

Minutes of the Hurricane City Council meeting held on May 03, 2018, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 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 Chief Lynn Excell, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Toni Foran, GIS Specialist Joe Rhodes and Fire Chief Tom Kuhlmann.

AGENDA

4:00 p.m. Collapsible Soil Field Trip-Clay Campbell

Clay Campbell took Council out to view the collapsible soil

5:00 p.m. Pre-meeting - Consideration and possible decision regarding revocation of business license

William Martinez from K&W Automotive appeared before Council. Mayor Bramall explained that the City has received several complaints regarding K&W Automotive. Vehicles are being parked on the street overnight, mechanics working on vehicles while in the street and surrounding businesses have stated that they don't have room for their customers to park. Scholzen's also has issues getting their trucks up the street because cars are lined in both directions. Pam Humphries also stated that she has received complaints that there is someone living in a trailer on the property and complaints of antifreeze and oil on the sidewalk and gutters.

Toni Foran explained that in December 2017, K&W Automotive was sent notice that the business was in violation of ordinance 7-1-3 A and their 2018 business license was being held until they came into compliance. In January 2018, the business license was released with the condition that the parking issue did not continue. If it did continue, the business license may be revoked.

Mr. Martinez explained that there are a few vehicles left on the street at night after he juggles cars around. There are a couple cars that he is waiting for parts on, that can't be moved. During the day there are cars parked on the street from the soda shop, car wash and residents. The business has three double bays, so he can have six vehicles in the building. He has three possibly four cars that he has filed liens on. He is researching the possibility of moving some cars to an industrial lot for storage. Mr. Martinez has intentions of building a brick wall around the business and is in talks with surrounding property owners to see if they will help with the cost of the brick wall. He has recently hired two technicians and he will have help. He offered to post signs indicating customers must park on the business property. Mr. Martinez stated that he, his girlfriend and their son are living in a trailer on the business property.

Kevin Thomas said that he doesn't have a problem with him living there and offered ideas of where to store the vehicles utilizing different impound lots within the City. Mr. Thomas and Darin Larson agreed that the vehicles being parked on the street are the biggest issue. It is a safety issue and it needs to be contained. Chief Excell added that the parking violations, citations and impounds that the Department has to give to these vehicles, go to the owner of the vehicle and not to K&W Automotive. Chief Excell requests that Mr. Martinez take responsibility for the problem that he created. Council discussed the

possibility of painting the curb red on the west side of the street. However, this could impact future commercial businesses.

Kevin Thomas made a motion that the City stripe and sign the west side of 520 West for No Parking, and the owner of K&W Automotive enforce that the vehicles they work on and customers do not park on the street but only on business property, and the business will not work on vehicles in the road. They will need to come into compliance with it or their business license will be revoked immediately. Seconded by Kevin Tervort. Kevin Thomas, Kevin Tervort and Pam Humphries voted aye. Cheryl Reeve and Darin Larson voted no.

Darin Larson explained the reason he voted against the motion was because of the striping on the west side. The commercial property that is there is for sale and that will impact that future business. Kevin Thomas agreed, and he withdrew his motion.

Kevin Thomas made a motion to enforce the no parking for K&W Automotive customers and no mechanical work is to be done while the vehicle is on the street or the business license will be revoked immediately. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

Discussion of Agenda Items, Department Reports

Chief Kuhlmann reported that the County Commission opted not to raise taxes to fund the Fire Special Service District in Springdale. There is an agreement in place that they will cover all of the costs as well as administrative oversight and contingencies for Hurricane Fire District to provide services for them. Hurricane Fire District took over services on May 1, 2018. They will be doing some repairs on the facility and equipment to get everything up and running.

Chief Excell said the Police Department recently participated in the National Prescription Drug Take-Back Day on April 28, 2018. Our Department collected 32 lbs. of prescription drugs and a total of 230 lbs. of drugs were given to the DEA to be destroyed. In addition, evidence from 249 cases was also destroyed at the landfill. The new evidence technician has been doing an excellent job on keeping up with the retention and destruction of evidence. Chief Excell attended a meeting yesterday with the School District regarding bullying in schools. They will be setting training between the Police Department and School personnel to try and remedy this issue. The appeals hearing that was scheduled for next week has been postponed by the FOP. Chief Excell addressed the parking issue at Valley Academy. He stated that the busses are required to park at a 45 degree angle and/or parallel park and you are not permitted to inter-mix cars and busses. Mr. Vercimak suggested pushing 325 North to 600 North. Valley Academy does not have any off street parking which makes it difficult when the school hosts events. Mr. Vercimak stated that there is a potential developer who is interested in developing the property behind the school. If he does develop there, this would bring 325 North to 600 North.

Mike Vercimak stated that they sent a certified letter to Julie Judd on April 21, 2018 that was signed for. She has received the City's proposal. Slurry Seal and striping in the City has been completed. The 300 North project is underway. They are having weekly construction meetings to keep the public updated on the weekly progress. Minutes are being taken during these meetings and Mr. Vercimak will be forwarding them onto Council as they become available.

Toni Foran attended a meeting with Zion Regional Collaborative and reported that Kolob Canyon is closed until November for road construction. Park fees will be increasing on June 1, 2018. They are working on a county wide trail masterplan and a county wide camping plan. Visitation to Zion is up 11% from the previous year. The County Tourism Board is offering training to hospitality personnel to learn more about local activities and things going on in our community to recommend to visitors.

6:00 p.m. - Call to Order

Pledge: Pam Humphries Prayer: Fay Reber

Approval of Council minutes: 03/21/18, 04/05/2018

Kevin Tervort made a motion to approve Council minutes from 03/21/2018 and 04/05/2018. Seconded by Cheryl Reeve. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye. Pam Humphries abstained as she was not present for either meeting.

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

Bill Schulz resides at 2403 W Ridgeview Drive in the Painted Hills Subdivision. Painted Hills was developed 15 years ago and he purchased his property for the views. There is currently construction going on around him and houses that are being built are 65 feet tall and are obstructing the views. Mr. Schulz met with Toni Foran and they discussed City Code and the requirement that a house cannot be built higher than 35 feet from the foundation. Mr. Schulz stated that it is not clearly defined in the Code as to where the foundation begins. He said there are different grades that can be considered as the starting point and as a homeowner this is a concern. He also suggested reexamining the code to clarify the definition of foundation without complicating the issue. Kevin Thomas said that as a home designer, this can be a frustrating process because different cities have different definitions of where the foundation begins. Mayor Bramall said he understands Mr. Schulz's concerns, and he asked that this be put on the Agenda for the next meeting so Council can discuss the issue.

Larsa Large resides at 368 South 400 West. She gave a handout to Council listing a few concerns she would like to address. Hurricane has become an incredibly busy city and she has witnessed near miss traffic accidents. Ms. Large recommend a green turn arrow on State Street by Lin's and a right turn lane at State Street and 700 West. Ms. Large would like to see any cell phone usage while driving become a felony instead of a misdemeanor. Too many accidents are occurring because people are always on their cell phones. Mayor Bramall stated that the City has previously requested a turn arrow and a right turn lane at these specific intersections and UDOT will be doing a study to see if they are warranted.

Another issue she would like to address is the "wasted water" she sees happening around town. Ms. Large suggested mandating xeriscaping for homes within the City to conserve water. She is also having an issue with cats using her property as a toilet and digging and spraying in her garden. Ms. Large requested Council mandate that cat owners lock up their cats and not allow them to roam. She also wanted to address the sink hole in front of her property. This is the second sink hole within seven months. Mike Vercimak stated that the Water Department has repaired two water issues in front of her house that have caused these sink holes.

OLD BUSINESS

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

Mr. Jasperson is requesting the issuance of a full service restaurant license for Sand Hollow Resort. He is back again by the request of Council. Mr. Jasperson clarified that this is a restaurant that is open to the public and this type of license will require the tickets to be 70% food and 30% alcohol. They do not anticipate opening the full liquor license to the restaurant. Initially this license will be for groups and events being held at the Resort.

Cheryl Reeve made a motion to approve the issuance of full service restaurant license for Sand Hollow Resort. Seconded by Kevin Tervort. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye. Pam Humphries voted no.

NEW BUSINESS

1. *Discussion and Possible Approval of a Resolution Approving the Fifth Amendment to the Intermountain Power Agency Organization Agreement; and Related Matters-Dave Imlay*

Dave Imlay stated that the Power Board recommended approval.

Kevin Tervort made a motion to approve the Resolution approving the Fifth Amendment to the Intermountain Power Agency Organization Agreement; and related matters. Seconded by Pam Humphries. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

2. *Discussion and Possible Approval of a Resolution Approving the Alternative Repowering consistent with the Alternative Repowering Description, the Original Power Sales Contract Revisions (as Alternative Repowering Revisions) and the PSC Appendix C Revisions; and related matters-Dave Imlay*

Dave Imlay stated that Power Board recommended approval.

Pam Humphries made a motion to approve the Resolution approving the Alternative Repowering consistent with the Alternative Repowering Description, the Original Power Sales Contract Revisions (as Alternative Repowering Revisions) and the PSC Appendix C Revisions; and related matters. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

3. *Presentation of transmission plan, capital facilities and work plan summary-Dave Imlay*

Dave Imlay stated that they hired Intermountain Consumer Professional Engineers, Inc. ("ICPE") to study the impact of electrical load growth and evaluate system improvements necessary to maintain the current level of service to customers within the service area and to evaluate the systems electrical

performance under existing and projected peak load conditions. ICPE outlined a five year transmission plan detailing the future needs of the City. Mr. Imlay explained that these future needs will incur costs of approximately 15 million and an aggressive construction plan. Many of these projects can be funded upfront while others can be bonded by UAMPS. Mr. Imlay stated that they are going to start putting this plan into motion.

4. Consideration and possible approval of a resolution approving a letter of support for the UDOT Transit Grant

Mayor Bramall explained that UDOT is requesting a letter of support from the City for the Transit Grant. UDOT is applying for a 15 million dollar grant to fund the first five years of a transit system that will run from St. George to Springdale. After the initial five year period, the City would have the option to terminate the system or they would have to pay for it. The low end annual cost would be approximately \$80,000 with the high end estimates being \$140,000 for Hurricane. Kevin Tervort and Cheryl Reeve expressed concerns regarding the potential costs of having to sustain the transit system. Mayor Bramall said that if this transit system does not become operational, then taxpayers would have to pay for road extensions along SR9 which could be in excess of 200 million. The amount of growth in Washington County is a concern. Council initially turned down the transit system when the City was responsible for the total funding. This grant is a good option because the startup costs and the first five years will be covered by this grant. Darin Larson said Springdale is charging \$22 for parking and that this transit system would be a good option for local people who want to visit Zion. The State realizes that the traffic and congestion around Zion has become an issue. This transit system is a good option to help alleviate some of these issues. Cheryl Reeve suggested letting the public know that this will be a trial for five years and the City will reevaluate the system and the costs towards the end of that five years. Kevin Thomas agreed. Pam Humphries commented that she was in Springdale attending a school function and there was little to no parking. The parking that she could find was \$20. She believes this is a positive program.

Kevin Thomas made a motion to approve a resolution approving a letter of support for the UDOT Transit Grant. Seconded by Darin Larson. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

5. Presentation and request of support for development and utilization of Zion Pah Tempe Hot Springs-Ron Williams/Corey Cram

Ron Williams appeared before Council. He presented a PowerPoint presentation regarding the reopening and development of the Pah Tempe Hot Springs. Mr. Williams stated that these springs have been around for over a million years and there are many health benefits to these waters. His vision is to create a spa and retreat around these hot springs. He proposed changing the name to Zion Hot Springs Spa and Retreat. His business plan included a 2-5 year timeframe with an estimated cost of 1.5 million. Mr. Williams summarized his business model that included a checklist of things needed to be done for bids, marketing, targeted sale goals and strategies to fund the project. Mr. Williams also stated that he has spent considerable time getting quotes from insurance, portable toilets, surveillance, staffing, dirt work, retail office, washer/dryer to rent towels, and bottled water pricing. He also had a mockup of a website with fee schedules, directions and a list of available activities. Council commented that Mr.

Williams was very thorough with his research and presentation. Kevin Thomas stated that this is a great concept and he supports the development of the hot springs.

Kevin Tervort stated that the Water Conservancy District owns these hot springs. They support the development and might even ask the City to purchase the hot springs. There are many issues that are surrounding the water and the land that would need to be resolved. Craig Stratton also commented that the Army Corps of Engineers also has an interest in the property and water by the springs. They will require environmental studies and miscellaneous reports to be done. There is a process that they will have to follow before this area can be developed.

Kevin Thomas made a motion to draft a letter of support for the development and utilization of Zion Pah Tempe Hot Springs for public use. Seconded by Cheryl Reeve. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

6. Consideration and possible approval of a zone change request on approximately 5 acres located at 1267 W 400 South from RA-1, Residential Agricultural one acre, to R-1-15, Single Family Residential 15,000 sq. ft. lots-PM Development Corp/Interstate Rock Products applicants

Craig Stratton was representing PM Development Corp/Interstate Rock Products. He was here requesting a zone change on a five acre parcel. Pam Humphries requested clarification regarding the planned road on the west side and which side of the development the cul-de-sac would be. Mr. Stratton said that they not be developing within 30 feet of where the road and the cul-de-sac will be on the south side. Mayor Bramall stated that Planning Commission recommended approval.

Kevin Tervort made a motion to approve the zone change request on approximately 5 acres located at 1267 West 400 South from RA-1, Residential Agricultural one acre, to R-1-15, Single Family Residential 15,000 sq. ft. lots. Seconded by Pam Humphries. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

Fay Reber excused at 8:00 p.m.

7. Public Hearing to take comments on:

A. 2018-2019 Preliminary Budget

Pam Humphries made a motion to move into a public hearing. Seconded by Darin Larson. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

Kaden DeMille reviewed the General Fund Summary. There is approximately 2.1 million dollars that need to be cut from the proposed budget. Mr. DeMille said that this is not a balanced budget and the motion to approve the 2018-2019 preliminary budget should be approved as submitted, not balanced.

Pam Humphries made a motion to move out of public hearing. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

8. Consideration and possible approval of a resolution approving the 2018-19 preliminary budget

Pam Humphries made a motion to approve the resolution approving the 2018-19 preliminary budget as submitted. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

Kaden DeMille scheduled a work meeting with Council to review the budget. Council will meet on May 21, 2018 at noon in Council Chambers.

9. Approval of RAP Tax grant awards-Clark Fawcett

The RAP Tax Committee met and reviewed the applications submitted for the 2018 RAP Tax Grant. Mr. Fawcett explained that there was \$250,000 to allocate. He reviewed the list of applicants that were awarded RAP Tax funds. Mr. Fawcett added that \$61,908 will be set aside for a new recreation center.

Kevin Tervort made a motion to approve the 2018 RAP Tax grant awards as presented. Seconded by Darin Larson. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

10. Mayor, Council and Staff reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering-
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council-
Pam Humphries	Court, Water, Power, Solid Waste- she has been receiving communications from a citizen who is concerned about the lack of cardboard being recycled by the City. Ms. Humphries explained that until the prices for recycling increase, Rocky Mountain Recycling is accepting cardboard if it is placed in the blue recycling can. With regards to the 2018-2019 budget, a Code Enforcer position was not added. She requested that Mr. Fawcett add funds for a part time Code Enforcer position. This position would be a great asset to the City.
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- Water Conservancy District has concerns regarding the lack of water we received this year. The Kolob area will have little or no water. They are strategizing to rectify the situation.
Clark Fawcett	City Administration- he received a phone call from a citizen who wanted to express how wonderful his experience was at Grandpa's Pond. The restrooms and the facility were clean and the park was enjoyed by his family.

Adjournment 8:16 p.m.