

Minutes of the Hurricane City Council meeting held on June 1, 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, Kevin Tervort, and Cheryl Reeve. **Absent:** Darin Larson and Kevin Thomas

**Also Present:** 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 and Fire Department Inspector Kevin Gildea

## **AGENDA**

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

Kevin Gildea - the new ladder truck has come together well and should be finished mounting tools and have it to work shortly. They have applied for a grant to replace the breathing apparatus which is now obsolete, but they will have to purchase them even if the grant does not come through. They will have a Board meeting next Monday at Station 42. Chief Kuhlman's mother passed away last week.

Chief Excell – the Civilian Rescue Vehicle (“CRV”) has been repainted with the new decals. They have also turned over the mobile command vehicle to Washington County Sheriff's Department. That vehicle is owned by the State of Utah, but the City has been paying the maintenance, insurance, and personnel costs up until now. Chief Excell also reported that traffic accidents are up and State Street appears to be at capacity. People appear to be taking chances due to the heavy traffic that is occurring. State Legislature passed the Juvenile Justice Re-Investment Act which Chief Excell stated completely took away school resource officers' ability to deal with issues in the schools without the District's intervention.

Dave Imlay said that Power Board has discussed participating in a natural gas pressure station generation project on the Kern River pipeline. This is a UAMPS project that is just at the letter of interest stage. This is considered a green, carbon free power source. He said the City participates in the Energy Star program through UAMPS but they have not been advertising much. However, a higher SEER rated AC unit 15-20 SEER, is the cool cat program to reimburse people for upgrading to the higher SEER rated AC units. Want to go to the developers and contractors to encourage it. Mr. Imlay also said that the Power Department will be having an Open House next Tuesday from 1-3 to show off the new office addition and remodel.

Mike Vercimak reported that staff does not feel comfortable dealing with the Elim Valley project given the pending litigation. Fay Reber stated that he had a conversation last week with the attorneys with Durham Jones and Pinegar who are representing Western Mortgage. Mr. Reber said he would like the discussion to be held with the attorneys representing the City in the lawsuit. He recommended attorney Neil Lindberg meet with staff and with the City Council to discuss the litigation in further detail.

Arthur LeBaron explained that his office has been very busy. Mayor Bramall asked Mike Vercimak and Arthur LeBaron about the Spilsbury property and access onto Sand Hollow Road. Mike explained there is a better option than trying to tie into Sand Hollow Road and he has met with Mike Bradshaw and Brent Tuttle to come up with a global solution to the two large projects being proposed.

**6:00 p.m. - Call to Order –**

Pledge: Sean Reddish Prayer: Kevin Tervort

**Presentation of Retirement Plaque to Marian Tucker** – Chief Excell said this is a bittersweet moment explaining Marian has been a school crossing guard for 12 years but the time has come to publically thank her for her service to Hurricane City and the school children she has looked out for over the 12 years. Mayor Bramall commented on the great job Marian did over the years.

**Presentation of 10 year service award to Arthur LeBaron** – Mayor Bramall presented the award to Arthur. He commented that as a City Councilman he advocated for a City Engineer for years to save the City hundreds of thousands of dollars for making sure things are done right the first time.

**Approval of Council minutes: 04/06/2017**

Pam Humphries wanted to make a change to line 172 to add the word “with” and another change to page 7 that replaces “Council” with the word “you” under her section of Council reports.

With these changes, Pam Humphries made a motion to approve the 04/06/2017 Council minutes. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Kevin Tervort and Chery Reeve voting aye.

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

None.

**NEW BUSINESS**

1. Discussion regarding EMS service support for WORCS Racing

Sean Reddish explained that immediately after last year’s race he talked to the local Fire Chief and donated a piece of equipment to trade for coverage for 3 events which was approved for \$7,000 as a trade for EMS support. Pointed out the EMS are great and they do well. The bill of \$5,000 is double the average of \$2500 for nationwide. For people who do events, the system of working through the Fire District is cumbersome. Mayor Bramall recommended that Mr. Reddish meet with the Fire District to discuss the actual costs. Cheryl Reeve suggested that when Mr. Reddish meets with the Commission that he not only ask them but also apply for RAP Tax money with both the County and City.

2. Discussion and possible approval for Marla Subdivision repairs – Mike Vercimak

Mr. Reber stated that the Development Agreement and Site Plan have already been approved, this approval is to update the Site Plan. Mr. Reber suggested that whatever Staff recommends be completed from the Infrastructure Punch List, be done immediately before permits are issued and then bond for the other improvements. Mr. Vercimak agreed that the items on Page 1 on the Infrastructure Punch List

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should be completed first, and then have them combine the road issue with a bond for the pool complex and other amenities.

Mr. Reber also explained that there is another issue. The lawsuit states that Cypress Capital should appoint the Town Architect if he is the developer. This Town Architect is supposed to work with the City to get the building permits issued. A Town Architect will need to be appointed. Mr. Reber stated that he will draft up a letter to get clarification as to who will appoint a Town Architect.

Greg Woods said that Western Mortgage is paying for the punch list repairs to be done, and he is here to make sure they are completed. They are in the process of working on the water repairs and explained that the alleys will all be paved at one time. Mr. Wood questioned the street sign requirement. Mr. LeBaron explained that the streets signs that are currently there do not meet the retro reflexivity standards for the City. Mr. LeBaron recommended observing the May 31<sup>st</sup> deadline for the slurry seal and waiting to do the crack seal by February 1<sup>st</sup> when it's cold. Ms. Humphries inquired about Mr. Woods realistic timeline for completing the first page of the punch list. He said certain items can be done within 30 days, others within 120 days. Council discussed the necessity of having certain items on the Punch List completed before building permits are issued. Mr. Reber restated that the City will issue building permits but Certificates of Occupancy will not be issued until these items are completed, and they are to bond for the other improvements.

Kevin Tervort made a motion that we to enter into an agreement for approval of the Marla Subdivision repairs. The Infrastructure Punch List is as follows:

#### Page One - Infrastructure

1. Water System must be charged, repaired, disinfected and tested.
2. Must complete agreement on maintenance of irrigation system.
3. Paving in alley ways must be completed with asphalt or concrete.
4. Streets need to be crack sealed and slurred.
5. All street signs need to be replaced – loss of reflectivity.
6. Road pavers need to be repaired.
7. Sidewalk along San Hollow in place of gravel path – Not ADA accessible.
8. Heaved areas in pavement need to be removed and replaced.
9. All existing street lights need to be working and un used bases covered, or removed.
10. Need to install some street lights around Park.

#### Page Two – Amenities to be completed

1. Complete Town Center.
2. Complete Pool Complex.
3. Complete landscaping in medians.
4. Complete Baseball Diamond & Ironbridge landscaping and amenities.

Page One Items 1, 2, 3, 6, 9 and 10 need to be completed before building permits are issued. Item 4, the crack seal will need to be completed by February 1, 2018 and slurred by May 31, 2018. Also, Items 5 and 7 will have 90 days to be completed and Item 8 will need to be completed by May 31, 2018. In addition, we will require a cost estimate for these items and the amenities listed on Page Two for the bond. The bond will also need to be in place before the building permits will be issued. Finally, all of

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these will need to be completed before any Certificates of Occupancy will be issued. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

#### **CONSENT AGENDA**

3. *Consideration and possible approval of the final plat for the DK Wadsworth Subdivision – a lot subdivision on 1500 South – Dallan Wadsworth applicant*
4. *Consideration and possible approval of the final plat for the Peregrine Pointe Phase 2C Subdivision – Perry Homes applicant*

Mayor Bramall asked for consent from Council for Agenda items 3 and 4. Both items approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

#### **ADDITIONAL NEW BUSSINESS**

5. *Consideration and possible approval of a zoning map change from RA-1 to RA-.5 for property located at 822 W. 400 South – Evan & Vivian Brown applicant*

Cheryl Reeve made a motion to approve a zoning map change from RA-1 to RA-.5 for property located at 822 W. 400 South, seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

6. *Consideration and possible approval of a preliminary plat for Ashley's RUD, a 3 lot subdivision located at approximately 840 W. 1500 South – Brent Moser of Enhanced Home Builders LLC applicant*

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

Kevin Tervort made a motion to approve the preliminary plat for Ashley's PUD, a 3 lot subdivision located at approximately 840 W. 1500 South with Staff and JUC comments and recommendations. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

7. *Consideration and possible decision on a proposed public park dedication in Zions Gate Estates Phase 2 – Zions Gate Homes*

Vince Blackmore said while this park was not specifically approved by the Council, it has been discussed with staff and designed to meet City standards. They will build the park and donate it to the City. The park will be public and not just for the residents of the subdivision. They will not have an HOA in the subdivision to maintain the park. He said he does not expect any real additional maintenance costs for the park if it is dedicated. Mr. Blackmore also explained that they would like to record the plat as soon as possible so the subdivision can be finished and Certificates of Occupancy can be issued.

He said they hope to begin building houses in the subdivision as soon as it is recorded and have people anxious to have them start building homes. His intent is to be able to pull 10 house permits before the park is completed but he is willing to commit to not being allowed to pull the 11<sup>th</sup> permit until the park is completed and turned over to the City.

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Council members discussed waiting until the park is built to accept it. Toni Foran explained the final plat, which is the next agenda item, has the park shown on it and the dedication language on the plat dedicates the property to the City as a public park. Once it is recorded, the City owns it and holding building permits is the only way to ensure it is built.

Pam Humphries made a motion to accept the proposed public park in Zions Gate Estates Phase 2 when it is completed and subject to the condition that the park must be completed and inspected by the City before the 11<sup>th</sup> building permit is issued in the phase . The motion was seconded by Cheryl Reeve. Motion approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

**8. Consideration and possible approval of the final plat for the Zions Gate Estates Phase 2 subdivision – a 19 lot subdivision off 3400 West – Zion Gate Homes applicant**

Pam Humphries motioned to approve the final plat for Zions Gate Estates Phase 2 subject to completion of or bonding for improvements to the project and submittal of all required documents including the title report before the plat is recorded. Motion was seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

**9. Discussion on a proposal to terminate the Development Agreement for the Collina Tinta Development**

Gerald Stokes, the owner of Grande Canary and Mira Rosa properties, was present. He explained he is requesting that the Development Agreement for the Collina Tinta Development be terminated. Mr. Reber explained that it is easier to have the developer request to terminate the Development Agreement than the City having to terminate it without the consent of the parties. Mr. Stokes has concerns about the possibility of another party not consenting to the termination. Mr. Reber stated that he will review what it would take to terminate without all parties consenting.

Kevin Tervort made a motion to continue this item until the next meeting. Seconded by Cheryl Reeve. Motion approved with Cheryl Reeve, Kevin Tervort and Pam Humphries voting aye.

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

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| Mayor Bramall | Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering- He has received a few complaints about the hours of the shooting range. He is writing a letter to the County asking for their support in supporting our noise ordinance hours. Mayor Bramall reported that the County Commission appointed him to the Habitat Conservation Advisory Committee for another two years. |
| 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-  |
| Cheryl Reeve  | Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification-  |
| Kevin Tervort | Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District-  |

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| Clark Fawcett | City Administration- |
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**Adjournment: 7:29 p.m.**