

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

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

**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, Recreation Director Bryce King, and Fire Chief Tom Kuhlmann

## **AGENDA**

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

**Chief Excell** reported that Officer Adams has accepted a position with the Utah Highway Patrol. His last day with the City of Hurricane will be July 16, 2018. They are currently accepting applications for a replacement. The Evidence Technician position interviews were held last week and the top two background checks have begun. The owners of the property at 3700 West State have been notified to remove the “for sale” parked cars. The owner did not give permission for those cars to be there and he will be posting a sign stating that any vehicles left on the property will be towed. Chief Excell also reported that there is a resident down on 1100 West 900 South who is having an issue with pheasants eating his garden. This resident allegedly contacted DWR and claims DWR told him if he got permission from the City, he could shoot them. Chief Excell stated that he would be contacting DWR to move forward. On July 4, 2018, the Department responded to multiple calls regarding fireworks. During the majority of these calls, people claimed to have not known about the firework restrictions. Chief Excell would like to get the word out regarding these restrictions before July 24, 2018.

**Bryce King** said that the month of July is “Parks and Recreation Month”. The Recreation Department has activities scheduled every Monday at different park locations throughout the City. There is a new Splash Pad pavilion that the community seems to enjoy. Many residents have reserved the pavilion for their private events. The July 4<sup>th</sup> event had more attendance this year than last year. Mr. King has received positive feedback regarding the event.

Dave Imlay stated that power usage in June set a new record. Power usage was up 4% and their revenue is up 7% compared to June 2018. Mr. Imlay is working on the RP3 application. The application deadline is in September. He is trying to accumulate all the points he can to qualify for the RP3. Mr. Imlay has an Agenda item regarding a Resolution for a Cash Reserve Policy. This reserve will help protect the fund and bonding process. The Power Board has approved this Cash Reserve Policy. Mr. Imlay also mentioned that everyone has been signed up to attend the UAMPS conference in August.

**Chief Kuhlmann** said that he appreciates all the work and effort from city employee’s that helped with the fireworks event. There are still a few active fires burning around the State. Chief Kuhlmann has crews at the Pine Valley, Sever County and Emery County fires.

**Toni Foran** stated she printed out the chapter of our code regarding Natural Hazards and Adverse Construction Conditions to reference during tonight’s meeting. This section states a geotechnical report is required whenever a proposed development project is located on land that is identified as a natural hazard or an adverse construction. Ms. Foran stated that the geotechnical report should be developed before any work is done on the developments on tonight’s Agenda.

**Clark Fawcett** informed Council that he will be attending a deposition on July 20, 2018 in the Hancock matter. This is in regards to a home in Sand Hollow that had a basement that flooded. Mr. Fawcett stated that this litigation has been going on for some time, but believes that the City will be released from the lawsuit.

**Fay Reber** gave an update to Council on the Julie Judd issue. He spoke with Ms. Judd and she had been out of the country for the past month, which is why there has been no communication on her part. Mr. Reber has a meeting with her next week to discuss what she is willing to do. Mr. Reber will be giving this file back to Mr. Vercimak so he can follow up.

**6:00 p.m. - Call to Order –**

Pledge: Scouts                      Prayer: Cheryl Reeve

Presentation of 5 year service award to Tony Gonzales. Mr. Gonzales was not present. This item will be continued until the next Council meeting.

Presentation of 35 year service award to Clark Fawcett. Kaden DeMille presented Mr. Fawcett with his 35 year service award.

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

None.

**NEW BUSINESS**

- 1. Consideration and possible approval of a zone change request from RA-1, Residential Agricultural one acre, to RA-.5, Residential Agricultural half acre on a lot located at 920 South 920 West-Kevin DeMille applicant**

Karl Rasmussen representing Kevin DeMille stated that this is a zone change for the lot north of his house. Mr. DeMille will build one home that will face to the north. Darin Larson stated that Planning Commission recommended approval of this zone change.

Kevin Tervort made a motion to approve the zone change request from RA-1, Residential Agricultural one acre, to RA-.5, Residential Agricultural half acre on a lot located at 920 South 920 West. Seconded by Darin Larson. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

- 2. Consideration and possible approval of a zone change request from RA-1, Residential Agricultural one acre, to RA-.5, Residential Agricultural half acre located at 831 South 700 West – Joel Horne applicant**

Darin Larson stated that for financing purposes from the bank, this property needs to be split. Pam Humphries mentioned that this zone change request was recommended for approval by the Planning Commission.

Cheryl Reeve made a motion to approve the zone change request from RA-1, Residential Agricultural one acre, to RA-.5, Residential Agricultural half acre located at 831 South 700 West. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**3. Consideration and possible approval of a Preliminary Plat for Lumo Subdivision, a 5 lot single family subdivision located the southeast corner of 650 South and 920 West-Sean Reddish applicant**

Karl Rasmussen representing Sean Reddish appeared before Council. Ms. Humphries pointed out that Sean Reddish's address on the preliminary plat is incorrect and it needs to be changed to reflect his Texas address. Mr. Rasmussen stated that this request is for five acres to be split into five lots and they will need to comply with Staff and JUC comments. Ms. Humphries stated that Planning Commission recommended approval of this preliminary plat subject to all JUC comments and Staff comments as well as a requirement that a disclosure is recorded on the plat and against each lot regarding the soil conditions. Also, Staff comment #4 states that because this property abuts active agricultural areas, fencing will be required of subdivider unless otherwise waived by affected agricultural property owners.

Toni Foran and Darin Larson suggested Council discuss the curb, gutter and sidewalk concerns now before construction drawings are submitted for approval. Mr. Larson explained that curb, gutter and sidewalks are typically not required for one acre lots, but given that 650 South has been an issue because it goes towards Three Falls Elementary and children are riding in the road. He added that this is a main road and continuing the curb, gutter and sidewalk is important for safety reasons. Ms. Humphries and Kevin Tervort agree that both 650 South and 920 West should have curb, gutter and sidewalk. Mr. Rasmussen commented that curb, gutter and sidewalk were not required on the subdivision on 920 West five years ago. However, Mr. Reddish will be willing to work with the City and do whatever is required by Council.

Mr. Larson said that from 400 South to 650 South there are a few homes that have curb and gutters, but most don't. Ms. Foran mentioned that down towards 1300 South on the east side that subdivision section has curb, gutter and sidewalk. During the JUC meeting, Staff recommended curb, gutter and sidewalk on both 650 South and 920 West to help address drainage and things. The property owner kitty corner from this development is working with the Streets Department to try and get curb, gutter and sidewalk on the other side because they are so concerned about it. They are also helping pay for it. Kevin Thomas commented that since 920 West is a major road and not a cul-de-sac, having curb, gutter and sidewalk makes sense. Dave Imlay stated that he lives in that area and having sporadic curb, gutter and sidewalks creates drainage and flooding issues on the properties that do not have it. Mr. Larson commented that he would be more in favor of the people purchasing the homes be required to pay for the curb, gutter and sidewalk on 920 West and 650 South be required from the developer.

Kevin Tervort made a motion to approve the preliminary plat for Lumo Subdivision, a 5 lot single family subdivision located the southeast corner of 650 South and 920 West, along with the JUC and Staff comments and curb, gutter and sidewalks on 650 South 920 West. Seconded by Kevin Thomas. Motion approved with Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye. Darin Larson voted no.

**4. Consideration and possible approval of a Preliminary Plat for Jeepsy Sun Beach Subdivision, a 2 lot single family subdivision located at approximately 2880 S 1100 West-Valerie Douglas applicant**

Valerie Douglas stated that this is just a lot split and both lots will be built on. Pam Humphries said that this item was recommended for approval by the Planning Commission subject to all JUC comments, Staff

comments 4 and 5, and making a dedication of a road a condition of approval. The final plat should include notice of the soil conditions and individual notice recorded against each lot. Kevin Thomas declared a potential conflict as he is designing a home for Ms. Douglas, but he doesn't have an issue with the approval of the preliminary plat.

Cheryl Reeve made a motion to approve the preliminary plat for Jeepsy Sun Beach Subdivision, a 2 lot single family subdivision located at approximately 2880 South 1100 West, along with all JUC, Staff and Planning Commission comments. Seconded by Kevin Tervort. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**5. Consideration and possible approval of a Preliminary Plat for Point Break Subdivision, a 19 lot single family subdivision located south of 200 South and west of 1760 West-TCINV Holdings LLC applicant, Scott Stratton agent**

Karl Rasmussen stated that this is a 19 lot subdivision off 1760 West and adjacent to the subdivision on the hill. Pam Humphries asked for clarification as to why these two subdivisions don't connect. Mr. Rasmussen stated that they will build to the north with no connectivity to the south because there is a sewer line that will need to be rerouted and they will construct a cul-de-sac on the far west end to tie that in. Ms. Humphries also mentioned that the JUC is requesting a water loop so there is not a 549' dead end water line on the proposed 150 South street.

Dayna Leavitt stated that she didn't know this could be approved by the City Council after the Planning Commission denied it. Ms. Leavitt stated that she wrote letters to the Planning Commission because she wasn't able to attend the meeting. She figured when the Planning Commission turned it down, that was the final decision. Ms. Leavitt said the property out there has gone from one acre, to half acre to now almost 1/8 of an acre. This is a high density project and the vehicle traffic on that street is already an issue. That area is so rural and this will make a huge impact. She was told that the City needs affordable housing areas so there aren't ghetto areas, but she feels this project will create that ghetto area. Ms. Leavitt doesn't understand how Council overrode the Planning Commission's decision. Pam Humphries explained that a Public Hearing was not required when this item came before Council. She was surprised that no one showed up in opposition of this item at the Council meeting. The zone change has already been approved and Ms. Leavitt wanted to know if she could contest it. Fay Reber explained that the zone change cannot be contested at this point.

Joyce Passmore wanted clarification that this is four total acres for nineteen houses. If it was one acre lots, there would be four houses; half acre lots would be eight houses; quarter acres would be sixteen, and this development is asking for nineteen houses which is less than a quarter acre. Ms. Passmore suggested Council think about all the rezoning that is going on because the City is growing too fast.

Ms. Humphries said she appreciated Ms. Leavitt's and Ms. Passmore's comments. Mr. Larson explained that items on the Planning Commission Agenda are stated to be recommended for City Council approval or denial. Cheryl Reeve mentioned that Council received the different letters. Kevin Tervort explained that affordable housing is not low income. These will be single family homes in a nice subdivision.

Ms. Reeve and Mr. Tervort stated they would like to see a revised plan that would have connectivity to 200 South. Public Safety would also like to have the connectivity to 200 South. Mr. Rasmussen stated

that they are already giving away property to accommodate the 60' right-of-way for 1760 West, the sewer line and water line. He said that Ash Creek likes to have their sewer lines in public right-of-ways and not have easements. Mr. Rasmussen suggested constructing 150 South to turn and knuckle it through to 200 South and have two lots that would face a 41' road. Council agrees that this is a better solution for the design of this development.

Darin Larson made a motion to approve the preliminary plat for Point Break Subdivision, a 19 lot single family subdivision located south of 200 South and west of 1760 West, along with the JUC and Staff comments and a knuckle included on connectivity and 41' road and if a Development Agreement is required, then Staff will work with the Developer. Seconded by Kevin Tervort. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

Fay Reber clarified that as Mayor Pro tempore, Pam Humphries is still permitted to vote on the Agenda items.

**6. Consideration and possible approval of a Preliminary Plat for Hurricane Fields Estates Subdivision, a 94 lot single family subdivision located south of 1500 South between 800 West and 1100 West-Kent Clayton and Scott Stratton applicants, Kent Clayton agent**

Joyce Passmore stated that 94 lots is way too many homes and it is going to cause issues.

Darin Larson stated that this item was recommended for approval from the Planning Commission with 2 nay votes and 5 aye votes, subject to all JUC comments and Staff comments 3, 5, 6, and 8 with a requirement that final plat contain notice of the soil concerns and an individual notice is recorded against each lot at recordation.

Karl Rasmussen said that this is a 94 lot subdivision south of 1500 South between 800 West and 1100 West. This development will have two master planned roads going north to south and an additional master planned road on 2060 South. This project will be done in eight phases. The first phase will include ten homes while subsequent phases will include twelve homes. Mr. Rasmussen explained that they are currently conducting settlement test on one acre of ground so they know what will need to be done on subsequent pieces. Ms. Foran explained that before work is started on a subdivision, full construction drawings and any required geotechnical reports are to be submitted to the City. Mr. Rasmussen reiterated that they are just beginning the testing phase and they will be submitting the geotechnical results when the testing is complete. These eight phases will be constructed in conjunction with the geotechnical recommendations. Mr. Stratton added that he plans on water settling one phase ahead of construction. Mr. Larson suggested that the approval for the subdivision should be an approval for the whole project, not sectioned out because of the infrastructure that is required.

Kevin Thomas made a motion to approve the preliminary plat for Hurricane Fields Estates Subdivision, a 94 lot single family subdivision located south of 1500 South between 800 West and 1100 West, along with JUC and Staff comments. Seconded by Darin Larson. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye. Pam Humphries voted no.

**7. Consideration and possible approval of a Preliminary Plat for Gateway North Industrial Park Phase 1, 2<sup>nd</sup> Amendment – Truckpro LC applicant, Bart Warner agent**

Scott Saxton representing Bart Warner and Rob Reid representing Truckpro appeared before Council. Mr. Reid stated that there is an existing plat for Gateway Industrial that has been in place for a long time. The Warner's own acreage in that area and they would like to subdivide it, but in order to subdivide it, they need to amend the existing plat. Pam Humphries suggested that Mr. Reid contact UDOT regarding a possible intersection in that area. Mr. Reid responded that he has had conversations with UDOT and they are not currently interested in funding an intersection for that area. Darin Larson stated that Planning Commission recommended approval of this Preliminary Plat.

Kevin Thomas made a motion to approve the Preliminary Plat for Gateway North Industrial Park Phase 1, 2<sup>nd</sup> Amendment. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**8. Request for no street lights on the Moccasin Flats Subdivision – Bush & Gudgell Engineering, applicant**

Darrin LeFevre representing the Moccasin Flats Subdivision stated code requires street lights in every subdivision. However, in meetings with the Power Department, JUC and Staff it was recommended that streets lights not be required for this subdivision because of its location. This subdivision is located just east of Sky Ranch where there are no street lights. Mr. LeFevre is here to make a formal request for no street lights on the Moccasin Flats Subdivision. Dave Imlay added that the developer will need to plumb for the lights just in case street lights will be required later. Given the size of the subdivision, five bases will be required.

Kevin Tervort made a motion to approve the request for no street lights on the Moccasin Flats Subdivision with the requirement of the plumbing and the bases only. Seconded by Cheryl Reeve. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**9. Discussion and possible approval of a Power Fund Cash Reserve Policy – Dave Imlay**

Dave Imlay explained that the Power Board has been working on a Cash Reserve Fund. This fund will have adequate reserve funds to cover operational and power purchase expenses equal to 10 months of Power Fund's total budgeted expenses. In order to maintain the Power Fund Cash Reserve balance electric rates will need to be raised.

Kevin Tervort made a motion to approve the Resolution for the Power Fund Cash Reserve Policy. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**10. Consideration and possible approval of an Agreement for Funding of Improvements regarding splitting the blasting and construction costs of Dixie Springs Drive – Mike Chandler, Ash Creek Sewer District**

Fay Reber explained that this agreement is in relation to the installation of the Dixie Springs Water Tank in conjunction with the Washington County Water Conservancy District. In the process of constructing the water tank, Ash Creek Sewer District will be partnering with the City to construct a roadway which will serve as a transportation corridor for water lines, sewer lines and other utilities. Ash Creek requested a Change Order to the construction contract for an extension of the roadway corridor. The estimated cost for the blasting and construction of this extension is \$792,000.00. Ash Creek will pay for these costs upfront and the City will reimburse them for half of the costs as soon as practicable but not to exceed a period of five years.

Kevin Tervort made a motion to approve the Agreement for Funding of Improvements regarding splitting the blasting and construction costs of Dixie Springs Drive in the amount of one half of the estimated \$792,000.00. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**11. Approval of appointment of airport board members**

Kaden DeMille stated that per Mayor Bramall Larry Nemecek and Norm Anderson are to be appointed to the Airport Board.

Darin Larson made a motion to approve the appointment of airport board members, subject to Mayor Bramall’s clarification. Seconded by Kevin Tervort. Motion approved with Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

**12. 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-
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-

**13. Adjournment: 7:35 p.m.**