 School Property Regulations. Seconded by Pam Humphries. Motion unanimously approved with Cheryl Reeve, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**4. Consideration and possible approval of a zoning map change for property located at 280 East 860 North from R-1-10 to PF, Public Facilities-Hurricane City applicant**

Pam Humphries made a motion to approve the zoning map change for property located at 280 East 860 North from R-1-10 to PF, Public Facilities. Seconded by Cheryl Reeve. Motion unanimously approved with Cheryl Reeve, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**5. Discussion and possible decision regarding sand on Sand Hollow road-Mayor Bramall**

Mayor Bramall explained that this item was already addressed during the discussion with Mr. Dick Charles during Public Forum.

**6. Discussion and possible decision regarding city lot in the Pecan Meadows Subdivision-Mayor Bramall**

Tyran Sorenson – she is a resident of Pecan Meadows. She is here representing the majority of residents in this subdivision. Ms. Sorenson read a letter on behalf of these residents to Council dated March 12, 2017. This letter addressed their concerns of the poor condition of the Community Garden and the gazebo. The residents feel that this area is an eye sore and a nuisance to their community and ask that Council remove the garden and gazebo. The letter was signed by 21 residents of this subdivision.

Kevin Kimber- he lives next door to the Community Garden. He stated that the storage shed has become a playhouse for the neighborhood kids. It’s in poor condition and it is an eye sore.

Sean Carey – he lives on the other side of the lot. He stated that there are kids who play in and around this lot. It is not kept up, it is overgrown and looks trashy.

Council discussed options for cleaning up the property and removing the structures.

Kevin Tervort made a motion to remove the structures and clean up the city lot in the Pecan Meadows Subdivision. Seconded by Pam Humphries. Motion unanimously approved with Cheryl Reeve, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**7. Appointment of board and commission members**

Mayor Bramall continued this item to another time. He is still reviewing candidates.

**8. Mayor, Council and Staff reports**

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering-
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council-
Pam Humphries	Court, Water, Power, Solid Waste- The Hunter Power Plant might be closing, and we will no longer be selling power to California. There are two nuclear power plants that will be closing.
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation- Planning Commission had a presentation from Copper Rock.

	There were quite a few concerns that were brought up. It was very positive and constructive for the Copper Rock individuals. The Planning Commission will draft a letter to the City Council listing their concerns regarding this project.
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification- Waiting for the "go ahead" to get the bell. Need to have all of the plans and liability insurance in place before the bell can be removed.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District-
Clark Fawcett	City Administration-

**Adjournment 8:12 p.m.**

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