

Minutes of the Hurricane City Council meeting held on February 15, 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: City Manager Clark Fawcett, Assistant City Manager/Recorder Kaden DeMille, City Attorney Fay Reber, Police Lieutenant Jerod Brisk, 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

Lieutenant Brisk – reported that there was an incident at the high school where an individual spray painted on a flag and hung it up. The department has reason to believe that this person was trying to get school cancelled. They do not have a suspect in custody at this time. The public and the media has assumed this was an ISIS related incident. Lieutenant Brisk reassured Council that the department is investigating the incident and there is not threat to the community.

Fire Inspector Kevin Gildea – they are testing entry level applicants tomorrow. Their ladder truck is back from its recalled repairs and is back in circulation. Chief attended a meeting and the City of Springdale is requesting that Hurricane Valley Fire District manage them. Mr. Gildea said that they have their concerns regarding taking on another city, but they will be putting together a proposal and will be submitting it to the city.

Mike Vercimak – Mr. Zumwalt is asking for Council’s feedback regarding the Wayside Park historic sign. Mayor Bramall suggested that Mr. Zumwalt confer with Darren Barney to have the Wayside Park sign match the park signs throughout the city. Mr. Vercimak also reported that he and Joe Rhodes attended the Transportation Expo in Arthur LeBaron’s absence. Mr. LeBaron is up north attending FEMA management school.

Toni Foran – attended the Zion Collaborative Council meeting. They are discussing alternate ways to get to the park. Parking is becoming limited and Springdale will start charging for parking in their city. With regards to the proposed changes to the ordinance amending the Land Use Code pertaining to Public Facilities and Open Space zones, they wanted to simplify the language and clarify the purpose of the zone. Ms. Foran also wanted to have a discussion with Council regarding our night skies and how to term the concept of protecting them. Mr. Imlay is willing to come give training on the different types of lighting and options that can be used for city street lighting and business to reduce the impact on the night skies. If this is something that is not of value to the current Council, then the Planning Commission does not want to move forward with bringing an ordinance to Council. Also, Planning Commission did approve the preliminary site plan for the Maverick at 100 East and State Street. They have modified their plans so it no longer has access off State Street, but the new traffic study reflecting the modified plan has also not been submitted as of yet. The Retreat at Sky Mountain and Mr. Zitting are planning on hosting an Open House for members of Planning Commission, City Council and the different department heads on March 1, 2018 at 4 p.m.

Mayor Bramall stated that Tim Tippetts is still moving forward with buying the parcels out in Elim Valley. There are still legal issues but they are moving forward in spite of it. Ms. Foran said the houses are

going in the section that has been recorded. This is a recorded subdivision and they have done most of the required improvements to obtain building permits but they have not done what they are required to do to get certificates of occupancy. Mr. Reber suggested contacting the parties and asking them if they would send us a letter agreeing that we can develop that area as per the request of the developer.

Mr. Fawcett and Ms. Foran met with Rich Hansen who is the current owner of the Zion Vista subdivision (formerly Grand Canary). Mr. Hansen would like to start building homes but there are some items in the Development Agreement that he would like to get changed. He was directed to contact Toquerville Enterprises to see she would sign off to amend the Development Agreement. Mr. Reber explained that his office sent two letters to the property owners Toquerville Enterprises and Summit Development in June 2017. These letters stated that because there has been no development activity for ten years they were required to bring in financial assurance to prove that they had the financial capability of finishing the project by December 2017. The letters went unanswered. Mr. Reber stated that Summit Development no longer exists and the address used for Toquerville Enterprises was what was listed on the Development Agreement. If Council wanted to proceed, Mr. Reber advised sending an additional letter out giving them notice of a hearing, having them come in and prove their financial assurance. That would possibly put Council in a position to take action to terminate the project.

6:00 p.m. - Call to Order –

Pledge: Kevin Tervort Prayer: Jason Campbell

Approval of Council minutes: 12/21/2017 01/18/2018

Pam made a motion to approve the 12/21/2017 and 01/18/2018 Council meeting 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

Ned Wheeler – Mr. Wheeler submitted documents to Council regarding the construction that is beginning in the new Sky Vista subdivision next to his residence at 2609 West 410 North. Mr. Wheeler has concerns regarding the foundation levels of the homes being built, the shading of his existing solar cells, the purpose of his retaining wall is compromised because the dirt has been piled up to the top giving no privacy to his home, the depth of the drainage ditch and the vibrations that are coming from the hydraulic roller. These vibrations have caused his house to shake and his dishes to rattle. Mr. Wheeler said that neighbors are feeling these vibrations and share the same concerns. He said that he spoke to the construction crew and he was told that this is a City approved project and he should speak to them. Mr. Wheeler said that he is not opposed to having a subdivision being built, but the manner in which it is being built is his concern.

Mayor Bramall and Kevin Tervort explained to Mr. Wheeler that the house being built will have a setback of 20 feet from the property line, and that there will be another 6 foot retaining wall on their property and the current ditch is the drainage basin and a privacy wall. In regards to Mr. Wheeler's solar cells, Mayor Bramall stated that he may have to raise the structure, but that is something that will have to be done after the home is built.

OLD BUSINESS**1. Discussion and possible action regarding property owned by Ralph Ballard**

Ralph Ballard stated that he would like to know exactly why he is here. He was told by a member of the Planning Commission that he was on the agenda. He was never notified that he was on the previous meeting agenda. He received a phone call from Mr. DeMille informing him of this meeting. Mr. Ballard has heard that there are concerns about his properties and the possible revocation of his two business licenses. He stated that there has been an investigation done, digging up information and he has seen some of the documents. In regards to the timeline that he received from Mr. Reber, there are events that are listed in there that are not accurate and not documented as he remembers them. Mr. Ballard stated that in 1998 he asked for a conditional use permit for auto wrecking. That was granted by the Planning Commission. Immediately after opening there were members of the community that were livid that he was there. Since then he feels there have been at times nothing but complaints and he's been fighting them.

Mayor Bramall commented that Mr. Ballard provides a service and he has a right to conduct his business. With that being said, he and other members of Council have received complaints about the property. Mr. Reber explained to Mr. Ballard that he was granted a conditional use permit and there were certain conditions that were imposed for that permit. The City has concerns that there are still parts of that conditional use permit that are not in compliance. In addition, Mr. Ballard has extended his auto salvaging activities onto additional property that he acquired that is not part of the conditional use permit. Mr. Reber said that this is a meeting to discuss these issues.

Pam Humphries explained to Mr. Ballard that he was on the agenda for the last meeting, but when Council realized he hadn't received notice they continued the item until he could be here. That was just a misunderstanding. One concern she has is that the original conditional use permit was for 23 acres and when you compare maps of the original 23 acres with the current property, he has well grown over what was applied for. Another concern is that the cars that are dropped off to the parking lot are not moved. Ms. Humphries stated that she has gone to his property every day for the past two weeks and zero cars have been moved. She feels that keeping that area clear should be a priority and she has no issues with his business being there but he needs to be in compliance with the initial conditional use. Ms. Humphries stated that she has received comments from the community asking how the city can allow a wrecking yard to be at the entrance of this beautiful city.

Cheryl Reeve stated that long before she was on City Council, she's heard negative comments regarding Mr. Ballard's property. She was always quick to defend Mr. Ballard by stating when the price of metal increases he will sell some of the cars and get rid of them. She is not sure at this point how he can remove all those cars and metal.

Kevin Tervort stated that he also received comments regarding the amount of cars and the appearance of the property. Mr. Tervort said that this is the gateway to Hurricane and it needs to be cleaned up. There are also inquiries about several other properties Mr. Ballard owns throughout the city that are in bad shape that also need to be cleaned up. They need to be cleaned up to look like residential lots again. The wrecking yard cleanup needs to be priority.

Mr. Ballard wanted to address some compliance issue. He installed a slated fence on sections of his property. There are sections of the property that UDOT will not allow a slated fence. He's done repairs to the existing fence and he thought he was in compliance. He's had the parking lot completely paved. Mr. Ballard said that he purchased the Canal Company property and a couple other acres after he applied for his conditional use permit. He does have cars on these additional properties. In 2006 Mr. Ballard applied for an expansion of a non-conforming use permit for propane storage tanks. The Board of Adjustments approved the expansion. He services a lot of customers during the winter and these tanks allow him to store more propane and serve more customers. Mr. Ballard said that he does have a crusher permit and a crusher but unfortunately the seals broke on it. He has the replacement seals but he has to find the time to repair the machine. When he can fix the crusher he can start to crush vehicles again.

Mr. Ballard distributed a copy of plans he had drawn up and gave them to Council. He said that he would like to purchase the 5M building and the four acres to the north. He would like to plant a variety of trees and hedges to help conceal the property. Ms. Humphries stated that these plans are a wonderful concept but he would still need to go before Planning Commission for approval and go from there. This is something that would take time and Mr. Ballard is currently not in compliance and he needs to be. Ms. Humphries reiterated that Mr. Ballard was granted a conditional use permit that had certain stipulations on a certain amount of property and he has expanded that use. Mr. Ballard commented that he could start stacking cars up the hill because that is the property that was included in his agreement. He said he was asked not put any cars any higher up the hill so he expanded the other ways.

Mr. Larson said that even though he has expanded his business over the original conditional use permit, it is better than stacking them or climbing them up the hill. The issue we have is how to mitigate the view. He feels that the conditional use permit should be expanded to include property he is on now. The slated fence portions of the property look good. Mr. Ballard explained that UDOT will not allow slats on certain sections of the fence due to high winds and weather.

Jason Campbell commented that the general public doesn't know his property begins in the hole. He said that the idea to force him to conform to the original conditional use permit acreage will be counterproductive. Site cleanup isn't going to appease everyone and there is always going to be complaints.

Kevin Tervort suggested that Council should set certain conditions and a specific timeline. Mr. Ballard can report back in six months to show progress and then again in a year. At that time, if no progress has been made Council can revisit the revocation of Mr. Ballard's license. Mr. Ballard stated that he wouldn't like to go over six months. Mayor Bramall thinks that slating the fence would be a great solution and he would assist with contacting UDOT to get the slating of the fence approved. Mayor Bramall also stated that crushing the vehicles is also a good solution. Mr. Ballard said that if he can repair his crusher he will start cleaning up the front of the wrecking yard and the parking lot.

Mr. Ballard and Mr. Tervort reviewed what has been discussed and what is expected of him. First priority is to move the vehicles in front of the wrecking yard and move the vehicles where people should be parking. Second priority is the pile of vehicles going into the bulk plant. This is where vehicles are being dropped off. Mr. Ballard needs to get his crusher working before he can move those vehicles

because he has no place to move these vehicles. Third priority is working on the slats for the fence and working with UDOT to get approval for the slatted fence. Mr. Ballard is to come back in six months to give a progress report.

2. *Approval of changes to affordable housing grant program discussed at February 1, 2018 meeting*

Toni Foran stated that Council discussed changes to the guidelines for the affordable housing grant program during the last meeting. The proposed changes were to open the program up to existing homes, not just new construction with a maximum home price of \$258,520. Ms. Foran will continue to use the grant program for 20 more grants under these proposed changes.

Kevin Thomas made a motion to approve the changes proposed to the affordable housing grant program discussed at the February 1, 2018 meeting. Seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

NEW BUSINESS

3. *Consideration and possible approval of a preliminary plat for Hinton Estates, a 9 lot subdivision located at approximately 1180 South 700 West-JC Associates Financial applicant, ProValue Engineering agent*

Jason Campbell explained that he and his wife initially bought the property to build a home on it. After we started another property became available and we ended up purchasing the other property for our home and are now subdividing this property. Mayor Bramall stated that Planning Commission recommends approval. Mr. Campbell said that the drainage plan has been modified from the original plan. Water will now move east then north. Ms. Humphries confirmed that a geotechnical report will be submitted before construction drawings will be submitted. She also questioned the irrigation system. Mr. Campbell explained that the irrigation water that comes through there is non-delivery. There is not a delivery system irrigation line. It currently comes through a drainage pipeline on the west side of the property.

Kevin Tervort made a motion to approve the preliminary plat for Hinton Estates, a 9 lot subdivision located at approximately 1180 South 700 West. Seconded by Pam Humphries. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

4. *Consideration and possible approval of an ordinance amending the Land Use Code pertaining to the Public Facilities and Open Space zones-Hurricane City applicant*

Toni Foran and staff examined this ordinance and decided to delete certain sections to simplify it to make it more conducive to its zoning. Sections that were deleted were the development standards, special regulations and some of the defined uses that were not compatible for the purpose of the zone. Ms. Foran explained that using our building codes and other sections of Land Use Code will cover these types of zones. Planning Commission held a public hearing and there were no public comments received. Planning Commission recommends approval.

Pam Humphries made a motion to approve the ordinance amending the Land Use Code pertaining to the Public Facilities and Open Space zones. Seconded by Kevin Tervort. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

5. Discussion on General Plan goal of protecting the night skies

Toni Foran stated that Planning Commission anticipates it will take some time to develop a code for protecting the night skies. Planning Commission is requesting support from Council that this is something that they want to implement before they put the work into it.

Ms. Humphries stated that she is not opposed to protecting the night skies as long as there is ample light that people feel safe going into business at nighttime. The letter from Mr. Chamberlain had valid concerns of the city growth and losing the night sky because of all the city lights. Ms. Foran explained that using down lighting would provide enough lighting for public safety and the lighting is not obtrusive. She said that Mr. Imlay will be coming at a later date to give a presentation on the different types of lighting, lighting patterns, new technologies and the different options for street lighting.

Cheryl Reeve said that she would like to encourage the protection of the night sky, but she does not want to make it mandatory. Kevin Thomas and Kevin Tervort agree that as a city he is in favor of purchasing lights to protect the night sky, but he does not want to make it mandatory. Darin Larson said that there are things that we can do as a city to encourage the use of these different types of lighting that would help protect the night sky. We could offer incentives or give credits to businesses for using the different lighting. These are discussions that we could have so that this would be encouraged and not mandatory. Ms. Humphries suggested that Planning Commission should discuss this further and give Council a recommendation.

6. Appointment of board and commission members

Mayor Bramall stated that Gail Hinton requested to be relieved of his duties on the Tree Board. He had to have knee surgery and is recovering. Mr. Hinton referred Don Larson as his replacement. Mayor recommends the appointment of Don Larson to Tree Board.

Kevin Tervort made a motion to appoint Don Larson to Tree Board. Seconded by Cheryl Reeve. Motion approved with Cheryl Reeve, Kevin Thomas, Kevin Tervort, Pam Humphries and Darin Larson voting aye.

7. Mayor, Council and Staff reports

<p>Mayor Bramall</p>	<p>Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering- He reviewed letters he's received from the public. One letter was from a resident to complain about a Planning Commissioner chewing gum during a meeting. Another letter from residents in Dixie Springs with signatures petitioning to move the power line from 3400 West. Dixie Power said they would consider that, but this won't be an issue until the Lake Powell Pipeline goes in. Mayor Bramall attended the Transportation Expo and spoke in support of SR9-I15 upgrade as well as the Sand Hollow road finishing.</p>
<p>Kevin Thomas</p>	<p>Emergency Management, Streets & Drainage, Youth City Council-</p>

Pam Humphries	Court, Water, Power, Solid Waste-
Darin Larson	Planning Commission, Economic Development, Planning Department, Building and Inspection, Recreation- pool will be opening earlier and closing later because of the pool tarps. They are working well and they definitely see a reduction in the heating expense of the pool.
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification- The City has a booth at the St. George Home Show. The booth is located at 3192 S Sandstone Drive, Hurricane.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District-
Clark Fawcett	City Administration-

Adjournment 8:10 p.m.
