

Minutes of the Hurricane City Council meeting held on January 18, 2018, 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 and Kevin Thomas. **Absent:** 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, GIS Specialist Joe Rhodes and Nick Wright Hurricane Valley Fire District

## **AGENDA**

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

Nick Wright – with regards to the DATS Trucking incident, Chief Khulmann wanted to convey his appreciation to the police and all the emergency responders and staff. It was a tragic accident and a terrible loss.

Chief Excell – the Fire District is assisting the Police Department in getting some officers certified to help with fire investigations. The Victim Services Program will be moving to La Verkin by July of this year. They are going to be dividing their time between the different cities and they plan on doing a four year rotation going forward. The TNT Auction is coming up. This is the auction of evidence that can be disposed of. Chief Excell stated that he will let Council know when he receives the proceeds from the auction. Pride Rock made a \$2,000 donation for the purchase of the new body worn cameras. That check was received in the City office this past week. They currently have three officers being recruited by other agencies. This is something that the department will be facing more often because other agencies offer more money and benefits. The Department issued a statement regarding a picture from two young girls on social media and the investigation has been completed.

Dave Imlay – work on the Purgatory Substation is well underway. They will be pulling wire next week. Mr. Imlay is hoping that this will not cause an outage for the City. He also explained that there was a temporary power outage on Christmas Day. They tried to get the generators up but the units didn't do what they were supposed to do because of a relay setting to allow a black start. They are practicing protocols for outages.

Mike Vercimak – work continues on the Dixie Springs Water Tank project. The Parks Department is working on getting designs for the restroom facilities at the pickle ball courts. Work is continuing on the Copper Rock and Cordero utilities and the right of ways for those utilities. This is a huge project and progress is being made.

Toni Foran – regarding the zone change from applicant 3-H Foundation, Planning Commission did recommend approval. Ms. Foran stated that she has mixed feelings about the grading permit for Copper Rock. She doesn't feel that they are at the point where a grading permit needs to be issued just yet. Final construction plans are almost complete and she wants to review them before a permit is issued. They have also just received the geotechnical report but has yet to receive a response from the engineers. Also, Area 5 is located in an area identified as an earthquake fault area and the geologist report has not been completed yet. It is her recommendation that they wait a few more weeks until final construction drawings are approved before a grading permit is issued. Mr. Vercimak explained that

with regards to Copper Rock Parkway, they turned in one set of plans and they were returned with redlines and comments. This was months ago and we haven't heard anything since then. There has been plenty of time that those plans could have been back in to the City for final signatures and a pre-construction meeting. He doesn't understand what the holdup is on their end. Arthur LeBaron commented that he can see making the exception for the grading permit in this case because they have a future phase that is out there a ways and they need to generate materials for that. Ms. Foran agrees that she would like to see a large project like this graded all at once, but her concern is that they don't even have an approved plan for a road to get into that area yet. If Council wants to approve the grading permit, she asks that Council require a bond for restoration, no infrastructure or retaining walls be installed and not allow the permit to be issued until the earthquake special study has been completed.

Arthur LeBaron – UDOT is working on design of Southern Parkway from Sand Hollow Road to SR9. Preliminary alignment shows the site of the interchange coming in just west of the helicopter pad. This project has been funded and we know it is going to happen. There is a lot of work, noise and construction to come. They are hosting a 300 North Project Open House on January 25, 2018 from 5pm-8pm at the Community Center. This is an opportunity for the design team to answer questions and discuss details of the project with the community. There is some construction going on in front of the City building. The front glass is being removed and the wall is being extended out to the pillars. Construction should take about 30 days.

#### **6:00 p.m. - Call to Order –**

Pledge: Clay Campbell Prayer: Kevin Thomas

Swearing in of elected officials

Darin Larson, John Bramall and Kevin Tervort were sworn in by Kaden DeMille.

Mayor Bramall and Clark Fawcett presented a 5 year service award to Cindy Beteag.

Mayor Bramall and Clark Fawcett presented Clay Campbell with his 15 year service award.

Approval of Council minutes: 11/02/2017

Pam Humphries requested a change to Page 2, line 51 change "UDOT conference" to "Hot line school".

Pam Humphries made a motion to approve the 11/02/2017 minutes with the requested change. Seconded by Kevin Tervort. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

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

Scott Stratton – he recently purchased 13.5 acres west of the airport. He has met Mayor Bramall out there to walk the east property boundary that butts up against the City's 1.8 acres. Mr. Stratton would like to put a barbwire fence out there crossing the City's property line to the street to allow his cows to graze. Mr. Stratton also wanted Council to be aware that he donated an acre of property to the City for the road on 1100. Mayor Bramall stated that he had a waterline installed on that property back in 2004 to settle the ground so his cattle could graze there. He explained how he only allowed them to graze there for a period of one year because he didn't trust the airport fence line at the time. He feared his cattle would escape to the airport. The six foot chain-link fencing that is currently at the airport is an upgrade from what was there back in 2004. Mr. Vercimak said that a simple document will need to be drafted requiring FAA approval as well as stating Mr. Stratton does not have any property rights on the

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encroachment of City property. Council does not have an issue as long as an agreement is drafted reflecting these concerns. Mayor Bramall said an agreement will be written up and put on the next meeting agenda for action.

## **NEW BUSINESS**

### **1. *Presentation and request for support from the Lego League Robotics Team-Jenny Chamberlain***

Mayor Bramall said the Lego League Robotics Team has made it to the State competition that will be held in St. George and they are requesting a donation of \$100 to help cover their costs. Pam Humphries and Kevin Thomas both stated that they have had family members on the robotics team and spoke very highly of the program.

Mayor Bramall stated that he does not vote, but he needs to declare a conflict because this is his daughter and two of his grandsons are on the team.

Darin Larson made a motion to approve a \$100.00 donation to the Lego League Robotics Team to come out of the Council Contingency Fund. Seconded by Kevin Thomas. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

### **2. *Discussion and possible action regarding vacation rental located at 4301 W 2700 S***

Alfred Rulona lives to the left of the vacation rental. He's only lived here for a year and a half. Mr. Rulona said that everyone deserves peace, happiness and quality of life. We all deserve to own property as long as it's within the laws of the City and State. When this property became a vacation rental, it became a concern. Mr. Rulona explained that there are times where there are three or four families in the house at one time and the noise is very loud. The noise pollution is a big problem. He doesn't have an issue if the house was rented to a typical family not to multiple families at one time. When it comes to vacation rentals and renters, these people want to enjoy their vacations and their time. Their noise levels are always more than a resident. Mr. Rulona understands that he does have recourse if the noise continues after 10 p.m., but he doesn't want to have to do that. That puts him in an awkward position and he wants to be neighborly. He doesn't feel he has to call the police, property manager or the owner himself. He feels that the owner should be proactive with his property enough that this doesn't happen. Nightly rentals are an issue. These individuals forget that they are in a residential neighborhood and disrupt our quality of life. Short term and long term renters are not a problem. Mr. Rulona made a recommendation to change the mindset of the nightly renter to be considerate of their surroundings. Another recommendation he made was to only allow short or long term renters.

Kay Blackmore is another resident there and his complaint is not just about the noise levels but the parking. He submitted pictures to Council of previous parking issues. Mr. Blackmore said that he has been woken up at night because people are pulling big trucks and trailers in and out. They have blocked driveways leaving residents unable to get in or out. The streets are

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crowded with cars and parking in vacant lots. There have been two bachelor parties held at this rental and the alcohol and noise were out of control. There have been several issues and Mr. Blackmore has called the police twice. He has even tried calling Heather Huntsman who the owner says is his Property Manager. When he calls her he either doesn't get a response or when she does respond, she says she's not the Property Manager. Mr. Blackmore said that that the owner did put up a sign on the basketball court that states "No Basketball after 10 p.m."

Rex Woods is also a resident in that neighborhood. He's heard the noise and has seen the parking congestion. Mr. Woods issue is with the "manager". He said that she is not the manager but their cleaning lady. In previous conversations with Ms. Huntsman, Mr. Woods said that she doesn't even consider herself being the manager of the property.

Steve and Cynthia Seely the owners of this property live in Salt Lake. This house was built as a vacation home for their family and for a nightly rental when they are not using it. They spent extra monies for the required sprinkler system, exit strategies, etc. to be in full compliance with all of the ordinances. They have taken extra steps in the backyard by installing netting to keep balls on their property. They have signs in the backyard that prohibit swimming after 10 p.m. There is also a sign in the front window of the house that lists his contact information as well as his property manager's information. Mr. and Mrs. Seely were down here the first week of December for the inspection of the property. During their visit they spoke with several neighbors and no one had any complaints about this property. He has been unaware of any of these issues that have been brought up. He recently received a letter from the City stating that there have been no citations on their property. He stated that Heather Huntsman is the point of contact for their renters. She checks the renters in and out, checks for any damage and also cleans the property after they leave. Ms. Huntsman has never reported any complaints to him. Mr. Seely stated that he and his wife thought that she was doing her job and they are shocked to hear about all of these complaints.

Mayor Bramall explained that as land owners Mr. and Mrs. Seely need to control what happens on their property so that it doesn't affect others. They need to communicate to the renters the parking restrictions and the rules of the rental unit. Darin Larson added that the property manager is the most important contact for the renters and neighbors. The property manager needs to solve any complaints within an hour. Mr. Larson suggested that upon check-in of a renter, the rules need to be communicated in writing and make it policy that any violation of the rules will result in a loss of the deposit. There has to be some consequence for the renter if they are in violation. Ms. Humphries stated that it is good practice that if a neighbor calls you that you call the renters directly and address the issue as well as call your property manager making sure the issue has been dealt with. There needs to be more follow through if this property is going to remain a vacation rental. Ms. Humphries also explained that even though this counts as a strike against their license it will take three strikes within a year to actually affect their license. Kevin Thomas also commented that as the property owner Mr. Seely needs to take responsibility for the renters and their actions. They need to be more proactive in what

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happens there. Kevin Tervort told Mr. and Mrs. Seely that they are in a sense running a hotel in a residential neighborhood. They have to be sensitive to their neighbors and their concerns, be able to explain the rules and parking restrictions to their renters and their property manager needs to know what those duties are and what is required of her.

Mayor Bramall recommended that Mr. and Mrs. Seely meet with their neighbors to discuss all of their concerns and resolve their issues.

**3. Consideration and possible approval of a zone change request on 54 acres located at approximately 3100 West south of 600 North from R-1-6 and R-1-10, Single Family Residential 6,000 and 10,000 sq. ft. lots, to R-1-8, Single Family Residential 8,000 sq. ft. lots-3-H**  
*Foundation applicant, Bob Richards agent*

Darin Larson stated this was recommended for approval by the Planning Commission. Toni Foran explained that this zone change request is for three parcels of vacant land located south of 600 North. This area is not currently served by water, sewer, or power and any development proposal will have to address those utilities. This property has a mapped master planned road that has not been built and would have to be accommodated. This zone change would result in an additional 35 lots.

Pam Humphries shared concerns about changing the zoning from R-1-10 to R-1-8, stating that she receives inquiries from people wanting larger lots and this zone change will result in another development of small lots and small backyards. Ms. Foran said that the big discussion at Planning Commission was the difference in size of the setbacks for the backyards. R-1-8 will have a ten foot setback and R-1-10 will have a twenty foot setback. Mr. Larson said that the owner is requesting the R-1-8 change so the entire 54 acres will have a consistent zoning throughout making it easier for development. This property is currently for sale with no buyer. The zoning is not out of character for the surroundings.

Ms. Humphries also expressed concerns over the potential traffic congestion on 600 North. Arthur LeBaron said that he does not have concerns regarding the additional 35 lots this zone change will cause on the city's master plan. He did share a concern with the aligning of future intersections, but that is something that can be addressed later.

Kevin Tervort made a motion to approve the zone change request on 54 acres located at approximately 3100 West south of 600 North from R-1-6 and R-1-10, Single Family Residential 6,000 and 10,000 sq. ft. lots, to R-1-8, Single Family Residential 8,000 sq. ft. lots. Seconded by Darin Larson. Motion approved with Kevin Thomas, Kevin Tervort and Darin Larson voting aye. Pam Humphries voted no.

**4. Consideration and possible approval of a request for a grading permit to facilitate development of roadways and subdivision plats at Copper Rock-Alliance Consulting for Copper Rock development**

Mike Bradshaw with Alliance Consulting was representing Copper Rock. Mr. Bradshaw explained that they are trying to get in front of the grading and start the project. The amount of material they have to move is a large amount. There is some top soil that they would like to stockpile and use later. They are trying to develop this project smart, economically and efficiently.

Ms. Foran said that there are valid reasons to mass grade this property to minimize the grading impact on residents, but the permit should only be issued after all approvals are completed. She stated that

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construction drawings have not yet been signed and they should be signed before a grading permit is issued. Also, the area that they want to grade has been identified as an earthquake fault area and a geologist report needs to be submitted and reviewed before a grading permit is issued. If Council chooses to grant the grading permit, she requests it be subject to these items being completed. Mike Vercimak added that there is to be absolutely no infrastructure to be installed under this grading permit. No sewer, no storm drain, no power, water or retaining walls.

Ms. Humphries explained that the City has rules and regulations set in place to protect everyone involved even the person who eventually purchases the lot. If development isn't done in accordance with these rules and regulations then it puts everyone at risk. Ms. Humphries said that they do not have final site plan approval, no signed construction drawings or a geological report in order. She feels that without all of the proper approvals in place, the request should not be granted.

Mr. Bradshaw stated that they are trying to make a best effort and attack this project in a manner that makes the most sense. Once you start developing one subdivision then all of this material has to be loaded into a truck and hauled away, and it substantially increases the costs. He said that they do have the geologist report funded and in progress. It is about a week or two out from being completed. He completely understands that there is to be no infrastructure installed under this grading permit. He explained that with this mass grading plan they wouldn't install any retaining walls, they would install slopes. The retaining walls would be installed later down the line when plans have been approved. Mr. Bradshaw said that if they were permitted to start grading and a fault appeared, they would grade around it. It would be an "at risk" grading and if there was an area of lots that had issues then they wouldn't use those lots.

Kevin Tervort made a motion to approve the request for a grading permit to facilitate development of roadways and subdivision plats at Copper Rock, with the stipulation that no infrastructure is installed, the geological report is in place and water mitigation is used. Seconded by Kevin Thomas. Motion approved with Kevin Thomas, Kevin Tervort and Darin Larson. Pam Humphries voted no.

**5. *Presentation and discussion regarding Canyons RV Park plat and development plans-Jobi Venuti***

Jobi Venuti gave a handout to Council regarding the Canyons RV Park. He wanted to give Council an idea of what he would like to do with the park. Mr. Venuti is also looking for some direction from Council as to where to start. He explained that there are 160 lots in the park and only 80 of them are built out. 80 remain vacant. Canyons RV Park is a final plat and the lots are individually titled. The park was originally set for 1300 RV lots with a clubhouse and other amenities. There have been several owners of the park since then. Mr. Venuti wants to make changes to the park and the plat. The current CC&R's allow for monthly and nightly rentals. Mr. Venuti wants to take his time and build that community out. He understands that UDOT has plans for an intersection there and there will some changes to be made. He and his partner are working on construction plans but their big concern is the massive holes on the property that were left by the previous owners. Mr. Venuti would like to start grading and moving dirt around. He is working with the HOA to make plans to develop a road to go through the middle of the property. Mr. Venuti stated that he has met with some City staff. He has not attended a staff meeting because he does not have final construction plans to submit.

Mayor Bramall recommended that Mr. Venuti meet with Mr. Vercimak and Mr. LeBaron and come up with a plan for grading and dust mitigation and move forward from there.

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**6. Discussion and possible approval of amendments to the Personnel Policy-Clark Fawcett**

Clark Fawcett explained that during our retirement audit from the Utah Retirement Systems (URS), there were a couple changes that needed to be made to our Personnel Policy. Mr. Fawcett said in accordance with policies of URS, any elected or appointed official in a paid position with the City of Hurricane must be determined as eligible or ineligible for the retirement benefit coverage. In addition, our policy needed to state these positions and designate whether or not each is eligible for exemption from retirement coverage. These amendments have been made to the Personnel Policy.

Pam Humphries made a motion to approve the amendments to the Personnel Policy. Seconded by Kevin Tervort. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**7. Public Hearing to take comments on amendments to the 2017-2018 budget**

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

Mayor Bramall asked for public comments regarding the amendments to the 2017-2018 budget. With no public comments being received, Kevin Tervort made a motion to go out of Public Hearing. Seconded by Darin Larson. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson.

**8. Consideration and possible approval of a resolution approving amendments to the 2017-2018 budget-Clark Fawcett**

Clark Fawcett explained that there is \$301,778.69 amendment to the General Fund. This amendment is due to incoming grant money for different projects, miscellaneous insurance reimbursements, changes in recreation programs and departments. Mr. Fawcett reviewed an itemized spreadsheet for Council.

Kevin Tervort made a motion to approve the resolution approve amendments to the 2017-2018 budget. Seconded by Pam Humphries. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

**9. Discussion regarding residential hosting and accessory dwelling units-Kevin Thomas**

Kevin Thomas made a motion to continue this item until the next Council meeting on February 1, 2018. Seconded by Kevin Tervort. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

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

<p>Mayor Bramall</p>	<p>Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering - Mayor Bramall attended two Hurricane Valley Tourism meetings. They are looking for a new Director. Mayor Bramall stated that their priorities are interconnecting trails as well as improving and standardizing signage on the trails. They also discussed assisting the City with developing a regional sports park that they would only need the use of three different events per year. Mayor Bramall also attended the Hurricane Valley Chamber of Commerce Awards. Sand Hollow said that they would be</p>
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	<p>willing to sponsor and host the City's Fourth of July fireworks event. They would allow vendors to set up on the Links course and have a big citywide celebration there. They would also be willing to contribute 20k towards the fireworks fund. Clark Fawcett mentioned that this is a great offer, but for the local people who prefer to stay in town and watch the fireworks, they wouldn't be able to see them out at Sand Hollow.</p> <p>Mayor Bramall reported that the SITLA filed a legal action to remove their 2000 acres from the land exchange. He also is working with Mr. Brennan and encouraging land exchanges in Kane County.</p>
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council-
Pam Humphries	Court, Water, Power, Solid Waste - RDA Taxing Committee Board met yesterday and approved the current 2017-2018 budget. The Board will meet again in May to approve the 2018-2019 budget.
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- The Mosquito Abatement District wants to set up a meeting with Copper Rock to discuss the mosquito issues in that area. The Water Conservancy District publishes a newsletter called "Water Line". They are trying to keep the public aware of the events and activities of the Conservancy District. Ron Thompson is leaving December 2019. They are currently recruiting for his replacement.
Clark Fawcett	City Administration-

Kaden DeMille reminded Council of the upcoming Parade of Homes held in St. George. In the past the City hosts a booth promoting the city and the different activities here. Council approved the \$1125 cost for the booth from their Contingency Fund.

**Adjournment 8:25 p.m.**