

Minutes of the Hurricane City Council meeting held on April 6, 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, Ash Creek Special Service District Mike Chandler, GIS Specialist Joe Rhodes and Fire Department Inspector Kevin Gildea.

AGENDA

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

Discussion regarding work meeting – Council scheduled a Budget meeting on April 18, 2017 at 8 a.m. in the Police Department basement.

Discussion regarding Hurricane South Fields – Mayor Bramall stated that the City Council approved the one acre parcels in Hurricane South Fields and Planning Commission recommended turning down the ski lake that was proposed. Darin Larson said that the Planning Commission decision was 1-4 against the ski lake.

Mike Chandler – the Spilsbury and Copper Rock projects have become somewhat muddled together. It's hard to tell where one project ends and the other begins. I've asked them to bring in very specific plans for their projects and phasing. Secondly, the state legislature authorized UDOT to apply for bonds for up to a billion dollars. We had a project that UDOT approved for the SR9 pipeline from Walmart to 2600 West which has now been denied. They are weary of us putting that in and having to move it in the next five to eight years. Since they were approved to apply for this funding, everything for them has become a high priority. We will be meeting with UDOT to see what we can do to resolve this issue.

Chief Excel – the police department has had over 200 incidents. This is up from last year. They had an officer resign and they are not getting any response to their vacancy. The police volunteers have been getting good feedback and lots of support from the community. The plans for traffic control during the Ironman are in the planning stages.

Mike Vercimak – all of his departments are busy with development. There are many plan reviews and site visits being done.

Arthur LeBaron – in regards to the potential UDOT funding, there is 100 million dollars that will be spent within the city limits of Hurricane. Mr. LeBaron gave a handout to Council highlighting these projects.

Fay Reber – Legislature passed some items which impacts our ordinances regarding short term vacation rentals, vender carts and bed and breakfasts. Those items will come back to Council for review in the near future.

Clark Fawcett – he received the RAP Tax paperwork. Council supported putting together a committee last year. The committee will review the applications and making recommendations to Council. Mr. Fawcett will help put together the committee.

Dallan Wadsworth – he and his wife are trying to build a house on 1500 South where there is currently a 70 foot road easement. He is asking Council to go back to a 58 foot road easement. Council discussed concerns with a 58 foot easement and the specific cross sections in the Transportation Master Plan that were adopted in 2011. City Engineer Arthur LeBaron stated that this road connects between 700 West and west of the Southern Parkway. He explained that 700 West is one of the main corridors and changing this road easement would cause issues. He further explained that the only time you can get a property owner to dedicate property to the City is when they apply for a land use permit. Otherwise, the City has to go and negotiate the purchase of land from said land owner. Council decided to add this item to the April 20, 2017 agenda for further discussion and decision.

6:00 p.m. - Call to Order –

Pledge: Mr. Heaton Prayer: Cecile Rathbun

Approval of Council minutes: 03/02/2017 – these minutes will be moved to the next meeting for approval.

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

Shannon Hardesty – they had an encroachment on their property and she is here to ask Council to not issue a Certificate of Occupancy until the issue has been resolved. 2657 West is encroaching on her property at 177 North. Ms. Hardesty came in and spoke with City Manager Clark Fawcett. Mr. Fawcett stated that he had the City Engineer Arthur LeBaron go out and check the property lines and there is an encroachment. During the building process the property lines were not identified properly. The corner of the house is 1'4" off; the roof hangs over with a cement pad that is on Ms. Hardesty's property as well as a retaining wall. The soon to be owners of the house have offered to purchase some of the property from the Hardesty's, but the issue is that these lots are already narrow and this encroachment severely limits what they can do with their property. Mayor Bramall suggested that Council could approve a variance on the frontage and/or the positioning of their future house. Ms. Hardesty requested that Council not issue the Certificate of Occupancy until these issues can be resolved. Kevin Thomas offered to work with Ms. Hardesty to design a home free of charge. Mr. Fawcett suggested Ms. Hardesty work with Mr. Thomas to see what they can come up with, and then a decision can be made about the variance. Toni Foran will hold the Certificate of Occupancy until a decision is made.

Pepper Reddish – her business WORCS Racing is going to be hosting a race at Sand Hollow on April 21, 22, 23. She is requesting community support to close down Sand Hollow Road. Ms. Reddish stated that they don't need police support, they do have medics and they will be getting a permit for the race. Mayor and Council support Ms. Reddish and Clay Campbell in the Streets Department will help supply water barricades for the race.

Reed James – he is a resident of Dixie Springs and works as a school teacher. He is here with concerns about the unfinished park out in Dixie Springs. He put it out on Facebook to survey what the residents out there would like to have done with the park and he is here to show Council the results. Mayor Bramall suggested he also send the survey results to Darren Barney. Pam Humphries explained that park is not finished and there are many more phases of development to come and that Mr. James should speak with Darren Barney to see what the final park will look like.

Bob Carter – he is a resident of Dixie Springs and is the president of the ACC. He is here to invite the Council to the "Party at the Pavilion" on Saturday, April 22, 2017 from 10am – 2pm.

OLD BUSINESS

1. *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*

Mayor Bramall stated that applicants requested for this item to be Tabled.

NEW BUSINESS

2. *Discussion and possible decision regarding short term rental next to 4321 W 2700 S-E.K. Blackburn*

Ms. Foran stated that applicants requested for this item to be Tabled.

3. *Presentation of donations for city pool tarps – Hurricane Aquatic Committee*

Jesse Kochel – presented check to City for \$1,000 from the Hurricane Valley Rotary Club. The Rotary Club supports the city pool and their need for tarps. Mr. Kochel stated that they are still acquiring donations from private citizens and other businesses.

4. **PUBLIC HEARING-to take comments on a petition to abandon a portion of the 37' easement at the end of 840 West Street between lots 21 and 22 of Hurricane Heritage Estates**

Kevin Tervort made a motion to move to public hearing. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort , Pam Humphries and Darin Larson voting aye.

Kory Wright – he is a resident of 840 West. He and the other residents of 840 West are requesting that the City abandon a portion of the easement at the end of their street. Mr. Wright stated that there had been talk of possibly putting in a drainage easement through there, but he said there has never been a drainage issue for as long as he's lived there. Mr. Wright explained that there is already a utility easement that goes over to 920 West and the drainage is already stubbed over there. 840 West is not a master planned road and the residents of this street request that the easement be abandoned.

Toni Foran explained that when the subdivision was approved in October 16, 2003, the City Council at that time approved the subdivision with a 39' roadway and public utility easement through the cul-de-sac for possible continuation of a road going north. Ms. Foran explained that the purpose of the road was to connect to future neighborhoods and it was never intended to be part of a master planned road. This cul-de-sac is actually longer than what code allows. The easement that was recorded was only a 37' easement, not the proposed 39' easement. Chief Excell stated that as a City of Hurricane resident, he lives on this street and he loves the subdivision. He is not in favor of this roadway ever being developed.

Mayor Bramall explained that the purpose of this easement was because this cul-de-sac is over 1200' and normally you don't go over 600' for fire safety reasons. This was necessary to comply with State Code. City Attorney Fay Reber explained that according to State Code in order to vacate an easement you have to find that there is good cause to vacate and that it will not materially injure the public interest or the interest of any person.

Street Superintendent Clay Campbell stated that he has concerns regarding the potential of not having a drainage line that would connect into that system and a potential issue with the irrigation water lines. Mr. Campbell said that if we knew the building plans for those lots, he might feel more comfortable with abandoning the easement, but as it stands, he feels it would be a big mistake to abandon the utility easement because the City will need access for drainage, irrigation and other utility issues.

Kevin Thomas made a motion to move out of Public Hearing. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Tervort, Kevin Thomas, Pam Humphries and Darin Larson voting aye.

5. Consideration and possible approval of a decision regarding a petition to abandon a portion of the 37' easement at the end of 840 W Street between lots 21 and 22 of Hurricane Heritage Estates

Clark Fawcett commented that he has seen a number of abandonments throughout the City, and each one has had their share of issues. As the City continues to grow, the needs and plans for the City will change. This easement was put in place to be able to carry future traffic needs. There have been other easements that have been abandoned that have not allowed through traffic, caused congestion, and problems with access to properties. Mr. Fawcett explained that because there is a home where this particular roadway easement would be located, this roadway easement should be vacated.

Mayor Bramall asked for Council's thoughts. Cheryl Reeve stated that she believes that there is not enough property there for a road to be put there. There wouldn't be enough of a lot left to build on. Kevin Tervort questions why this was ever approved as a cul-de-sac. He said that there is no way to align the existing road with this potential easement road without taking out part of the house that is there. Pam Humphries stated that she doesn't have an issue with the road not going through, but she does have concerns about abandoning the utility easement. She said that there has to be at least a 20' easement for utilities. Kevin Thomas agrees with Mr. Fawcett. It is unfortunate that the City allowed the house to be built the way that it is, and now we can buy this residence back or forget having the road. Mr. Thomas stated that he doesn't want to give up the utility easement no matter which option Council chooses. Darin Larson explained that he sees the importance of the utility easement, and he sees the importance of the connectivity of the road.

Pam Humphries made a motion to abandon the road portion of the easement and keep the utility easement portion to at least 20 feet, nothing less. Seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

6. Consideration and possible approval of participation in the Pianos on Parade program

Clark Fawcett said he received a letter regarding this program and forwarded it on to the Recreation Department. Mayor Bramall explained that they will be coming through town promoting pianos and provide pianos for people to use. Council supports the Pianos on Parade program.

7. Consideration and possible approval of waiver of impact fees for construction of county building located at 5500 W 700 S at fair grounds

Mayor Bramall explained that he spoke with staff and Council regarding this matter. Normally the City will waive the impact fees but not for the construction fees.

Commissioner Iverson stated that they are building the offices for their extension out at the fairgrounds. About four years ago their offices burned down, and now they are finally rebuilding. They are currently in temporary offices in St. George and after searching for a new location to rebuild they thought of the

fairground area. The fairgrounds are centrally located. They will be building a 15,000 foot air-conditioned Exhibit Hall along with their offices. Commissioner Cox is excited to bring this 4H program to the City of Hurricane. Commissioner Cox stated that they will cover any hard costs and he offered the facility to the City for the use of any Christmas party or events like that.

Dave Imlay stated that the power down at the fairgrounds is primary metered. Years ago the County came in and said that they didn't like the idea of having to pay meter costs for all the meters they had out there, so they allowed a primary metered installation. Mr. Imlay explained that the County owns the facility there. He wants Council to be aware that the Power Company will have nothing to do with the hookup there, but the load will impact our system.

Kevin Tervort made a motion to waive the impact fees for construction of county building located at 5500 W 700 S at fair grounds. Seconded by Kevin Thomas. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

8. *Presentation and discussion regarding the Utah Highway General Obligation Bonds legislation and the possibility of using a portion of these funds for the proposed St. George to Springdale Transit Line-Myron Lee*

Myron Lee stated that in the closing hours of the Utah State Legislature that HB277 was passed. HB277 allows UDOT to bond for one billion dollars. This funding is to help accelerate the construction of some roads across the state of Utah. On the list of roads that are recommended by UDOT to be funded are three projects that affect the City of Hurricane. One project is the rebuilding of the interchange at SR9 and I15. The second project is 68 million dollars to finish SR7 from Sand Hollow to SR9. The third project would be to do an environmental study on SR9 from I15 out to where SR7 would tie in. Mr. Lee stated that in the passing of the Bill, they added language in lines 136-140 that reads:

(b) \$100,000,000 to be used by the Department of Transportation for transportation improvements as prioritized by the Transportation Commission for projects that: (i) have a significant economic development impact associated with recreation and tourism within the state; and (ii) address significant needs for congestion mitigation.

Mr. Lee explained that UDOT and their primary projects include Zion National Park, Arches National Park and down by Little Cottonwood Canyon where during the ski season there is considerable tourist congestion. Mr. Lee stated they asked UDOT to consider the public transit feasibility study that was completed in November 2016 in their budget. This feasibility study looks at putting together a transit line from St. George to Springdale that would help with the tourism congestion at Zion National Park. With the huge number of visitors and high traffic, this transit line would allow people to park their cars and get to the park via the transit line. Mr. Lee asked for Council comments regarding the transit line. Council all agreed that they support the project but they do not want the citizens to have to fund the transit line by additional taxing. Mr. Lee thanked Council for their time and comments.

9. *Consideration and possible approval of a revised Lease Purchase Agreement on the Parks Department building purchase*

Kevin Thomas made a motion to continue this item until the next Council meeting on April 20, 2017. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

10. Consideration and possible approval of a request to combine adjoining lots 31 and 32 in Dixie Springs Plat E and abandoning the utility easement on the side lot line between them – Terrance and Kate Bjordahl and James Cheney lot owners

Toni Foran stated that the house is already built and the applicants just want a bigger yard.

Kevin Thomas made a motion to approve the request to combine adjoining lots 31 and 32 in Dixie Springs Plat E and abandoning the utility easement on the side lot line between them. Seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

11. Discussion of a zoning map change application for +/- 84 acres located at approximately 920 West south of 1500 South from RA-1, Residential Agricultural one acre, to RA-1/PDO, Residential Agricultural 1 acre with a ski lake subdivision planned development overlay which will be voted on at the April 20, 2017 meeting

Mayor Bramall stated that applicants asked for this item to be continued until the next Council meeting on April 20, 2017.

12. Consideration and possible decision on a zoning map change application for 200 acres approximately 1 mile south of 3000 South just west of the proposed Copper Rock project from RA-1, Residential Agricultural 1 acre, to R-1-10, Single Family Residential 10,000 square foot lot minimum – Toquerville Enterprises applicant, Brant Tuttle agent

Mayor Bramall stated that he checked the records and when this property was in the County it was zoned 1 lot per 20 acres, and when they came into the City it was changed to 1 lot per acre.

Brant Tuttle said that he is requesting the first 200 acres to be rezoned to R1-10. The total acreage is 1400 acres, but this zone map change is only for the first 200 acres. Mr. Tuttle explained that they are planning on bringing the utility services out to the proposed subdivision. There is currently nothing out in this area and he understands that bringing utilities out there will be a project.

Mr. Imlay confirmed that this property is within the Hurricane Power service area. He explained that there will be a need for transmission lines, distribution lines, substations, etc. if this project is approved. Ken Richins expressed concerns over providing water services for this proposed project.

Ms. Foran stated that the Planning Commission denied this zone change. One of the general requirements for a zone change is having utilities, transportation and such available in the area, as well as is the area compatible with the surrounding land uses. The Planning Commission didn't feel that this project met either criteria so it was denied. Darin Larson commented that the plans that were submitted to the Planning Commission were not solidified, so they were denied until they are solidified. There were too many unknowns for the Planning Commission to give their approval.

Pam Humphries stated that this is a piece of property that is out in the middle of nowhere and she also has concerns about providing not only utilities out there, but also the impact it will have on our fire and police departments. Without having more information regarding the infrastructure, Ms. Humphries said that she is not comfortable making a decision.

Mr. Tuttle explained to Council that if they are approved for the zone change and get to go through the development process, they will be able to solve all of Council's concerns regarding the infrastructure. That portion of the project hasn't been developed yet. It's like putting the cart before the horse.

Shane Roxburgh – is here representing CR Homes. CR Homes has been in business for over 20 years. They are a very well funded company and they have wanted to come down to this market for a long time now. They have primarily reached out to local home builders who are excited to be a part of this proposed project. Mayor Bramall stated that he has met with Mr. Roxburgh and he has been impressed with the quality of product he has seen from CR Homes.

Jerry Spilsbury – wanted to express his support for this zone change and his support for this project. He’s excited to have a premier builder like CR Homes interested in building here in Hurricane. He feels that this project would be a huge benefit to the City.

Darin Larson made a motion to approve zoning map change application for 200 acres approximately 1 mile south of 3000 South just west of the proposed Copper Rock project from RA-1, Residential Agricultural 1 acre, to R-1-10, Single Family Residential 10,000 square foot lot minimum. Seconded by Cheryl Reeve. Motion approved with Cheryl Reeve, Kevin Tervort and Darin Larson voting aye, while Pam Humphries voted no and Kevin Thomas abstained.

13. Appointment of board and commission members

Mayor Bramall stated that his recommendations for Planning Commission are:

Pete Peters - served on previous Budget Committees and was always supportive of the City. Cheryl Reeve, Kevin Thomas, Kevin Tervort and Darin Larson voted yes. Pam Humphries voted no.

Michelle Cloud – she currently lives in Dixie Springs and works as a realtor. Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voted aye.

Both Pete Peters and Michelle Cloud were appointed for four year terms on the Planning Commission.

14. Report on Copper Rock annexation progress – Fay Reber

Fay Reber reported that the County Boundary Commission denied the protest which means that the Council can move forward. The Public Hearing will be on the Agenda for April 20, 2017. At the conclusion of that Public Hearing will be the approval of the Development Agreement and approval of the Ordinance annexing the area.

15. 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- she attended the UAMPS meeting and the carbon free project is coming along. They are still trying to decide if they want to be a dry plant or a wet plant. There are four phases of development. At the end of each phase the City has the option to continue to participate or opt out.
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation- as a representative of the Rotary Club, he wanted to thank Chief Excell and Bryce King for getting things together for the Easter Car Show.
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification- she attended the Bike Festival. It was very well attended. Arbor Day is the 28 th and they are spotlighting Three Falls.

Kevin Tervort	<p>Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District- he took a ride out to the Industrial Park. The property at Keystone Repair is a complete eye sore. There is still no fence and there are cars lined up and down the property. Council agrees that something has to be done. Chief Excell will send officers out to check it out.</p> <p>Mr. Tervort attended a five hour work meeting with the Water Conservancy District. They are looking at 16k for impact fees. The current impact fees are \$7,000 for a quarter acre lot.</p>
Clark Fawcett	City Administration-

16. Adjournment 9:15 p.m.
