

Minutes of the Hurricane City Council meeting held on June 15, 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, City Engineer Arthur LeBaron, 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 – his department has two trucks out on fires. With regards to the Virgin fire, that was a controlled burn that got out of control. Construction on their building is going well. They will be hosting an open house when it's completed.

Dave Imlay – Generator runs will begin Monday because of the hot weather we have been having. The UAMP conference is coming up and he encouraged Council to get registered. They are working with SITLA to get a right-of-way together for help with a much needed transmission loop. They are moving forward with work on Purgatory Flats.

Mike Vercimak – approved three sets of final construction plans. The first set was for a subdivision, Tava at Sand Hollow Resorts, the second was a housing project called Silver Leaf Town Homes and the third was for a commercial project down on 2000 West. They have also received the plans for the LiteHouse, SprayForce and for Performance Fitness Center. His department is also working on completing the final Punch List for Mulberry Estates and SkyRidge Phase 11. Mr. Vercimak stated that his Staff is working hard with these developers to get things finalized.

Arthur LeBaron – they are currently focusing on a Right of Way for 2100 W, south of 3000 S. This is an access for Copper Rock and Mr. LeBaron stated they are talking meetings with property owners and slowly making progress on this matter. He also met with the UDOT project manager Kim Manwell, who was assigned to oversee the Southern Parkway. Mr. LeBaron explained that the funding package for this project has already been approved. He expects there will be about two years for the design phase and then the construction will start after that. Mr. LeBaron also stated that he has signed off on 13 building permits, which is a lot for Hurricane.

Fay Reber – The Zion Village Town Homes plat was finally recorded today. Mr. Reber sent out an email to Council regarding the Collina Tinta matter. Mr. Reber said that Mr. Stokes will not be present at the meeting tonight but he has requested Council discuss the matter anyway.

Chief Excell – there have been a couple robberies at different construction sites with over \$75,000 of tools and equipment stolen. He said that with all of the construction going on in the City, they have been advising contractors to look into security cameras, security officers, etc. to help protect their sites. The Police Department has brought on a new officer, William Hart. He is in the field doing training.

Kaden DeMille – reminded Council that the League is coming up on September 13-15' 2017. He would like to get a headcount from Council so that the hotels can be reserved for this event.

Cheryl Reeve asked to be excused to attend a Peach Days meeting.

6:00 p.m. - Call to Order –

Pledge: Kevin Tervort Prayer: Kevin Thomas

Presentation of 15 year service award to Mike Vercimak – Mayor and Clark Fawcett presented Mike with a 15 year service award.

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

None

OLD BUSINESS

1. Discussion and possible decision on a proposal to terminate the Development Agreement for the Collina Tinta Development

Fay Reber stated that Ross Stokes will not be present at the meeting tonight but he wanted Council to discuss the item anyway. Mr. Reber explained that initially the developer of the property wanted to enter into a voluntary termination of the Development Agreement. But after some discussion the developer became hesitant. He is now asking if the City will declare a default and proceed to terminate the Development Agreement. Mr. Reber sent an email to Council explaining the default options according to the Development Agreement. Mr. Reber suggested the section of the Development Agreement that allows the City to request in writing evidence that the developer has the financial means to complete the project and if the developer does not have the financial means, then at that point the City can declare a default. The next step would be to have a public meeting for the developer to have the option to rebut the default. At the conclusion of that meeting, Council can determine that there was a breach of contract and the Development Agreement defaulted. Council agreed with Mr. Reber's recommendation.

Kevin Thomas made a motion to send a letter to the developers of this Collina Tinta Development and request financial assurance letters to be submitted to us by December 31, 2017. Seconded by Kevin Tervort. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

NEW BUSINESS

2. Presentation of scholarship award to Morgan Penrod-Brenda Upright, Republic Services

Brenda Upright from Republic Services presented Hurricane High School student Morgan Penrod with a scholarship for \$500.00. Ms. Upright commented that Morgan has a 3.9 GPA and was Student Body President. She recently volunteered at an orphanage in Mexico and had previously volunteered to help build a medical facility in Peru.

3. Presentation and update from Dixie Regional Medical Center-Terri Kane

Terri Kane and Steve Caplin are here to give an update on the Dixie Regional Medical Center. Ms. Kane distributed a handout to Council. This handout lists the 2016 Statistics & Accomplishments as well as Awards and Recognitions that Dixie Regional Medical Center has received. Ms. Kane went on to explain their current expansion of different facilities. Ms. Kane and Mr. Caplin thanked Council for their continued support and invited them to attend the Open House scheduled for next summer. Cheryl Reeve returned to the meeting at 6:18pm.

4. Approval of disposition of funds from the sale of property-Lynn Excell

Chief Excell stated that the property in the evidence room whether unclaimed or property that has been cleared from court to be dispersed and need to be disposed. He explained that according to State law, the governing City needs to decide how to use the funds from the sale of the miscellaneous property. Chief Excell also stated that this amount does not include the sale of firearms. Firearms will have to go to a licensed gun dealer and that will be done at a later date. After some discussion, Council agreed that the funds should be put towards a city wide siren notification system. This system would notify the community in the event of an emergency such as a flash flood, fire, earthquake, etc.

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

5. Consideration and possible approval of City taking over Frog Hollow dam and associated property and water rights from the Hurricane Canal Company-Mac J. Hall

Mac Hall stated that in the middle 1950's the Bench Lake Irrigation Company put a detention basin for flood control out on the Frog Hollow wash. In the late 1970's it was upgraded to a higher dam to control more floods. The Bench Lake Irrigation Company was absorbed by the Hurricane Canal Company in the 1990's. About ten years ago, the State of Utah reclassified the dam from a low hazard to a moderate hazard because of the homes and airport located below the dam. Since that time, the Hurricane Canal Company has gone back and forth about how to upgrade it, how to fund it, who would take care of it, who would control it, etc. About a month ago the NRCS met with Mayor Bramall, Clark Fawcett and some staff members and made some recommendations. NRCS stated that if the City of Hurricane were to control the facilities, they could possibly acquire additional funds from the State to help with repairs. Mr. Hall stated that the Canal Board met last night and they were unanimous in recommending that the City of Hurricane have control of the facilities. The Canal Board agreed to deed the 80 acres and give the water right that is with the facility to the City of Hurricane. Mayor Bramall stated that the value is flood control for the homes and airport and with the upgrade it will handle up to ten inches of rain. The downside is the cost. The Army Corps of Engineers just remapped the flood plains and if the dam comes in at a high risk and is owned by the City, it is possible that it could be 95% funded with minimal cost to the City.

Kevin Tervort made a motion to approve the City taking over Frog Hollow dam and associated property and water rights from the Hurricane Canal Company. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

6. Consideration and possible approval of preliminary site plan and developer capability for a proposed RV Cabin Resort located on a portion of the Sand Hollow Manufactured/Mobile Home Park and commitment by developer to develop required open space amenities for the Sand Hollow Manufactured/Mobile Home Park-Mark Wells and Taylor Smith applicants

Mark Wells is one of the owners of the Sand Hollow Mobile Home Park. Mr. Wells stated that there is approximately six acres in the corner of the property that they would like to turn into a 61 space cabin resort used for overnight tourist rentals and install two park amenities to the overall mobile home park facility. Mr. Wells explained that there are two mobile homes that will be impacted, and they would offer to move their homes to other spaces within the park at his cost. Ms. Humphries explained that Council doesn't usually see site plans, but because this is a manufactured area, it needs Council approval. Chief Excell inquired if the Cabin Resort will have a manager onsite to deal with the issues. Mr. Wells confirmed that they intend to operate with 24 hour supervision as well as housekeeping staff.

Darin Larson made a motion to approve the preliminary site plan and developer capability for a proposed RV Cabin Resort located on a portion of the Sand Hollow Manufactured/Mobile Home Park and commitment by developer to develop required open space amenities for the Sand Hollow Manufactured/Mobile Home Park, along with JUC and Staff comments. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

7. Consideration and possible approval of a zoning map change and ordinance approving the change from Planned Development Overlay/Mixed Use maximum density 1344 residential units to RA-1, Residential Agricultural 1 acre minimum-Walter Plumb applicant, Bob Hermandson agent

Mayor Bramall stated that Planning Commission recommended approval of this item. He explained that this is a less dense development than what was previously approved.

Kevin Thomas made a motion to approve the zoning map change and ordinance approving the change from Planned Development Overlay/Mixed Use maximum density 1344 residential units to RA-1, Residential Agricultural 1 acre minimum, with Planning Commission comments. Seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

8. Consideration and possible approval of a Preliminary Plat for Moccasin Flats, a 19 lot subdivision located at 4200 South 1100 West-Walter Plumb applicant, Bob Hermandson agent

Pam Humphries made a motion to approve the preliminary plat for Moccasin Flats, a 19 lot subdivision located at 4200 South 1100 West with all Staff, JUC comments and recommendations; along with the geotech engineer comments 2, 3, and 4, and house placement requirement for rock fall protection. Seconded by Kevin Tervort. Motion 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 Peregrine Pointe Phases 3 & 4, a 91 lot subdivision located at approximately 625 N 2700 West-Perry Homes applicant, Greg Sant agent

Pam Humphries stated that Planning Commission recommended approval of this item. Arthur LeBaron stated that in order for this plat to work, the LDS church to the east needs to participate in the road dedication.

Kevin Tervort made a motion to approve the preliminary plat for Peregrine Pointe Phases 3 & 4, a 91 lot subdivision located at approximately 625 N 2700 W, along with Staff and JUC comments and the LDS church to the east participating in the road dedication. Seconded by Kevin Thomas. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

10. Consideration and possible approval of a Preliminary Plat for Hardcastle Subdivision, a 7 lot subdivision located at approximately 735 W 650 South-Lance Hutchings, Mike Nielson or Josh Wadsworth applicants

Pam Humphries and Clark Fawcett discussed the importance of being able to connect the subdivision to another subdivision later so that this doesn't become an isolated subdivision. A trail or some sort of walking path is desired. Ms. Humphries explained that during the Planning Commission meeting the preliminary plat labeled Lot 1 having a curb, gutter and sidewalk like the other side. Planning Commission left the connection designation to City Council. Kevin Tervort explained that the Planning Commission comments were to include Lot 1 and improve the frontage of 650 West. Council discussed the possibility of putting a trail or a walkway between lots 5 and 6, or lots 3 and 4 with Mr. Nielson and Mr. Wadsworth. The applicants have a concern of not knowing the placement of a trail or walkway that it may end up in someone's backyard or result in a couple odd shaped lots. Their intention was to build a small subdivision. Mayor Bramall commented that Council is trying to make bikeways, trails and walkways more available so that the city streets aren't so congested. He also suggested the possibility of a walkway being included on a utility easement. Mr. LeBaron stated that the City standards require a ten foot utility easement along the street frontage but nowhere in our standards does it require an easement on lot lines going back from the street. Mr. LeBaron believes that one of the stipulations for the zone change was to connect a road through the subdivision. Mr. Nielson said that the connectivity was brought up for the zone change last year. He went back and read the minutes and the minutes stated that the road was "desired" not "required" for the subdivision to be approved.

Kevin Thomas made a motion to approve the Preliminary Plat for Hardcastle Subdivision, a 7 lot subdivision located at approximately 735 W 650 South. He doesn't support forcing them to put a trail or road through there because it complies with our ordinance without it. However, he does want to encourage applicants to have a road area to be connected to the East property. Lot 1 will also be required to be completed. Seconded by Kevin Tervort. Mayor Bramall requested a roll call vote. Cheryl Reeve, Kevin Thomas, Kevin Tervort and Darin Larson voted aye. Pam Humphries voted no. Motion carried.

11. Award of bid for Transportation Master Plan

Arthur LeBaron stated that he received a bid from Jones and DeMille Engineering regarding the Transportation Master Plan Update. This one and only bid came in at \$104,000 and there is money in the budget for this project and he is seeking Council's approval to award this bid. Mr. LeBaron explained that his goals are to update the travel demand model, engage public input as much as possible to find out what the public wants, integrate the trails master plan to the road master plan and create a true master plan that addresses all modes of travel. Lastly, he wants to develop sustainable policies on issues such as landscaping within the street right-of-way, funding for trails and streets, etc. Kevin Thomas stated that he wants to publicly register that he is against the bus system coming in and he is against vegetation in the park strips.

Kevin Tervort made a motion to approve the bid for \$104,000 for the Transportation Master Plan. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

12. PUBLIC HEARING to take comments on the following:

- a. Proposed amendments to the 2016-2017 budget
- b. 2017-2018 fiscal year budget and proposed wage adjustments

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.

Clark Fawcett reviewed handouts regarding the proposed amendments to the 2016-2017 budget. Kevin Tervort made a motion to go out of Public Hearing. Seconded by Kevin Thomas. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

13. Consideration and possible approval of a resolution adopting the proposed amendments to the 2016-2017 budget

Kevin Tervort made a motion to approve the resolution adopting the proposed amendments to the 2016-2017 budget. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

14. Consideration and possible approval of a resolution adopting the 2017-2018 fiscal year budget and proposed wage adjustments for the 2017-2018 fiscal year

The total budget for the 2017-2018 fiscal year is \$32,296,493 with the General Fund being \$10,500,000. Mr. Fawcett explained that he and the different department heads did a lot to try and raise some wages this year. He emailed the wage sheet to Council earlier in the week for their review and stated that the budget needs to be approved tonight. Ms. Humphries asked if the proposed wage adjustment portion could be continued for further review. She stated that she has not been able to sit down with some of the Supervisors to find out why certain people got wage increases and others did not. Mr. Fawcett said that he could sit down and review the wage sheets with Ms. Humphries and explain more in detail of how it is structured.

Kevin Tervort made a motion to approve the resolution adopting the 2017-2018 fiscal year budget and proposed wage adjustments for the 2017-2018 fiscal year. Seconded by Kevin Thomas. Cheryl Reeve, Kevin Thomas, Kevin Tervort and Darin Larson voted aye. Pam Humphries voted no. Motion carried.

15. Approval of appointment of board and commission members

Mayor Bramall recommended Mark Borowiak to the Planning Commission to replace Pete Peters.

Pam Humphries made a motion to approve the appointment of Mark Borowiak to the Planning Commission. Seconded by Darin Larson. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

16. Discussion addressing the removal of non-domesticated animals within Hurricane City boundaries

Mayor Bramall encouraged Council to look at the proposed ordinance that will take care of unwanted wildlife that are in the City. Mayor Bramall explained that Larry LeBaron and others in his neighborhood are getting overrun by deer and other wildlife. Larry LeBaron stated that the deer are consuming their winter and spring gardens. He said that there is hardly anything left to harvest and this is becoming a big problem for the families that live there. He is asking Council for help. Mayor Bramall said that DWR suggested that the City develop an ordinance to help regulate the removal of non-domesticated animals within City boundaries. Chief Excell stated that he has looked through the requirements from DWR and this is going to be a time consuming process. DWR owns the animals and this is their process and their rules. He said going through this process gives us the authority to eliminate these animals. Some animals can be harvested for meat and you can also get on a waiting list for the meat. However, in the interim, he is asking Council for permission to work with DWR to alleviate some current issues that Mr. LeBaron and his neighbors are having. Council is supportive of Chief Excell working with DWR. Ms. Reeve stated that she is not in favor of this ordinance and would like more information as it develops, but she is ok with Chief working with DWR in the interim.

17. Mayor, Council and Staff reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineer – Mayor received a letter from Questar asking if the City had an issue with the natural gas line that will be going through town. Council does not have an issue. Council is invited to the Dixie Amateur Radio Club event on June 24-25 th at Dixie Applied Technology College. They also want Mayor to sign a proclamation supporting Amateur Radio Week. Mayor Bramall stated that he attended the Five Counties meeting this past week. During this meeting they approved the funding from the State to be applied to multiple projects.
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council
Pam Humphries	Court, Water, Power, Solid Waste – Ms. Humphries asked to have the Police Department pictures resent to Dropbox. Not all of them downloaded. She also wanted to reconfirm that the pickle ball court times close at 11pm in the summer and in the winter it closes at 10pm when the time changes.
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation – the RAP Tax applications have been reviewed and awarded by

	the committee.
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
Clark Fawcett	City Administration

18. Adjournment: 7:57pm
