

Minutes of the Hurricane City Council meeting held on May 4, 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, GIS Specialist Joe Rhodes, Ash Creek Special Service District Mike Chandler, Water Superintendent Ken Richins, and Fire Department Inspector Kevin Gildea.

AGENDA

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

Mike Chandler - Monday, May 8, 2017 the 3700 West crossing will be under construction while they replace a sewer pipe that is significantly corroded. They waited until after the Ironman race to begin and they are hoping construction will be completed by Memorial Day.

Ken Richins – Tractor Supply has a water leak in front of it and his department will be repairing that leak at 9 p.m. tonight.

Chief Excell – Ironman is this weekend and traffic control personnel has been briefed. The department has thirteen people on a waiting list to attend the volunteer academy. Volunteers are a vital asset to our community and we are excited about the interest we have. There are in the process of the background check for another potential officer. He will be an entry level position. Chief Excell reported that traffic accidents are up 40% from last year. There are a lot of problems on 700 West and he suggested getting UDOT to address this issue.

Dave Imlay – with regards to the South Fields project, Rocky Mountain Power gave us one of their apprentice come over and help us out. He helped pull a bunch of wire. The job is coming along nicely. The Power Department's new building is coming along. Mr. Imlay is hoping that they will be in the new building at the end of May.

Cindy Beteag – during the Utah Legislature there were two changes to State Codes that now conflict with our Ordinances. The first change is regarding Home Based Businesses. State Code now says that “a municipality may not charge a license fee for a home based business, unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.” Mr. Reber explained that the City could still regulate these home based businesses by parking and zoning or impose an impact fee. Mayor Bramall stated that he would like to meet with Mr. Reber to discuss this change further before Council makes a change to the City Ordinance. The second change is regarding H.B. 253, 10-8-85.4 concerning short-term rentals and the prohibition on ordinances restricting speech on short-term rental websites. “(b) use of ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.” Mayor Bramall wants to meet with Ms. Foran and Mr. Reber to discuss these two items before Council makes any changes.

Mike Vercimak –County would like to take water down to the shooting park and they need consent from the Water Board and City Council. Mr. Vercimak has an item on the Agenda tonight concerning this approval.

Toni Foran – The Planning Department has been very busy lately. They have received many permit applications and site plans. The office has also been receiving multiple questions per day regarding vacation rentals.

Kevin Gildea – the new fire engine is ready to be picked up in Salt Lake. They have had to do some patch work on the oldest engine that they have. So far the patch work has been holding. The construction on the new station is coming along. They are one month behind schedule, but are hoping to take possession of it in July. His department has been receiving a lot of grass fire calls. Controlled burns are getting away from people.

6:00 p.m. - Call to Order –

Pledge: Cheryl Reeve Prayer: Clark Fawcett

Approval of Council minutes: 03/23/2017, 04/18/2017

Pam Humphries made a motion to approve the 03/23/2017 and 04/18/2017 minutes. Seconded by Darin Larson. 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. 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, parcel # 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 Stewart asked if Council was able to review the latest and greatest Development Agreement. Mr. Reber explained that there are several changes that needed to be made to the Development Agreement. The owner of the property was added as a party, provisions added to paragraph nine, page four. Mr. Reber also added specific terms and language to Exhibit C stating that if they default under the agreement the City could terminate it and remove the zoning and revert back to light industrial. Mr. Reber also explained that there has to be some way to ensure the quality standards by requiring a Certificate of Compliance for Emissions and the Division of Air Quality. Mr. Reber explained that the agreement is deficient and needs an Exhibit that lists all of the improvements as well as a map showing the improvements that are required. He wants Council to be able to see exactly what they are approving. Council agreed with Mr. Reber that changes needed to be made to the Development Agreement and the site plan to reflect the improvements that are required. Mr. Stewart said that he has no issues with adding these items to the Development Agreement. If the zoning map change is approved then they will begin the improvements.

Darin Larson commented that it is the Planning Commissions job to review the plans and improvements and ensure that those things are done properly. Mr. Larson stated that this item is for approval of the zoning map change.

Ms. Humphries explained that this area was zoned at the light industrial level to give the business a shot. If the business took off, it wasn't going to be a permanent location and that it's partially the City's fault for letting them stay there this long. This was supposed to be a temporary thing, not a permanent thing.

Kevin Thomas said that he doesn't have a problem with the zone change given that SunRoc is in the same area. It's fair to have business competition and with all the plans and the improvements that Mr. Stewart is willing to make, it should be good.

Kevin Thomas made a motion to approve the zoning map change request from M-1, Light Industrial, to M-2, Heavy Industrial, for 2 acres located at 188 N. Old Highway 91, parcel # H-4-1-34-333-RD3, for the purpose of improving the concrete batch plant site on the site. This zone change from M-1 to M-2 will only be in effect while applicants are on that property. If applicants leave the property the zone will revert to the M-1. This approval is contingent on working out the details of the Development Agreement. Seconded by Cheryl Reeve. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort and Darin Larson voting aye. Pam Humphries voted No.

2. Discussion and possible approval 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

Kevin Tervort stated that he thinks the developer has a great project, but in his opinion it would be a big waste of water. Mr. Tervort said he attended a Water Board meeting last night and he asked how many houses could be serviced with the amount of water it will take to fill the lakes. He was told the water could service 120 houses per year. Mr. Tervort explained that this project takes water away from those houses and he can't endorse putting that amount of water to waste. He said that we live in the middle of a desert and he worries about what our resources will be in the future.

Pam Humphries said that she lived in that area for 20 years and had issues with the collapsible soil. She owns a lot out there that she cannot build on. Anyone who builds out there is going to have some sort of problems. The City is going to have issues as well.

Keith Buswell was representing Dave Wadmen and stated that he appreciates Council's perspective. Mr. Buswell wanted Council to know that this is a high quality development. They will be doing a master excavation and take the steps necessary to make sure that the lakes are sound. This project will become an asset to the City. It's not a park but a high quality project.

Cody Larkin said that he has been involved with three of these projects so far. This type of development is a great option for families. Mr. Larkin said that regardless of what kind of project is developed in that area, it's going to take a lot of water. Currently there is a pivot located where part of this project would be located and it will take the same amount of water to develop the lake as it does to keep the alfalfa growing. He commented that they are trying to make it more open space, and 50% of the residents in

this project would pay double the taxes which will be great for the City. Mr. Larkin said that they would invest millions and millions on this project to make sure it is done right.

John Haslam said he has talked to several developers who have built houses in this area. They had to do extensive things to keep the soil from settling. Mr. Haslam described how it could take a year and a half to get that soil to settle properly. There will be expensive houses built within this development and they will have the resources to sue the City for the issues that will come up. This will impact the citizens of the City. Mr. Haslam stated that he is fine with development coming into the City, but to allow lakes to be on that property would be a bad decision. There will be issues.

Arthur Engness commented that he owns property out there. He was an avid skier before an injury which doesn't allow him to ski anymore. Boats are noisy and run at 30 RPMs. He has concerns of the water required to develop these ski lakes. He does not want a development like this in his backyard.

Kevin Thomas explained that he is not opposed to the development; however he doesn't feel its right to change the zoning to permit this type of development. There are many people who would be affected by this development and the majority has voiced their objection to this development. This is a zoning issue. Property rights and water rights are not the issue. As a City Council member I have a responsibility to represent the City not a developer. The residents are the priority. Developer could go somewhere else where it's already zoned.

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

CONSENT AGENDA ITEM: Consideration and possible approval of a **subdivision lot line adjustment between lots 36, 37, and 19 in Painted Hills Arlington Heights** – Parry, Weight, and Mendenhall lot owners

Mayor Bramall said that the applicants are requesting to move the lot line ten feet. Ms. Foran explained that there is a retaining wall at the back of the top lots and that portion of the lots is more accessible to the lower lot owner than the upper lot owner. He made a deal with the other owners that he would purchase the land from them if adjustment is approved.

Pam Humphries made a motion to approve a subdivision lot line adjustment between lots 36, 37, and 19 in Painted Hills Arlington Heights, seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

NEW BUSINESS

1. *Presentation and possible decision regarding proposed service project by the Valley Academy 5th grade-Charlotte Potter*

Charlotte Potter is a 5th grade teacher at Valley Academy. Her class read an essay article story about two students who wanted to make a difference in their community by volunteering. Her class took a vote

for different service projects they wanted to do within our community. The class chose litter removal. Ms. Potter and some members from her class are here tonight asking for feedback from Council for places to go and pick up trash on May 17, 2017 from 9 a.m. to 12 p.m. Ms. Potter stated that there will be approximately 50 students participating with this service project. Council thanked Ms. Potter and her class for volunteering to help clean up our community. Council suggested three locations. Stout Park, Grandpa's Pond or the Walmart/Maverick areas. Mayor Bramall said that the Street Department will donate big trash bags for the students to use.

2. Discussion and possible approval to deliver water outside of City limits to a governmental agency-Mike Vercimak

Mayor Bramall explained that the County is making improvements and would like to take water out to the shooting park for toilets and hand washing. The Water Board has recommended approval.

Kevin Tervort made a motion to approve the delivery of water outside of City limits to a governmental agency. Seconded by Kevin Thomas. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

3. Consideration and possible approval of the final plat for Parkside at Grandpa's Pond Phase 2, an 8 lot plat on 3700 West Street – Interstate Rock Products Inc. applicant

Mayor Bramall stated that this was recommended for approval by Planning Commission.

Kevin Tervort made a motion to approve the final plat for Parkside at Grandpa's Pond Phase 2, an 8 lot plat on 3700 West Street. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

4. Discussion on proposed phasing plan for improvements in Marla Phase 1 at Elim Valley-Western Mortgage and Realty

Mayor Bramall explained that the Elim Valley Development Agreement requires certain items to be completed on the punch list. Mr. Reber said that the Marla Phase 1 is part of Elim Valley that has already been approved. They are permitted to build this subdivision according to the Development Agreement. Mr. Vercimak had a meeting with JUC and they are in the process of reviewing the punch list. There are several items that have already been completed and many more that still need to be completed. The water system sprung a few leaks and had to be shut off. The water system has to be charged, tested and chlorinated. Fire Inspector Kevin Gildea stated that there have been many revisions to both the Fire Code and Building Codes since this Development Agreement was approved. He explained that there will be revisions to the plans as a result of these code changes. Ms. Foran added that fire sprinklers were included in the Development Agreement because the fire chief at the time felt it was necessary to protect buildings that are that close together.

Greg Wood wasn't an owner back then, but now he is. He has nothing to do with the pending lawsuits. He's trying to resurrect the project. He has purchased multiple lots and hopes to purchase more. Mr. Wood stated that staff and Mayor Bramall have been great to work with to get a plan together. He has builders that are ready to build homes. He's attended JUC meetings and will be doing what is required

to comply with the new Fire and Building Codes. Mr. Wood is trying to work with everyone to get all of these obstacles resolved. Mr. Reber stated that the Development Agreement cannot be amended, as it has already been approved. Mr. Reber suggested Mr. Wood put together an agreement listing all of the changes he wants to make and then get all of the property owners to agree to the agreement. After the agreement is drafted, they can take it to their attorneys for approval.

Mayor Bramall and Council recommend that Mr. Wood meet with staff and review the punch list items and make any modifications and make a plan. Once that is completed, then Mr. Wood can come before Council for approval. Mr. Wood agreed with Mayor and Council and thanked them for their time.

5. *Approval of Hurricane Redevelopment Agency Committee Representatives*

Clark Fawcett explained that two people from Council need to be appointed to serve on the committee. Meetings will be once a year. Mayor Bramall appointed Kevin Tervort and Pam Humphries.

Darin Larson made a motion to approve the appointment of Kevin Tervort and Pam Humphries to the Hurricane Redevelopment Agency Committee. Seconded by Kevin Thomas. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

6. *Public Hearing to take comments on the 2017-2018 preliminary budget*

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

Council previously attended a Special Meeting held on April 18, 2017 where the proposed 2017-2018 budget was discussed. Clark Fawcett gave Council a handout of the 2017-2018 preliminary budget with a breakdown for the different departments. He said that this is the expenditure side of the budget. Mr. Fawcett explained that the proposed budget is 32 million. Elizabeth Rey asked for a copy of the complete budget. Mr. Fawcett told her to come by the office tomorrow and she can pick up a copy.

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

7. *Consideration and possible approval of a resolution approving the 2017-18 preliminary budget*

Pam Humphries made a motion to approve the resolution approving the 2017-18 preliminary budget. Seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

Mr. Fawcett stated that Diane Nay came to see him regarding the possibility of helping fund a few of the girls to go to State. These girls participate in government activities. Mr. Fawcett explained to Council that Council has approximately \$1,200 left over from their budget that can be donated. Pam Humphries made a motion to approve the \$1,200 donation to help fund the girls to go to state. Seconded by Kevin

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

8. Discussion on possible development of a way finding sign system to benefit businesses off State Street-Toni Foran

Ms. Foran explained that these businesses need appropriate street signs. She emailed some sign examples to Council. She will have to research the pricing for these different options and get back to Council. Her idea is that the City will design and approve the signs that business owners can choose from. Ms. Foran will work with business owners to get this process started if Council supports the idea. Mayor Bramall and Council support this idea.

9. Consideration and possible approval of a bank letter requiring a City signature to disburse funds to meet the pool and clubhouse bonding requirements for Zion Village Townhomes

Mayor Bramall explained that the bank letter needs to state that they have money for the project. Ms. Foran explained that they have a letter from a lender and the Development Agreement stated that they need a bond, and the Subdivision Code lists some alternatives to a bond. Ms. Foran and Mr. Reber will discuss these bond alternatives.

Kevin Tervort made a motion to approve bank letter requiring a City signature to disburse funds to meet the pool and clubhouse bonding requirements for Zion Village Townhomes. Seconded by Darin Larson. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

10. 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-
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation- The middle school is replacing their volleyball courts. The School District has asked Bryce King if the City could help with the costs because the City uses the school for some of its programs.
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification- Ms. Reeve stated that the parks and cemetery are not happy with the planting strips. He needs to have more employees to maintain all of them.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District- The mosquitoes are out and about.
Clark Fawcett	City Administration-

Kaden DeMille reported that the Copper Rock annexation was sent out to the County to be signed. Also, the election is coming up and the filing deadline is nearing.

11. Adjournment 8:37 p.m.
