

Minutes of the Hurricane City Council meeting held on February 1, 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, Kevin Thomas and Cheryl Reeve

Also Present: Assistant City Manager/Recorder Kaden DeMille, City Attorney Fay Reber, Police Lieutenant Jerod Brisk, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Toni Foran, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes and Recreation Director Bryce King.

AGENDA

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

Bryce King – reviewed the perspective survey and sample questions to be sent out to the public. The survey will go out via email, text, social media and a kiosk will be located in the Community Center lobby. Mr. King also discussed the possibility of hosting an open house so people can come in and take the survey in written form. He is hoping to receive 2000 responses. The survey will run for approximately one month. Mr. King will report the survey results to Council when it's completed.

Lieutenant Brisk – Chief Excell will be sending an additional letter to the County Commissioner that another bullet was found in a driveway at 320 South 6150 West. Lieutenant Brisk said that the bullet looks to be a possible ricochet from the shooting park. The shooting park hired a professional to develop solutions to help prevent ricochets. Mayor Bramall recommended that the shooting park install another row of baffles. Lieutenant Brisk also reported that a letter was sent to Intermountain Health Care ("IHC") because some of their doctors have been calling dispatch to have an officer go inform their patient of a potential life threatening emergency. He explained that a patient had a low iron level and IHC requested an officer to go to the patient's home address and inform them to head to an emergency room for a vitamin K shot immediately. Lieutenant Brisk explained that this is not policy and officers should not be dispatched for this reason.

Mike Vercimak – they are still having issues with the irrigation line on 1500 South. The Dixie Water Tank project is getting ready to rough grade next week. That project is moving along nicely.

Arthur LeBaron – he received two quotes regarding the Sand Mountain Annexation Plat. Alpha Engineering's quote for \$6,500 and Bush and Gudgell for \$7,500. Council advised Mr. LeBaron to move forward with Alpha Engineering. Mr. LeBaron will report back to Council when he receives the plat. Bill Zitting invited Council to visit the Retreat at Sky Mountain Apartments at 4pm on March 1, 2018 before the next meeting.

Toni Foran – The Crimson Ridge Subdivision does not have good soil there. They are proposing a gravel RV park with concrete pads so when the soil decides to shift it won't cause damage. The current zoning overlays an RV zone, so it wouldn't be an issue.

6:00 p.m. - Call to Order –

Pledge: Mayor Bramall Prayer: Kevin Thomas

Approval of Council minutes: 11/16/2017 and 12/07/2017

Pam Humphries made a motion to approve the 11/16/2017 and 12/07/2018 Council minutes. Seconded by Kevin Tervort. Motion 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. *Presentation and request for support from the Lego League Robotics Team-Jenny Chamberlain*

Members from the Lego League Robotics Team called “The Droids You’re Looking For” gave a presentation to Council. The theme this year is Hydrodynamics. As the team was researching this topic they visited the Water Conservancy District and learned that there had been an incident where a boat had sunk. A diver assisting with the rescue received burns on his skin from the chemicals that leaked from the boat. The team thought about how to help prevent these types of injuries. Ms. Chamberlain explained that normally divers wear neoprene suits which are meant to keep the diver warm but they do not protect them from the hazardous chemicals in the water. After doing additional research, her robotics team decided to do some fundraising to donate a chemical resistant diver’s suit to the Search and Rescue Team. Ms. Chamberlain stated that the total cost of the suit is \$2300 and they are asking Council for a 10% donation.

Pam Humphries made a motion to approve the total donation amount of \$230 to the Search and Rescue from the Council Contingency Fund. Seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

2. *Discussion and possible decision regarding residential hosting and accessory dwelling units-Kevin Thomas*

Kevin Thomas stated that after reviewing the City Newsletter that was sent out with the utility bills, there was a section in there that pertained to our residential hosting ordinance and he wanted to bring it up for review. Mr. Thomas stated that when the ordinance was passed the distinction of having a door between the house and the rental did not make any difference between whether it could be used for short term or long term rentals and by getting rid of the conditional use permit on the door between. His understanding of the ordinance is that a casita attached to a house can be used for short term rental whether it has a door attaching it to the house or not. He wants to clarify in the ordinance that there be no distinction whether the casita is attached or detached as whether it can be used as short term or long term rental. He believes it should apply to both.

Another issue Mr. Thomas would like to address is the parking issues some vacation rentals are having. As a solution, Mr. Thomas suggested whereas we have people who own vacant lots in the vicinity of the vacation rentals who are willing to allow parking of trailers and such on those lots. He would like to see it included in our ordinance the ability to use those lots for parking on the occasion when there is someone that has a large vehicle that would like to park it there with the lot owner’s permission.

Toni Foran stated that the reason the Planning Commission developed the Accessory Dwelling Unit Code was to help address affordable housing. If you make them all available for vacation rentals, there is no longer an affordable housing element. Ms. Foran stated that because this is part of Land Use Code, changes would need to go back to Planning Commission. Pam Humphries and Kevin Tervort commented that they are fine the way the code is currently written.

Cheryl Reeve disagrees and thinks that if people can't make a profit on their vacation rentals, then they will turn them back into rentals. The vacation rentals in her neighborhood are the best kept rentals. She added that as a property owner it should be your decision to do what you want to do with your property. Ms. Foran explained the reason they are the best kept houses is because city policy requires that vacation rentals keep up their property and no there is no policy in place for long term rentals.

Ms. Humphries said that she doesn't have an issue with vacation rentals that are in an area that is zoned for vacation rentals. But when a vacation rental is in a residential zone it infringes on those neighbors' rights. Ms. Humphries said that if she were to purchase a house in a residential zone, she would think it was for residential use only. She feels that a vacation rental is a business and it doesn't belong in a residential area.

Mr. Thomas questioned why this would need to return to Planning Commission. Ms. Foran and Mr. Reber explained that any changes to a Land Use Code require notice being given, a Public Hearing held, having the change written in ordinance form and receiving a recommendation from Planning Commission. Mr. Thomas requested to see the original recommendation from Planning Commission to see how it was written. He doesn't remember there being any distinction when the residential hosting ordinance was made. Mr. Thomas said that issue of a door between and whether it's attached or detached has already been addressed and it does not need to be readdressed. The intent just needs to be clarified which can be done by taking a look back at the meeting minutes. Darin Larson stated that there were previous discussions and he recommends redirecting this back to Planning Commission to clarify the intent. Ms. Foran said that she will take it back to Planning Commission for their review and clarification. Mayor Bramall also requested that Planning Commission discuss the parking on vacant lots to only benefit residential hosting and vacation rentals. She stated that neighborhoods that are impacted by vacation rentals are now going to be double impacted by the parking of vehicles on vacant lots. Ms. Foran explained that the code currently states that a vacant lot may not be used for parking for any other use. She will have to review the code and figure out how to word it before presenting it to Planning Commission. Ms. Foran will send Council a review and recommendation for the revised code before presenting it to Planning Commission.

Mr. Thomas also requested clarification regarding the \$300 vacation rental business license fee and whether it was a one-time fee or a yearly fee. Ms. Foran explained that this is a yearly fee and State code requires this cost to be justified by the amount of hours that is put into processing a vacation rental license. Mr. Larson commented that Council had discussed the possibility of requiring a \$750 licensing fee because of the amount of time and effort it takes to process a vacation rental license.

NEW BUSINESS**1. Discussion and possible action regarding property owned by Bob Stevens**

Mayor Bramall said that they have received multiple complaints regarding the property. Mr. Stevens stated that he has been at this location for seven years. His original business license was for automotive repair and sales. Mr. Stevens said that the original intent for the property was to have the shop location and then the five acres behind the shop storage. He explained that when he financed the project back in 2010 it was financed through Town & Country Bank. They have filed four separate legal actions in which they have tried to seize his property and vehicles. That bank sold out to Bank of American Fork and he is currently working with them. Mr. Stevens explained that he had to file bankruptcy but he and the bank are still working together on his financial issues and things are being worked out. Lot 43 just came back into his possession two years ago. He said that they have acquired more cars and he intends on fencing more of the property to come into compliance. He has recently hired two more employees that will start next month. His biggest hurdle is obtaining a crusher. Once he gets a crusher then he can crush a lot of those vehicles and they can be removed.

Ms. Foran explained that Mr. Steven owns lots 46-47. Those two are in compliance. Lot 43 will be in compliance when it is fenced. However, lots 41, 42 and 44 are out of compliance and have vehicles on them. In 2016 Planning Commission approved a conditional use permit for an 8' fence for lot 43 with the conditions that landscaping be installed between the fence and the street and that it meets all state and federal requirements for pollutants from stored vehicles and all vehicles from all other lots be moved onto one of the three approved lots by May 20, 2017. This has not happened as of today's date.

Mr. Tervort said that he understands the struggles and financial issues Mr. Stevens has had. However, Mr. Stevens has continued to acquire more cars and is now out of compliance. He does not want to see Mr. Stevens go out of business but he has to be in compliance. Ms. Humphries commented that where the buildings are located on lots 46-47, it is fenced and landscaped nicely. The rest of the property needs to come into compliance, lot 43 needs fencing and vehicles have to be moved off of the non-conforming lots and moved to lot 43. Mr. Stevens stated that his goal is to crush all the vehicles that he cannot put on lots 42 and 43, add the fencing and landscaping where it needs to be. Ms. Humphries is comfortable allowing Mr. Stevens a year in order to move, crush or remove vehicles in order to come into compliance. Cheryl Reeve inquired about any alternative options for Mr. Stevens to be able to come into compliance as a property owner.

Pam Humphries made a motion that Mr. Stevens will have until February 1, 2019 which is one year to come into compliance and will need to give a progress report in six months on August 2, 2018. Mr. Stevens will need to show substantial progress via aerial photographs taken now, in six months and in one year. Seconded by Kevin Tervort. Motion approved with Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson. Cheryl Reeve voted no.

2. Discussion and possible action regarding property owned by Ralph Ballard

Pam Humphries made a motion to continue this item until Ralph Ballard can be notified. Seconded by Kevin Thomas. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

3. *Review and possible approval of the 2018 slurry seal bid-Clay Campbell, Mike Vercimak and Arthur LeBaron*

Arthur LeBaron stated that this slurry seal project was advertised with quantities for Hurricane, LaVerkin, Toquerville and Leeds in order to keep the costs down. Mr. LeBaron reviewed a spreadsheet for Council detailing the bid schedule and costs for each city. Bids were received from Morgan Pavement, Intermountain Slurry Seal and M&M Asphalt Services. A panel consisting of Mr. LeBaron, Mr. Vercimak, Clay Campbell and Kevin Thomas met to evaluate the three different bids. The recommendation from the panel is to award the bid to M&M Asphalt Services in the amount of \$356,100.

Kevin Thomas made a motion to award the 2018 slurry seal bid to M&M Asphalt Services for \$356,100 with the condition that LaVerkin, Toquerville and Leeds are concurrent with their approval of the bid. Darin Larson Seconded. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

4. *Update on Frog Hollow Dam-Mike Vercimak and Arthur LeBaron*

Arthur LeBaron stated that investigations have been going on at the dam for about two years now. Recently the Natural Resources Conservation Service (“NRCS”) reviewed an old soils report from borings that were done in 1982. This report revealed a significant loss of drilling fluid at about 50.5 and 55 feet on the crest of the dam. This was interpreted to be a zone of low density soils. After reviewing this report, the NRCS decided to do ground penetrating radar testing and additional surveying on the dam. These tests revealed that the resistivity rating for Area 1 of the dam is medium to high. The higher the resistivity the less dense the soil is. The estimated cost to repair the Frog Hollow Dam is \$2.3 million. Mr. LeBaron explained that this is three times more than what their initial estimate was. He added that when the NRCS does dam rehabilitation they do 65% financial participation, and the owner would pay 35%. However, if Mr. LeBaron can get the Frog Hollow Dam classified as a High Hazard Dam, then the State would pay 30% leaving the City to pay a small portion of approximately 5% of the cost. Mr. LeBaron stated that he is waiting for information from the NRCS so he can submit a compelling argument to Utah Dam Safety to hopefully get the Frog Hollow Dam classified as a High Hazard Dam.

5. *Consideration and possible approval of an agreement between Hurricane City and Scott Stratton*

Fay Reber stated that he will draft an agreement between Hurricane City and Scott Stratton stating that this is a temporary use of city property to allow his cattle to graze and there will be no vesting interest in the property.

Kevin Tervort made a motion for Fay Reber to draft the agreement between Hurricane City and Scott Stratton and authorizing Mayor Bramall as signatory. Seconded by Cheryl Reeve. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

6. Discussion regarding the affordable housing grant program and possible changes to the administration of the program-Toni and Clark

Toni Foran explained that the Affordable Housing Grant program was initially approved on January 7, 2010. This grant program would provide qualifying first time home buyers with up to \$2,000 towards closing costs. The program had a beginning balance of \$139,000 and now has a current balance of \$41,000. Initial qualifying criteria to receive this grant were owner occupied, new construction, first time homebuyers, and using USDA direct or guaranteed loans. A “first time homebuyer” was defined as not having title on a home in the past three years.

Ms. Foran asked if Council would like to revise the criteria for the grant program going forward. Council decided that they would like to open the program up existing homes as well as new construction homes with a maximum home price of \$258,520 and keeping the other criteria the same. Ms. Foran will make these changes and bring it back to Council for approval.

7. Mayor, Council and Staff report

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, and Engineering - Mayor Bramall mentioned an email he received regarding the Sand Hollow land exchange. Mr. Brennan has withdrawn his interest in the 700 acres. In addition, SITLA has applied to remove their property from the Sand Mountain exchange. Meetings are still ongoing but there is progress being made.
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council-
Pam Humphries	Court, Water, Power, Solid Waste – the Power Department has a rebate program for residential air conditioners and smart thermostats. The details are located on their website. She asks that Council review the Power contract and direct any questions to Mr. Imlay. The next Power Board meeting will be February 27, 2018 at 3:00 p.m. and Council members are invited to attend. There will be a UAMPS representative present to answer any questions. March 20-21, 2018 will be the UAMPS meeting held in St. George. One day will be dedicated to the carbon free project and that is the day that should be attended. Mr. Imlay would like to plan a “blackout” as a part of the Emergency Preparedness Night to test the generators. The Water Department reported 433 new connections, 214 old meters replaced, 485 new registers installed in 2017. There was a gentleman who purchased a piece of property and put utilities in. He then decided to sell it and wanted to transfer his utilities to another piece of property. The Water Department has a specific policy to not allow someone to dig up a meter and move it. This gentleman was told that he cannot take his meter with him to his new property. He was not happy and he may be coming before Council requesting authorization to take his meter with him.
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-
Clark Fawcett	City Administration-

Adjournment: 7:31 p.m.