

Minutes of the Hurricane City Council meeting held on April 5, 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 and Cheryl Reeve **ABSENT:** 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, Public Works Director Mike Vercimak, Planning Director Toni Foran, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes and Fire District Cole Ferly.

AGENDA

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

Dave Imlay he received an email from the staff at UAMPS which stated that municipalities have been receiving responses in opposition of the nuclear power project. UAMPS has literature that they have used to respond to these individuals. Mr. Imlay will forward this literature onto Council for their information. They are finishing up work on the Purgatory Substation and on Monday they will be moving the Walmart Distribution Center off of our power system.

Mike Vercimak the slurry seal project in Dixie Springs has started. There was a loaded tanker that tipped over while sitting on the soft slurry seal. The Parks Department has been busy mowing and weeding throughout the City.

Toni Foran stated that the applicants for item #8 have requested that their item be continued until the next meeting. Planning Commission recommended approval of Agenda items 9, 10 and 11.

Arthur LeBaron received an email regarding the Cordero Subdivision regarding the availability of water and the sewer on 2100 West. Mr. LeBaron requested Council move into a Closed Meeting to discuss this issue.

Kevin Tervort made a motion to move into a Closed Meeting to discuss the character and competence of an individual at 5:17 p.m. Seconded by Kevin Thomas. Motion approved with Darin Larson, Kevin Tervort, Kevin Thomas and Cheryl Reeve voting aye.

Regular Pre-meeting resumed at 5:33p.m.

Arthur LeBaron in regards to the acceptance of donation of private property in the Falcon Ridge Subdivision, he and Mr. Fawcett went out and walked the properties. There are five lots located on the cliff that would be expensive to build on. The owner of the property would like to donate them in a manner that would allow them to "write off" this investment. Mr. Fawcett and Mr. LeBaron both think it would be a good idea to have the property donated. There is also an additional piece of property in Falcon Ridge in Phase 1, Lot 6. This parcel is in the middle of the neighborhood and has an issue of an angle point of a storm drain that runs through it and under the occupied portion of the cemetery. Mr. LeBaron stated that they will not issue a building permit for this parcel because of this issue. The owners have asked the City to purchase this lot. Mr. LeBaron explained that this is a damaged lot and it was damaged when they purchased it, so he expects a discount on the price. He received a letter from the owners stating that they are willing to sell the parcel at a discounted rate of \$45,000.00. Mr. LeBaron suggested the City purchase the lot, make all the necessary improvements and possibly reroute

the storm drain. Once this is complete, the City could dispose of the lot in the future. With regards to the Southern Parkway, UDOT is making progress with the design. Mr. LeBaron requested a meeting with UDOT and City personnel to discuss a few issues that will impact the City. This is a funded UDOT project and it is currently over budget. They are trying to make adjustments and get it back on budget.

Fay Reber received a letter from our attorneys regarding the Marla Subdivision. The letter advised that any approval of a site plan or development would put the current litigation in jeopardy. In lieu of this, Planning Commission denied the application for an amended site plan. Mr. Reber explained that they are now trying to figure out how to avoid another lawsuit by denying the application.

Cole Ferly Battalion Chief with the Hurricane Fire District reported that Station 46 in the Coral Canyon area is moving along with its progress. Washington City has retained outside legal counsel to help finalize the contract for that station. County Commissioners have requested that the Hurricane Fire District enter into a contract for services with Springdale and Rockville. On April 2, 2018 the Hurricane Valley Special Services District voted in favor of supporting this contact. May 1, 2018 will be their start date and the contract will end in December 2019. They will hire two full time employees to help take over that area so that personnel will not be taken from here.

6:00 p.m. - Call to Order

Pledge and Prayer were conducted by the Miss Hurricane Royalty 2018.

Presentation of the Miss Hurricane Royalty 2018.

Approval of Council minutes: 02/01/2018, 02/15/2018, 03/01/2018

Kevin Thomas made a motion to approve the Council minutes from 02/01/2018, 02/15/2018 and 03/01/2018. Seconded by Kevin Tervort. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

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

None.

OLD 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**

Brant Tuttle from Northern Engineering was representing the Cordero Subdivision. Mr. Tuttle explained that this is a follow-up to the previous Council meeting. During that meeting the JUC recommendation was discussed. JUC recommended the completion of nine items before any approval of a grading permit be granted. Mr. Tuttle stated that they have met with staff regarding the nine items and have submitted their grading plans. There might be a few things left to do with the plans that have been submitted, but he is back to request the approval of the grading permit.

Mayor Bramall stated that in checking with Staff and the plans that were submitted, the Planning Commission feels that the development is imminent. If all the outstanding items are completed appropriately, then things can move forward. However, there are a few concerns. Mayor Bramall said

they received a letter from Mr. Knudson stating he would provide water for 2100 West but not for the phase south, the fairway or the Cordero Subdivision. Mr. Reber also stated that we have not received anything from the owner of the property requesting the grading of the property. This is obviously a concern for the City to issue a grading permit without the consent of the property owner. In addition, Mr. Reber stated that in accordance with our ordinance, in order to qualify for this type of grading permit the property is not to be scheduled for immediate or reasonably imminent development. This property is reasonably imminent development.

Mr. Tuttle stated that the Judd property still needs to be addressed and negotiated. He said that they have and will be submitting the owner dedication plat of the roadway of 2100 West and Copper Rock Parkway. They will follow up and get an authorization from the owner of the property. Mayor Bramall stated that a lot of progress has been made in the past week or two and he applauds their efforts. Darin Larson commented that if the nine items were completed in their entirety, then construction on this project could begin, or close to beginning. Council would like to see the project go without having to deal with the grading permit. The grading permit should not be the focus, the whole project should be.

Kevin Tervort made a motion denying the 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, based on Ordinance 10-7-23. Seconded by Kevin Thomas. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

NEW BUSINESS

1. *Presentation on local economic development activities - Jeriah Threlfall*

Jeriah Threlfall with Washington County Economic Development gave a presentation to Council regarding the economic development in the St. George area. Hurricane City has made annual contributions to help support their economic development efforts. He is here to give a brief return report and to express his appreciation for the continued support from the City. Mr. Threlfall explained that they go out and target business recruitment and expansions from businesses in many different industries and try to get them to relocate to our area. This promotes our local economy and adds to our community. Some of the recent businesses that they have helped come to the area are LiteHouse, Wilson Electronics, Inc., Chums, Ram Company and Sprayforce to name a few. They currently have a lot of interest coming from many Southern California companies who are interested in relocating to this area. Mr. Threlfall estimated that the City of Hurricane will be receiving approximately \$72,000 in property taxes from these new projects. He thanked Mayor Bramall and Council for their continued support.

2. *Presentation regarding the Utah Trails and Recreation Grant-Shauna Goldberry*

Shauna Goldberry gave a presentation to Council regarding the Utah Trails and Recreation Grant. Ms. Goldberry explained the importance and benefits of submitting an application for a grant. The purpose of the grant is to help enhance recreational opportunities and amenities in Utah's communities. The grant amounts range from \$5,000 to \$150,000. The grant application cycle opens on March 1, 2018 and closes on April 19, 2018. Applicants will receive notification if they have received a favorable review by the end of July, 2018. Ms. Goldberry gave her resume and contact information so that she can be contacted to assist with anything the City made need. Mayor Bramall said that the City would have to

determine if there are funds available for a grant writer, but she can submit a bid for services to Arthur LeBaron.

3. Consideration and possible approval of acceptance of a donation of private property consisting of Lots 36, 37, 38, 39, and 40 of Falcon Ridge Subdivision Phase 2-Arthur LeBaron

Arthur LeBaron reviewed the property, stating that the owner of the property would like to dispose of them by donation to the City.

Darin Larson made a motion to accept the donation of private property consisting of Lots 36, 37, 38, 39, and 40 of Falcon Ridge Subdivision Phase 2. Seconded by Kevin Thomas. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas.

4. Consideration and possible approval of property purchase of a lot to preserve a storm drain outfall corridor-Arthur LeBaron

Arthur LeBaron stated that this is a proposal to purchase Lot 6, Falcon Ridge, Phase 1. This parcel is in the middle of the neighborhood and has an issue of an angle point of a storm drain that runs through it and under the occupied portion of the cemetery. This storm drain line is not serviceable and we will not issue any building permits for this lot because of this issue. The owners of the property are willing to sell the lot to the City for \$45,000, which is a discounted amount. Mr. Fawcett commented that once the storm drain issue has been taken care of, the City can sell the property and get their money back.

Kevin Tervort made a motion to approve the property purchase of a lot to preserve a storm drain outfall corridor for \$45,000. Seconded by Darin Larson. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

5. Discussion regarding decline of Lion's Club membership and historic Wayside Park project-Glenn Zumwalt

Glenn Zumwalt of the Lion's Club gave an update on the Wayside Park project. Council approved this project in 2013 and it has been ongoing since then. All of the materials used have been donated by local businesses and the work completed has been done by volunteers. Mr. Zumwalt voiced his appreciation to the City for their time and support. This project has been a huge community driven project. They are currently working on the tree and shrub placement. He did not give an end date, as they will keep going until the project is completed. Mr. Zumwalt also issued a letter to Council. The letter stated that the Lion's Club membership has declined to the point that the club cannot support ongoing projects, let alone any new projects. The Lion's Club will be hosting an Open House on April 26, 2018 at 5:30 p.m. at the Community Center to try and encourage new volunteers. Mr. Zumwalt encouraged all of Council to attend the Open House.

6. Discussion of the Recreational Trails Program grant to fund Confluence Park LaVerkin Community Trailhead and Trail

Sarah Thomas with the Red Cliffs Desert Reserve is currently writing grant applications for the development of a new trail head in LaVerkin City and the construction of a trail down to the historic

Power Station as well as the restoration and clean-up of the hillside where the trail will be built. The trail head will be developed on a 2.3 acre parcel of land currently owned by Ash Creek Special Services District at the top of 210 South in LaVerkin. The two grants that they are pursuing funds from are the Recreational Trails Program (RTP) and the LeRay McAllister Critical Land Conservation Fund. If they receive these grants, work can begin next fall. Ms. Thomas is requesting letter of support from Mayor Bramall and Council. She submitted a packet of information to assist with the writing of the letter of support. Mayor Bramall stated that Council will draft a letter of support for each grant.

7. Discussion and approval for action on LeRay McAllister Critical Land Conservation grant to fund restoration and clean-up of hillside and Power Station area

Cheryl Reeve made a motion to write two letters of support to the Recreational Trails Program grant and the LeRay McAllister Critical Land Conservation grant. Seconded by Kevin Thomas. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

8. Consideration and possible decision on a zoning map change request on approximately 25 acres located north of 3270 South Street and east of 1100 West from RA-1, Residential Agriculture one acre, to RA-.5, Residential Agriculture half acre-Corbin Wade & Shane Brinkerhoff applicants, Jared Madsen agent

Kevin Thomas made a motion to continue this item until the next meeting. Seconded by Kevin Tervort. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

9. Consideration and possible decision on a zoning map change request on 2/3 of a 40+ acre parcel at approximately 136 N. Old Highway 91 from HC, Highway Commercial, to M-1, Light Industrial. The remaining 1/3 of the property is currently zoned M-1-Gateway Commercial Center applicant, Dustin Cox agent

Dustin Cox owns a concrete company that does concrete paving for freeways and subdivisions. He will not be a batch plant and they will not be mixing concrete on the property. He is requesting a zone change because the east half of the parcel is currently zoned M-1 and the other portion is Highway Commercial. Most of the properties surrounding it are currently zoned M-1. Mr. Cox stated that there are also some blue clay issues on this parcel which will make building difficult. He wants to build a warehouse on the west side and possibly rent out some flex space. Darin Larson stated that Planning Commission recommended approval.

Cheryl Reeve made a motion to approve the zoning map change request on 2/3 of a 40+ acre parcel at approximately 136 N. Ole Highway 91 from HC, Highway Commercial, to M-1, Light Industrial so that it is contiguous. Seconded by Darin Larson. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

10. Discussion and update on Zions Gate Estates Park and possible decision on issuance of additional building permits-Danyale Blackmore

Mayor Bramall explained that when this project started the Developer was limited to the number of building permits that were issued until the public park was completed. The park is almost complete with

only a few items remaining to be completed. The Developer is willing to accept the City withhold the issuance of new Certificates of Occupancy while issuing additional building permits so they can continue building houses.

Kevin Tervort made a motion to approve the issuance of additional buildings permits. Seconded by Kevin Thomas. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

11. Consideration and possible approval of an ordinance amending the Land Use Code regarding accessory buildings, use of accessory dwelling units, driveways for townhomes, and fixing child care definitions in use charts-Hurricane City applicant

Toni Foran explained that this was split into two separate ordinances. The first ordinance addresses parking and driveways for townhomes. Our current code states parking for only single family or two family dwellings can be accessed directly from a public street. That would require a townhome to have a parking lot in order to have a driveway. Staff decided that it shouldn't be required to have a parking lot aisle for a townhome as long as the functional classification of the road is residential local. Ms. Foran said that this helps clarify for designers and allows a townhome to have a driveway.

Kevin Thomas made a motion to approve the ordinance amending the Land Use Code regarding driveways for townhomes. Seconded by Cheryl Reeve. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas.

Ms. Foran explained the changes made to the Land Use Code, Chapter 3 Definitions included changes to the definition of Guesthouse or Casita. In Chapter 7, Conditional Uses the change was defining the "greater heights" in residential zones. Also adding single accessory dwelling units and guesthouse for family members and non-paying guests for permitted and conditional uses allowed in agricultural zones. Amendments were also made to Chapter 41 Development Standards for accessory units and home bed and breakfasts. Changes to the definitions of an accessory unit as a permitted use and changes that define setbacks and size. These changes give more options for people and make things easier for Staff. Changes were also made to the child care definitions in the use charts. Planning Commission recommended approval of these changes.

Kevin Thomas made a motion to approve the changes amending the Land Use Code regarding accessory buildings, use of accessory dwelling units and fixing child care definitions in use charts. Seconded by Cheryl Reeve. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas.

12. Consideration and possible approval of a preliminary plat for Desert Fields, a 153 lot townhome project located on 15 acres south of 350 North and west of the extension for 2460 West-Rock Solid Builders/James Cheney applicant, Pratt Engineering agent

Mayor Bramall said that Planning Commission recommended approval.

Darin Larson made a motion to approve the preliminary plat for Desert Fields, a 153 lot townhome project located on 15 acres south of 350 North and west of the extension for 2460 West. Seconded by

Kevin Tervort. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

13. Discussion and possible decision regarding funding for pressurized irrigation system addition

Clark Fawcett stated that they are still in the environmental study phase of this project. These studies have to be completed before he can estimate how much money will be needed to fund the project. Arthur LeBaron agreed with Mr. Fawcett that we need to be further along before the petitioning for funding can begin. A member from the NRCS leadership group recommended that more funding come from the Bureau of Reclamation. They are doing an environmental assessment on multiple projects, and this project is the largest in the group. Mr. LeBaron said that by this time next year they should be finishing up the Environmental Assessment. He will keep moving forward with this project and will update Council as needed.

14. Discussion on enforcement standards and fines for violations-Fay Reber

Fay Reber said that during the last Council meeting he was asked to review the City's ordinances to determine what remedies the City has for violations of zoning and building requirements. Mr. Reber submitted a Memorandum to Council listing the remedies found in 10-9-6 of the Land Use Code. These remedies are as follows:

1. Refuse to issue permits, certificates, or other forms of authorization when a violation of ordinance exists.
2. Issuance of permit or authorization subject to correction of the violation.
3. Revocation of permit or authorization if zoning administrator determines that actions taken thereunder do not conform to plans and specs or other conditions of permit
 - a. Notice
 - b. Meeting between owner and zoning administrator
 - i. plans modified to conform if substantial modification not required
 - ii. meet with City Manager to negotiate changes to plans if substantial modification required
4. Issuance of Stop Work Order
5. Revoke any approvals given by city
6. Injunctive relief by filing in District Court
7. File action in District Court to abate a violation or "otherwise restore the premises in question to the condition which existed prior to the violation."
8. File criminal action in Justice Court as class C misdemeanor (maximum fine of \$750) in which such violation is deemed a separate offense for each and every day the violation exists.

Mr. Reber said that the City will need to be committed to enforcing these. Circumstances of each case will determine the length of each case. Mr. Reber advised Council to review the Memorandum and ordinance and he would review it in further detail if needed.

15. Mayor, Council and Staff reports

Mayor Bramall	<p>Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering- Animal shelter is in need of a generator. They have found one that costs 14k. They have funds for 12k. Mayor Bramall suggested the extra funds come from the Emergency Fund. This generator will serve as their backup generator.</p> <p>Mayor Bramall reported that he received complaints regarding the business at 520 West, across the street from Fizz and the car wash. People have been parking overnight on roadways, parking on sidewalks, parking diagonal, etc. They are conducting business and working on cars and dumping oil on the street. The person causing these issues is the business itself. Ms. Foran suggested sending them a letter to have them appear before Council so these issues can be addressed. It will also be advised that if violations continue, fines will be enacted. Ms. Foran also mentioned that the UHAUL business has their trucks parked on City property. Mayor Bramall requested a letter be sent to them requesting they come into compliance.</p>
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- Sky Mountain HOA has been complaining about the gas golf carts. Members of the HOA are requesting to have a meeting with Kent.
Cheryl Reeve	Parks & Cemetery, Swimming Pool, Board of Adjustment, Historical Preservation, Tree Board, Beautification- she has received calls regarding petitions that are circulating around town. The petitioners are stating that the City Council denied their request to include medicinal marijuana on the petitions. Ms. Reeve wanted to know if this was accurate information. Mayor Bramall stated that he has not heard of anything about it and that this issue has never been brought before Council. He stated that he has spoken out against the use of medicinal marijuana. The State will be putting this issue on the ballot in November.
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District- Mr. Tervort attended the LiteHouse tour. He recommends the tour to anyone who can take it. The Conservancy District had their meeting last night. The water flow on the east side is 46% of normal and this side is 28% of normal. He warned of a serious water shortage and said changes will need to be enforced.
Clark Fawcett	City Administration- Mr. Fawcett said Council will need to schedule a work meeting to discuss the different departments and their budgets. Council decided on April 26, 2018 at 9 a.m.

Adjournment: 8:00 p.m.