

Minutes of the Hurricane City Council meeting held on March 21, 2018, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

**Members Present:** Mayor John Bramall and **Council Members:** Darin Larson, Kevin Tervort, Kevin Thomas. Absent: Cheryl Reeve and Pam Humphries.

**Also Present:** City Manager Clark Fawcett, Assistant City Manager/Recorder Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Dave Imlay, Planning Director Toni Foran, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes, Ash Creek Sewer District Director Mike Chandler.

## **AGENDA**

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

**Mike Chandler** stated that Ash Creek Sewer District will have their Board meeting tomorrow. One item on the Agenda is to discuss the cut through the hill that is required for the Dixie Water Tank. They will also be reporting on the current year's revenue. Ash Creek will be giving a tour of the LiteHouse facility for Council this next week.

**Chief Excell** announced that the annual Guns and Hoses basketball game was held last night. The Police Department lost the game but all of the money raised will be donated to charity. This week the department will also be hosting their quarterly "Coffee with a Cop." Chief also reported that there was a threat of violence on a school bus recently. A boy was being bullied on the bus and he was found to be drawing pictures of guns and other violent items. The school suspended the bullied boy but did nothing to the people doing the bullying. He also reported that an officer was involved in a minor traffic accident. The other party was found at fault and the city vehicle sustained minor damage.

**Dave Imlay** said the department avoided another outage when a damaged cross arm was discovered. They quickly got the cross arm repaired. Mr. Imlay also stated that he met with Dixie Power regarding the street lights at Tava at Sand Hollow. The developer has pre-ordered the shields for the lights and when those come in they will be installed. He commented that those lights are bright but they are also adjustable. Dixie Power will be turning the lights down to the lowest setting and will be putting the shields on them. This should solve the issue for the residents out there.

**Toni Foran** gave a handout to Council that was a picture of a house in Dixie Springs that has an attached out building. Ms. Foran stated that it looks like a carport with sunshades that is not built to City Code. A contractor came into her office and asked why the City isn't enforcing code and requesting these buildings to be taken down. Ms. Foran explained that this was something that was built with no city permits or inspections and that this is illegal. She said that many new people are moving into our area and expect the City to enforce our codes. Kevin Thomas suggested imposing a fine for the builders and the homeowners who are in violation of building non-permitted structures. Fay Reber stated that the City has the authority to request the owners of the property to take down the building and that our Code allows for fines and violations. Mr. Reber suggested examining our Ordinances to see what penalties are permitted and moving forward from there. Ms. Foran also reported that Maverick has submitted their final site plan and they will be going before Planning Commission next week.

Darin Larson was excused at 5:52 p.m.

**Arthur LeBaron** stated that he received a map of the McDonald and Ballard right-of-way. If Council chooses to approve this item tonight, Mr. LeBaron requested that it be subject to the legal description. With regards to the Cordero Subdivision grading permit item, he feels that their request is a bit premature. There is a lack of infrastructure and list of items that need to be addressed before a grading permit should be permitted. Mr. Zitting is coming in tonight to discuss the intersection at approximately 2170 West and 600 North by his current project, the Retreat at Sky Mountain. Mr. Zitting recognizes that there are improvements that need to be made. The estimate for these improvements is \$160,000, and he will be asking for the City to help fund these improvements. Mr. LeBaron does not think that these improvements are impact fee eligible.

**Fay Reber** updated Council regarding the Marla Subdivision. Planning Commission said that they will approve activity subject to an approval letter from our attorney in Salt Lake. Mr. Reber is waiting to hear from them before moving forward.

Darin Larson returned 6:25 p.m.

#### **6:25 p.m. - Call to Order**

Pledge: Kevin Tervort                      Prayer: Kevin Thomas

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

None.

#### **OLD BUSINESS**

- 1. Consideration and possible approval of an ordinance vacating a City owned right of way at approximately 501 South and 60 East that has been used for access to the Ballard and McDonald properties and occasional City access to the canal**

Kevin Thomas motion to approve the ordinance vacating a City owned right of way subject to the legal description at approximately 501 South and 60 East that has been used for access to the Ballard and McDonald properties and occasional City access to the canal and record an easement. Seconded by Kevin Tervort. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas voting aye.

#### **NEW BUSINESS**

- 1. Consideration and possible decision regarding approval of a grading permit for Cordero Subdivision with a plan to include offsite roadways, 2100 West Street and Copper Rock Parkway along with roads in subdivision phase 1-Brant Tuttle**

Mr. Brant Tuttle from Northern Engineering was representing the Cordero Subdivision. Mr. Tuttle stated he met with Staff yesterday. Staff expressed concerns regarding the project and the sewer system design. He was told by Staff that this request for a grading permit is a bit premature and that the sewer system is about two years out. Mr. Tuttle then met with Mike Chandler of Ash Creek Sewer District to address these concerns. Mr. Chandler indicated that he hopes to have plans ready to bid by July and start construction by September 2018. Mr. Tuttle stated that he has also held meetings with Gordon Zitting and he is also still planning to participate with the sewer line as well. Given these factors, Mr. Tuttle does not feel that this request is premature. He explained that water for the grading process

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would come from the Copper Rock well on 2100 West. The Development Agreement and right-of-ways have been secured for certain sections of the roads in the Development and they are ready to start grading.

Another issue that has been addressed is their proposal of extending a private road from the west end of Cordero to Sand Hollow Road. Staff did not support this extension without the support of UDOT. Mr. Tuttle stated that UDOT has prepared a letter and stated they are not opposed to temporary access and temporary road connecting to Sand Hollow Road. There were also concerns regarding water lines. They are planning on installing 12" lines all around 2100 West or working with Copper Rock to loop 12" line from 1100 West out towards their intersection. Mr. Tuttle explained that these are all issues that need to be resolved but in the meantime they wanted to start grading.

Kevin Tervort explained that this application was reviewed by the JUC committee on March 21, 2018. JUC also feels that the application is premature stating that the project has no access and no utilities especially water which would be needed for dust control. They have reviewed five different sets of construction drawings for this project and things keep changing. They recommended that these nine items be done before any approvals should be granted:

1. Must have access to property (must acquire the Judd property on 2100 West)
2. Must have water on site to control dust
3. Must submit a drainage plan
4. Must have an erosion control plan
5. Must obtain the Geologist report on the fault line on 2100 West
6. Must provide a geotechnical report on the grading areas
7. Must provide a detailed plan showing the extent of the grading and an explanation as to what is going to be accomplished
8. Must provide a reclamation plan and bonding sufficient to accomplish the plan
9. No installation of any infrastructure or underground utilities until an approved set of plans has been developed. Need to follow the Code for signed construction drawings and obtain a notice to proceed.

Mr. Tuttle and Dale Beddo addressed the nine items by saying that the access to the Judd property is something that is covered within the Development Agreement between Copper Rock and the City. This is something that is out of their hands and they have no control over it. The water used for dust mitigation and compaction will be coming from the Copper Rock well at the north end of 2100 West. Mayor Bramall asked if they had it in writing that they will be accessing Copper Rock's well. Mr. Beddo said he would submit it in the morning. Mr. Tuttle stated that the drainage plan and the erosion control plan specific to grading have not been completed yet, but can be done.

Toni Foran said they received a geologist report last week from Copper Rock that identified where the faults are located in that area. They recommended further study before construction happens so they can determine the depths and determine any activity. Alliance Consulting and Ken Knudsen have contracted to get the further studies, but they have not received them yet. With regards to the geotechnical report, Mr. Beddo stated that it has been done and submitted.

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Mr. LeBaron explained that a grading plan is different from what is included in the construction drawings for a subdivision. The grading plan needs to be more detailed and explain what is going to be accomplished. He offered to show examples of different grading plans to Mr. Tuttle if he needed to have something to reference. Mr. Beddo stated they will provide their reclamation plan as well as their financials to show bonding sufficient to accomplish this plan. Mr. Tuttle asked what the reclamation plan requires. Mr. LeBaron clarified that they get to propose what they want to do as far as reclamation goes, and the City will review it. Mr. Tuttle and Mr. Beddo also agreed that there will be no utilities installed as per the grading permit.

Mr. LeBaron discussed the importance of any development proposal that is entertained by the City has to be compared to the Master Plan of the City. Major utilities need to follow master planned roads. City Staff and Ash Creek Sewer Staff have made major strides in securing many right-of-ways. The Judd property is still outstanding and needs to be negotiated and secured. He encouraged Council not to grant a road where the City is providing municipal services but won't have access to it. Whether the road is public or private, it needs to be built to City standards and the City must have access to it. Mr. LeBaron feels that things should be further along with right-of-way acquisitions and infrastructure before this project should be allowed to start grading. Toni Foran added that the Copper Rock turned in three pages of grading plans that showed berms for drainage, their restoration plan, they provided the necessary financial assurance and had full drawings of cuts, fills and quantities. Copper Rock submitted their complete plans for review before going to Council. That grading permit was issued last week after they submitted their geologic report.

Mr. Beddo reiterated that their road construction is up to City standards. They have requested Staff be involved with inspections for roads as they are built in anticipation that the road would be converted over to the City. Mr. Beddo feels that there are many hypotheticals surrounding this road that they are being forced to adhere to. He said that the Copper Rock Parkway placed precisely where the Transportation Plan shows that it should be. It is designed to meet City standards. If in the event that the Parkway does not go through, then the Developer would fund the relocation of that road. Mr. Beddo stated that they have offered to make this part of their Development Agreement or any Conditional Agreements. He feels that postponing development fourteen months and not allowing them to start is costing money. He estimates the grading process to be about 3-4 months. He feels that they are being drug through the mud with these delays. He requests that Council apply some logic and approve the grading permit so that they can do something.

Darin Larson suggested continuing this item until April 3, 2018 to give them time to complete the list of items suggested from JUC. Clark Fawcett also suggested that he and a member of Council be there when Mr. Beddo submits his plans to the City to help alleviate any issues. Darin Larson, Clark Fawcett and Dale Beddo will meet at the City offices on March 28, 2018 at 1 p.m. to review the list of items and plans.

Kevin Tervort made a motion to continue this item until the April 3, 2018 Council meeting with a review of the list and plans on March 28, 2018 at 1 p.m. Seconded by Darin Larson. Motion approved with Darin Larson, Kevin Thomas and Kevin Tervort voting aye.

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**2. Review of final site plan approval granted to Pride Rock Materials LLC and clarification of status of Development Agreement**

Fay Reber explained that this item is for a final site plan approval which doesn't require approval from City Council. However, their Development Agreement with the City does require certain Council approvals. This agreement details a specific timeline for progress to be made. Back in November 2017 a letter was sent to Mr. Stewart stating he was in default of the Development Agreement. Mr. Stewart appeared before Council in December 2017 and he was given until February 28, 2018 to cure the default. Mr. Reber stated that during this time Mr. Stewart has been taking steps and making progress to cure the default. As long as progress continues, Council is able to extend the agreement and deadlines. Mr. Stewart is requesting an extension to the Development Agreement.

Darin Larson commented that Planning Commission approved the final site plan. The Council has the authority to modify the Development Agreement for Pride Rock Materials. Mr. Stewart stated that he would like to request the original 120 days plus an additional 20 days. He said that the sub-contractors are busy and some things he can't control. He appreciates Council's patience and their willingness to work with him.

Mr. Larson expressed concerns over the potential 150 day extension. Mr. Reber explained that Council can keep it at the original 120 days and can always issue an extension if the need arises.

Kevin Thomas made a motion to extend the Development Agreement with Pride Rock Materials LLC 120 days. Seconded by Darin Larson. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas voting aye. Fay Reber will send a letter in writing to confirm this change to the Development Agreement.

**3. Consideration and possible approval of a preliminary plat for Coronado Ridge Phase 3, a , a 28 lot single family subdivision located at approximately 585 N. 3150 West-Rock Solid Builders applicant, James Cheney owner**

Gerald Pratt with Pratt Engineering appeared before Council. Mr. Pratt was representing Rock Solid Builders. He stated that this project has been on hold for approximately four years while waiting on the acquisition of property for a roadway. Mayor Bramall stated that Planning Commission recommended approval.

Kevin Tervort made a motion to approve the preliminary plat for Coronado Ridge Phase 3, a, a 28 lot single family subdivision located at approximately 585 North 3150 West. Seconded by Kevin Thomas. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas.

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**4. Consideration and possible approval of a preliminary site plan for Crimson Ridge RV located at Crimson Ridge Drive and Old Highway 91**

Darin Larson stated that Planning Commission recommended approval of this item, subject to Board of Adjustment approval.

Darin Larson made a motion to approve the preliminary site plan for Crimson Ridge RV located at Crimson Ridge Drive and Old Highway 91, subject to Board of Adjustment approval. Seconded by Kevin Tervort. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas voting aye.

**5. Consideration and possible approval of a declaration of surplus property and decision on the method of disposal for .47 acres located at approximately 960 W. 3290 South along the north boundary of 3290 South Street**

Kevin Tervort made a motion to approve the declaration of surplus property and decision on the method of disposal for .47 acres located at approximately 960 West 3290 South along the north boundary of 3290 South Street. Seconded by Kevin Thomas. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas voting aye.

Darin Larson made a motion for the method of disposal being a Quit Claim Deed of surplus property for .47 acres located at approximately 960 West 3290 South along the north boundary of 3290 South Street. Seconded by Kevin Thomas. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas voting aye.

**6. Discussion and possible decision regarding cost of completing improvements to intersection located at 600 North and 2170 West-Bill Zitting**

Bill Zitting stated that Phase 1 of the Retreat at Sky Mountain went very well. The units filled up very quickly and there is so much traffic on 600 North. The intersection at 600 North and 2170 West is in need of some attention and improvements. These improvements will add a through lane in both directions as well as a turn lane in both directions. The estimated cost for these improvements is \$158,741. Mr. Zitting is requesting financial assistance for half of the cost of these improvements.

Council discussed funding options. Mr. Fawcett explained that this project is not on the Capital Facilities Plan. Given that these fees are project improvements and not city system improvements, Mr. Fawcett is not sure if these fees would be impact fee eligible. He agrees that these improvements would help more than just the tenants at this development, but it's probably not impact fee eligible. He explained that there are three sources of dedicated road funds which are the B&C Road Funds, Highway Sales Tax and Impact Fees.

Mr. Zitting stated that the City owns a piece of property that is adjacent to the proposed intersection and his development (parcel # H-3-1-33-441). He said this parcel is less than two acres. He proposed a trade that if the City would give him that parcel, he would pay for the total cost of the improvements. Mr. Fawcett said that an appraisal would need to be completed before any transaction could take place. Council agreed that this would be a great way to move forward.

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Kevin Thomas made a motion that an appraisal be ordered on the parcel the City owns that is adjacent to 600 North as a possible trade for intersection improvements (parcel #H-3-1-33-441). Seconded by Kevin Tervort. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas voting aye.

**7. Discussion and possible approval of an agreement for certificates of occupancy at The Retreat at Sky Mountain Apartments Phase 2-Bill Zitting**

Bill Zitting is requesting to receive certificates of occupancy as Phase 2 is being built. Ms. Foran explained that this is the same process that happened in Phase 1, but Phase 2 has not been approved yet.

Darin Larson made a motion to approve an agreement for certificates of occupancy at The Retreat at Sky Mountain Apartments Phase 2, subject to approve of Phase 2 of the project. Seconded by Kevin Tervort. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas voting aye.

**8. Consideration and possible approval of a resolution approving an updated fee schedule to include redaction fees for the Hurricane City Police Department**

Chief Excell stated that the proposed updated fee schedule follows the schedule from the Utah State Code.

Kevin Tervort made a motion to approve the Resolution approving an updated fee schedule to include redaction fees for the Hurricane City Police Department. Seconded by Kevin Thomas. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas voting aye.

**9. Consideration and possible approval of a request for approval of an assignment of lease from Sand Hollow Golf Club to The Golf Course at Sand Hollow Resort, Inc.**

Darin Larson made a motion to approve the request for approval of an assignment of lease from Sand Hollow Golf Club to The Golf Course at Sand Hollow Resort, Inc. Seconded by Kevin Thomas. Motion approved with Darin Larson, Kevin Tervort and Kevin Thomas voting aye.

**10. Mayor and Council Reports**

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering- he attended the Five County Board meeting earlier today. They reviewed multiple CIB applications and projects for this year and these projects will be forwarded up to the State level for final approval. He will report back the projects that were approved. Mayor Bramall also reported that the Legislature passed SB 136 which will allow cities and counties to add a .25% road tax on gasoline which can be used to fund local long term transient needs.
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- he traveled to Corvallis to check out the carbon free power project. The project is a 600 megawatt nuclear plant. Mr. Tervort stated that it is a great idea and a neat concept. He was very impressed.
Clark Fawcett	City Administration-

**Adjournment 8:10 p.m.**

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