

Minutes of the Hurricane City Council meeting held on April 19, 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, Kevin Thomas and Cheryl Reeve **Absent:** Darin Larson and Kevin Tervort

**Also Present:** City Manager Clark Fawcett, Assistant City Manager/Recorder Kaden DeMille, Police Chief Lynn Excell, Public Works Director Mike Vercimak, Planning Director Toni Foran, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes and Fire Chief Tom Kuhlmann

## **AGENDA**

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

**Chief Kuhlmann** and his department are getting ready for the brush fire season. They recently hired two new employees. Last year they deployed to 27 different fires outside of this area. After calculating their expenses, the revenue from these fires will bring in approximately \$400,000 to the General Fund. Chief Kuhlmann expects to run this same program this fire season.

**Chief Excell** reported that the generator was purchased for the Animal Shelter. They have adequate funds in their budget to cover the cost of this purchase. Traffic accidents are on the rise. The Police Department has officers patrolling the streets who are focusing on distracted drivers as well as lane and stop sign violations. Officers have been issuing many violations to drivers. The two new hires graduated the academy last week will be heading up north to finish their training. Chad Holt will be the new School Resource Officer at the intermediate school. Chief Excell stated that several months back there was a personnel action taken against an officer and his attorney from the Fraternal Order of Police has requested an appeal. Chief Excell has provided them with all the necessary information and according to department policy, City Council is the Appeals Board. He will send Council an email with more details regarding this matter.

**Dave Imlay** had a meeting with Dixie Power regarding the street lights out at Tava. They installed the shields on the streetlights and put them on their lowest lighting setting. Mr. Imlay feels that these lights are still brighter than the streetlights that are here in the City. He will send an email to Dixie Power to see what else can be done to address this issue and protect the night skies. Mr. Imlay stated that they are running tests with special equipment to try and get the generators to respond like they are supposed to.

**Mike Vercimak** stated that the slurry seal project for this year will be coming to an end next week. Work on the Dixie Springs Water Tank is still underway and the 300 North improvement project has begun. The Parks Department will begin working on the new restrooms at the Community Center. Mr. Vercimak also reported that there might be a leak under the Splash Pad down at the Community Center because they are starting to see a lot of settlement. Also, the original surface that was put on top of the concrete is coming off and the surface is becoming slippery. They have tried to repaint the surface and add sand to help with the slipperiness. This resulted in patchy areas and children getting skinned knees. Mr. Vercimak is looking into other surfaces that might have better results. Mr. Vercimak also stated that as part of the Tava Development, the City required a plan from the owner of how the blowing sand was going to be addressed. Mr. Vercimak has had multiple conversations with the owner and as of this date,

he has not provided the City with a plan on how they will control the sand. Until this plan is submitted, the City will not accept the subdivision or issue any building permits for structures.

**Toni Foran** explained the developer for Tava at Sand Hollow Resort constructed a secondary water system improvement that will eventually facilitate future City development. The City will reimburse the Developer for the costs of this improvement in the form of vouchers for park impact fees. Ms. Foran believes that there will be 17 park impact fee vouchers given to the Developer to help future park development out in that area. Planning Commission unanimously voted against the zone change for the 25 acres located north of 3270 South Street and east of 1100 West. They had strong reservations regarding the slope, the rock fall zone, earthquake fault and the general vicinity of the location of the project.

**Arthur LeBaron** announced that there will be a public and agency scooping meeting here at the City offices on May 30, 2018 5:00 p.m. to 9:00 p.m. to discuss the NRCS Warner Draw Project. He said this will be a good time to have public comments and feedback for this project. Mr. LeBaron said that he has been busy reviewing plans and managing multiple projects throughout the city.

#### **6:00 p.m. - Call to Order –**

Pledge: Clark Fawcett Prayer: Kaden DeMille

Presentation of ten year service award to Sergeant Kurt Yates of the Hurricane Police Department. The award was presented by Clark Fawcett and Chief Excell.

The approval of Council minutes for 03/21/2018 was postponed until the next Council meeting.

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

None.

#### **OLD BUSINESS**

- 1. 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**

Corbin Wade stated that one issue they are having with this project is the sewer system. Mr. Wade has met with Mike Chandler of Ash Creek Sewer District and he said it was possible. A pump station at Copper Rock would allow Mr. Wade to have sewer down at this development. The slope analysis showed that the sewer would work for .5 acre lots. Mr. Wade wants to have extra wide lots so there is still space and people won't feel crowded. The original site plan indicated many more lots which made the property very crowded, and that is why he is requesting .5 acre lots. He intends on developing extra wide streets, medians and roundabouts. He's anticipating 30 or 40 homes. There are some lots that will be larger than .5 acre because they are sloped and contain unbuildable areas. Mr. Wade does not have a current site plan. There are some cliffs and caves in that area that people like to explore. Mr. Wade would like to designate .5 acre for parking and trailheads to still allow people to hike the area as before.

Kevin Thomas commented that this item may need to be continued until Kevin Tervort and Darin Larson are present to give their comments. He expressed concern that Mr. Wade doesn't have a current site

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plan. Pam Humphries commented on the gravel pit and building that is going on around it. She stated that the gravel pit has been there before all the development around it. She would hate to see them close because of the new development around it.

Mayor Bramall stated that Planning Commission unanimously recommended denying the zone change and leaving the property RA-1. There were many people who attended the Public Hearing who spoke out in opposition of this zone change. They also received two letters in opposition. Many people who spoke were concerned about the proximity to the working gravel pit and concrete plant and the impact of that business on double the number of residences. Mayor Bramall also read a letter from Colleen Conover who requested it be read into the public record. Ms. Conover is adamantly opposed to the zone change.

Mr. Wade felt like he can address these concerns listed in the letter, especially the hiking concern. Mr. Wade explained that people should be aware of what's around them when they purchase these lots. Kevin Thomas stated that Mr. Wade contacted him yesterday and they had a discussion regarding the regulations for a septic system. Mr. Thomas explained that half acre or acre lots are not permitted to have septic systems, so Mr. Wade's only option is to bring the sewer into the project. Mr. Thomas explained that Mr. Wade is asking to increase the density enough to cover the costs of bringing the sewer to this project. Mayor Bramall discussed the livestock options per City Code for both half acre and one acre parcels. Ms. Foran suggested that Mr. Wade also look into a Planned Development Overlay zone change. Mr. Thomas stated that he would like to review this project further.

Kevin Thomas made a motion to continue this item until May 3, 2018 so that all council members can be present. Cheryl Reeve seconded. Pam Humphries voted no. Ms. Humphries feels that Planning Commission gave a good recommendation to deny this zone change. Motion failed.

Pam Humphries made a motion to deny the zone change to RA-.5. She recommended Mr. Wade meet with Ms. Foran to discuss the Planned Development Overlay option. Without a second, the motion died.

Kevin Thomas made a motion to table this item. Seconded by Cheryl Reeve. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

Marcia Triple owns a small business. She is opposed to the zone change. They knew what the acre size was when they purchased the property and the neighbors shouldn't have to sacrifice.

## **NEW BUSINESS**

### **1. Presentation of 2018 TAP Award to Hurricane City-Brent Oakeson**

Mr. Oakeson thanked the City for their efforts in participation in the Trust Accountability Program. This program helps to reduce losses and puts policies and procedures in place to prevent them. He stated that Kaden DeMille and Clark Fawcett did a great job implementing them. Mr. Oakeson presented a 2017 TAP award to the City and stated that they issued a check earlier this year for \$9,349.40, which is 5% of the liability premium.

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2. *Public Hearing to take comments on:*

**A. A request to abandon a utility easement located on parcels H-4-2-4-120312-RD3 and H-4-2-4-1302 in the Gateway Industrial Park.**

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

Mayor Bramall stated that no comments were received.

Kevin Thomas made a motion to move out of Public Hearing. Seconded by Cheryl Reeve. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

3. *Consideration and possible decision regarding an abandonment of a utility easement located on parcels H-4-2-4-120312-RD3 and H-4-2-4-1302 in the Gateway Industrial Park*

Kevin Thomas made a motion to approve the ordinance and the abandonment of a utility easement located on parcels H-4-2-4-120312-RD3 and H-4-2-4-1302 in Gateway Industrial Park. Seconded by Pam Humphries. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

4. *Discussion regarding request for dog park at the Dixie Springs Park-Nancy Crowley*

Nancy Crowley is requesting fencing with an entry gate for the park. She is requesting this again since it was cut from last year's budget. Ms. Crowley publishes the newsletter for Dixie Springs and the biggest complaint she receives is about animal feces on the front lawns. Past surveys have shown the residents of Dixie Springs top three "wants" are pickle ball courts, a splash pad and a dog park. Ms. Crowley stated that the pickle ball courts and the splash pad cost more than what she is asking for the dog park. She does not want to wait until Phase Three of Dixie Springs Park to get the dog park. She is asking for Council to fund the fencing for the dog park. Residents have offered to participate in a fundraiser for benches and shade within the dog park. They received a bid for \$18,000 for the fencing and maintenance gates.

Pam Humphries commented that the existing dog park was put together by BAM who hosted multiple fundraisers. The fencing was donated by the City because it came from another project and we didn't want to throw it away. Ms. Humphries stated that when all the bonds for Dixie Springs are paid off, which should be this year, the assessments will still come in. Those assessments will pay for the pickle ball courts, splash pad and the dog park in Dixie Springs. Until those assessments come in, there isn't funding for these items in the budget. Mayor Bramall said that funding should be available in a year to a year and a half.

5. *Discussion regarding short term vacation rentals-Mafi Makihele*

Mafi Makihele was not present for the meeting.

Kevin Thomas made a motion to table the discussion regarding short term vacation rentals. Seconded by Pam Humphries. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

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**6. Consideration and discussion regarding funding for Hurricane Valley Tourism**

April Gates and Samantha Hinton represented the Hurricane Valley Tourism Council. They are a small group of volunteers that were put together by Mayor Bramall to encourage and facilitate tourism to stay in Hurricane. Hurricane has increased the room tax and a portion of that room tax is required to be spent on tourism. They are requesting a 10% portion of that room tax be appropriated to their non-profit organization. Hurricane Valley Tourism has a new website and all valley activities will be put on a main calendar that the public can access. They have a proposed budget for Council to consider. 10% of the current bed tax is estimated to be \$17,000. Toquerville has donated \$250 and LaVerkin committed to \$1,700 for the next budget year. Pam Humphries stated that Council will be attending their budget meeting next week. She recommended they leave their paperwork so it can be considered during their budget session.

**7. Discussion and possible decision regarding issuance of full service restaurant license for Sand Hollow Resort**

Adam Jasperson with Sand Hollow Resort is back again requesting a full service alcohol license. They want to focus on bringing in tourist groups and most of these groups request alcohol. Mr. Jasperson said that they have lost events because they cannot provide the alcohol they request. Sand Hollow Resort recently hosted an event with a mix of entities from private and public sectors in Utah that support Southern Utah Tourism. This was a huge event for the Resort and Hurricane Valley as both received branding and exposure to the states and regions leaders in tourism and hospitality. The Resort currently has 380 rooms and another 144 will be completed by the end of the summer. He said that they are trying to bring in tour bus groups. They are in talks with Washing County Tourism, Red Rock Golf Trail as well as Monarch and Globus Tours, which are the largest bus tours that come through this area. They are requesting catered dinners with full alcohol. Mr. Jasperson said that they are requesting consent for Sand Hollow Resort to gain a full restaurant alcohol license for events, dinners, corporate outings and golf groups utilizing the Clubhouse dining room. Pam Humphries said that she would like to continue this item until the other council members are present because for personal reasons she will be voting against the issuance of a full service restaurant license.

Pam Humphries made a motion to continue the issuance of full service restaurant license for Sand Hollow Resort until the next Council meeting on May 3, 2018. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

**8. Consideration and possible approval of a final site plan for a 61 space RV Park at approximately 120 N. 3700 West and for common area amenities within the Sand Hollow Manufactured Home Park – Sand Hollow Park LLC applicant-Mark or Todd Wells representative**

Todd Smith representing Sand hollow Mobile Home Park stated that he is here seeking final site plan approval because this is a manufactured home area and it requires Council approval. Planning Commission recommended approval for both the 61 spaces and the common areas. Mr. Smith stated that this would be focused more on nightly rentals then permanent rentals and they want to run it like an RV park.

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Pam Humphries made a motion to approve the final site plan for a 61 space RV Park at approximately 120 North 3700 West and for common area amenities within the Sand Hollow Manufactured Home Park, with all Staff comments and pending JUC approval. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

**9. Consideration and possible approval of a preliminary plat for Phases 1 and 2 of Fire Rock Subdivision located west of 2000 West between 100 North and 600 North-Sky Mountain Holdings LLC applicant**

This project used to be the Bella Vita Subdivision but it is now the Fire Rock Subdivision. They are seeking approval for their preliminary plat for Phases 1 and 2. There will be 44 lots in the first phase and 21 in the second phase. There will be a total of 168 lots on 53.2 acres. Planning Commission recommended approval of the preliminary plat subject to all JUC and Staff comments.

Kevin Thomas made a motion to approve the preliminary plat for Phases 1 and 2 of Fire Rock Subdivision located west of 2000 West between 100 North and 600 North, along with all JUC and Staff comments. Seconded by Cheryl Reeve. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

**10. Consideration of and possible approval of a phasing of road improvements agreement between Hurricane City and Casey and Kelsey Stratton regarding road improvements in the Haven Subdivision-staff**

Ms. Foran stated that Casey and Kelsey Stratton were not able to be present at the meeting. She stated that this Agreement is for improvements along lot 5 will not be built until such time they desire a certificate of occupancy for a house or any other structure. At that time, the curb, gutter and sidewalk improvements will be completed at their expense and must be accepted by the City before a certificate of occupancy will be issued. This Agreement will be in effect until all public and private infrastructure improvements have been constructed and approved by the City. The Agreement will be recorded as a notice against lot 5 when the plat for the project is recorded.

Kevin Thomas made a motion to approve the phasing of road improvements agreement between Hurricane City and Casey and Kelsey Stratton regarding road improvements in the Haven Subdivision. Seconded by Pam Humphries. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

**11. Consideration and possible approval of a reimbursement agreement between Hurricane City and Tava Development for park impact fees-staff**

Mayor Bramall explained that this Reimbursement Agreement is in connection with the Development Agreement for the Tava Development. Reimbursement is for the equivalent of \$54,000 with 17 park impact fee vouchers. Ms. Foran stated that these costs need to be verified.

Pam Humphries made a motion to approve the reimbursement agreement between Hurricane City and Tava Development for 17 park impact fee vouchers in lieu of \$54,000. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

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### 12. Discussion regarding letter of support for UDOT Transit Grant

Mayor Bramall explained that we've applied for UDOT to fund a bus transit system, startup costs and all operational costs for five years. This Transit Grant will cover 100% of the costs for five years. After those five years, the City can fund it with a .25% sales tax, tourism tax or negotiate a deal with the State because this transit system impacts tourism. Mayor Bramall said that this would include 6-12 buses that will potentially be electric. This program is scheduled to run all year, but may taper off in the off months for tourism. UDOT is asking for support from our surrounding communities as well. Mr. LeBaron stated that this would be a good way to test the service. There are many people who would use this transit system to go not only to Zion, but local people going to St. George. Pam Humphries supports the Transit Grant. Kevin Thomas stated that he was against a transit system in the past, but he may be willing to support this grant. Cheryl Reeve stated that she is against the City having to fund it.

### 13. Mayor, Council and Staff reports

Ms. Humphries asked Council to approve the purchase of new microphones for Council Chambers. The new microphones will enable Council to hear public comments better and replace the broken microphone for the podium. The estimated cost is \$1,190.63 and requests the funds come from Council's Contingency Fund.

Pam Humphries made a motion to purchase new microphones for Council Chambers from Poll Sound for \$1,190.63 to come from their Contingency Fund. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Cheryl Reeve and Kevin Thomas voting aye.

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineer
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council, Prosecutors Office
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
Clark Fawcett	City Administration

### 14. Adjournment - 7:59 p.m.