

Minutes of the Hurricane City Council meeting held on August 2, 2018, Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

Also Present: City Manager Clark Fawcett, Assistant City Manager/Recorder Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Department Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Toni Foran, City Engineer Arthur LeBaron, GIS Specialist Joe Rhodes and Darrel Humphries with Ash Creek Special Service District.

AGENDA

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

Darrel Humphries with Ash Creek Sewer District reported they recently revised their Capital Facilities Plan and Impact Fee Schedule. The current impact fee of \$2,220 will increase to \$2,600 in October 2018. Mr. Humphries added that this is the time of the year in which they receive many odor complaints from the community because the heat intensifies the smell. As the temperature cools, so will the odors.

Chief Excell gave Council copies of their K9 Deployment Report. This report details the K9 activity for the month of July as well as the Year-to-Date statistics. Officer Eric DeMille has been selected as the newest K9 handler for the department. They are in the beginning stages of the dog selection process. Chief Excell will keep the Council updated on their progress. The Drug Task Force currently has three search warrants to be served within the Hurricane city limits. Those search warrants will be handled this coming week. Schools in the area resume next week and the three SRO's are preparing for the start of the school year and the reinstatement of the Dare program.

Dave Imlay explained how the power usage for the month of July had a 9% increase in usage. The heat has caused drastic increases in power usage, but they are able to keep up with the demands. Mr. Imlay reminded Council that the UAMPS Conference is coming up this month. He will send out an email confirming the itinerary and details of the conference.

Mike Vercimak stated that the Public Works Department remains busy with new projects coming into the City. Many of these new projects are 30-40 acres in size, which is substantial. Mr. Vercimak also reported that there is an issue with the Stratton Well. A chemical cleaning process was done and revealed that the screens are about worn out. They are exploring the possibility of digging a new well.

Toni Foran reviewed the Reimbursement Agreement between the City and Tava Land, LLC. The Developer has installed an irrigation water line at the Tava at Sand Hollow Subdivision that will serve City parks in the future. The City will reimburse the Developer in the form of fifty-four (54) park impact fee vouchers.

6:00 p.m. - Call to Order –

Pledge: Mitch Cloward Prayer: Toni Foran

Tony Gonzales was not present to receive his 5 year service award.

Approval of Council minutes: 06/21/2018 and 07/05/2018

Pam Humphries explained that on page 6 of the 06/21/2018 minutes, the address should be 1100 West. Also, on item 7 of the 07/05/2018, Ms. Humphries vote of “aye” was inadvertently excluded.

Pam Humphries made a motion to approve the 06/21/2018 and 07/05/2018 with the proposed amendments. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Kevin Tervort and Kevin Thomas voting aye.

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

None

NEW BUSINESS

- 1. *Presentation and update on services provided by Dixie Regional and grand opening event in September-Mitch Cloward***

Mitch Cloward and Terry Draper with Dixie Regional Medical Center invited Council to their Grand Opening event on September 12, 2018. Mr. Cloward also reviewed the 2017 statistics and accomplishments received by their facility. He added that there has been tremendous community growth and this expansion comes at a good time. Mayor Bramall commended Mr. Cloward and Ms. Draper for the quality of services and technology that Dixie Regional Medical Center provides to the community.

- 2. *Consideration and possible approval of a proclamation designating September 17 through 23 as Constitution Week-Karen Shuman, Daughters of American Revolution***

Pam Humphries made a motion to approve the proclamation designating September 17 through 23 as Constitution Week. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Kevin Tervort and Kevin Thomas voting aye.

- 3. *Discussion and review of the business plan submitted by the Eagles Lodge 3051-Dwayne Davis***

Mayor Bramall explained that the Eagles Lodge 3051 had their alcohol license revoked from the DABC for a minimum of four years. The Eagles Lodge would still like to host different types of events and fundraisers at their facility but asked for clarification of what they are permitted to do. Council requested that the Eagles Lodge put their intentions in writing in the form of a business plan for a legal review. Since the revocation of their alcohol license, Chief Excell met with the Utah Department of Public Safety, Special Bureau of Investigations and the Utah Department of Alcoholic Beverage Control to review the submitted business plan. Chief Excell submitted a written recommendation to Council detailing how the Eagles Lodge can operate going forward. Eagle’s member Henry Tellez stated that he would like to meet with Chief Excell and discuss these recommendations so they can revise their business plan for Council’s approval.

4. Consideration and possible approval of a business license revocation located at 4376 W. Canterbury Rd.

Toni Foran explained that this property was issued a vacation rental business license in error from the City. This property is located in the Elim Valley community and their zoning regulations do not allow for any vacation rentals. However, residential hosting is permitted as long as it is owner occupied. The owners of the property do not occupy this residence and during the first three years of ownership they did not rent it out.

Jefferson Clemens with Escape Properties was representing property owners Mr. and Mrs. Baker in this matter. Mr. Clemens stated that the City issued the vacation rental business license in 2016 and he is requesting that this license not be revoked, but rather be grandfathered in or grant them a two year period in which they can sell the home. Mr. Clemens stated that the owners are upside down on the property and they will need time to sell it. Mayor Bramall explained that Elim Valley doesn't allow for any vacation rentals in that transect. The developers of Elim Valley added this restriction in their Development Agreement and that this is not the City's zoning restriction; it is an Elim Valley zoning restriction.

Ms. Foran clarified that this license was issued in error. This decision will serve as notice to the property owners that their vacation rental business license has been revoked and they will have thirty days (30) to come into compliance. That means that no vacation rental bookings can be made past thirty days. However, the property can be rented as a long term residence rental or if they choose to occupy the property, they could rent out individual rooms.

Kevin Tervort made a motion to approve the revocation of a business license located at 4376 W. Canterbury Rd. Seconded by Pam Humphries. Motion approved with Pam Humphries, Kevin Tervort and Kevin Thomas voting aye.

5. Discussion and possible approval of a request to proceed on construction before condemnation of Judd property is complete- Dale Beddo

Fay Reber stated that Julie Judd has been given notice of possible condemnation of her property. This notice also informed Ms. Judd that Council will be making a formal decision to proceed with the condemnation at the August 16, 2018 meeting. Mr. Reber explained the condemnation process following the formal approval. He stated this taking will need to be deemed necessary and proven to the court that it is necessary. There is always a possibility that the court might conclude the taking isn't necessary. Mr. Reber is hesitant for Council to give permission for construction to begin before condemnation is complete.

Jerry Spilsbury representing Toquerville Enterprises appeared before Council. He was here to request permission to proceed with the project before the condemnation process is completed. Mr. Spilsbury understands that there are laws that need to be followed, and the legal process will take time. He explained that they would like to lock-in financing and begin construction. They've already spent a large sum of money on this project and plans have been engineered, road locations have been designated and even the sewer work has been signed off on. Mr. Spilsbury stated that this project is going to happen,

it's just a matter of time. If permission is granted, Mr. Spilsbury would hold the City harmless of any action and would be willing to sign an agreement releasing the City of any liability and offered to pay any legal fees if Ms. Judd decides to take legal action.

Pam Humphries and Kevin Tervort expressed concern regarding the City's liability if construction was to start early. Ms. Humphries added that she is not comfortable granting permission for them to proceed when Ms. Judd hasn't made her position known regarding the condemnation of her property and she will be voting no. Ms. Humphries suggested to Mr. Spilsbury that he might receive an approval if this item was continued until the next meeting on August 16, 2018 when the other Council members are present.

Pam Humphries made a motion to continue the request to proceed on construction before condemnation of Judd property is complete until the August 16, 2018 meeting. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Kevin Tervort and Kevin Thomas voting aye.

6. Consideration and possible approval of no additional road improvements for Jeepsy Sun Beach Subdivision, a 2 lot single family subdivision located at approximately 2880 South 1100 West-Valerie Douglas applicant

Pam Humphries made a motion to approve no additional road improvements for Jeepsy Sun Beach Subdivision, a 2 lot single family subdivision located at approximately 2880 South 1100 West. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Kevin Tervort and Kevin Thomas voting aye.

7. Consideration and possible approval of a Preliminary Plat for Peach Estates Subdivision, a 2 lot single family subdivision located east of 400 West and south of 1180 South-Beau Davis, applicant

Toni Foran explained that initial approval from Planning Commission was delayed while Mr. Reber provided answers to Mr. Davis' questions about exactions and nexus in relation to the required road dedication for the subdivision. After Planning Commission reviewed the legal memo, they voted unanimously to recommend approval of the plat subject to JUC comments and a requirement to dedicate the additional road width needed. Ms. Humphries summarized that Mr. Davis will need to install curb, gutter and sidewalk on 400 West and it needs to be the width of the Master Planned Road.

Kevin Thomas made a motion to approve the Preliminary Plat for Peach Estates Subdivision, a 2 lot single family subdivision located east of 400 West and south of 1180 South, with Staff and JUC recommendations. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Kevin Tervort and Kevin Thomas voting aye.

8. Consideration and possible approval of a reimbursement agreement with Fairbanks Homes for water supply to park property-Toni Foran

Fairbanks Homes has installed an irrigation water line at the Tava at Sand Hollow Subdivision that will serve City parks in the future. The City will reimburse them in the form of 54 \$1,000.00 park impact fee vouchers.

Pam Humphries made a motion to approve the reimbursement agreement with Fairbanks Homes for water supply to park property in the amount of 54 \$1,00.00 park impact fee vouchers. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Kevin Tervort and Kevin Thomas voting aye.

9. *Consideration and possible approval of accepting a deed of dedication for future widening of 700 West*

Kevin Tervort made a motion to approve the acceptance of a deed of dedication for future widening of 700 West, adjacent to the Beehive home. Seconded by Pam Humphries. Motion approved with Pam Humphries, Kevin Tervort and Kevin Thomas voting aye.

10. *Progress Report regarding property at 5286 W Industrial Drive, Keystone Repair-Bob Stevens*

Mayor Bramall explained Mr. Stevens is here to give a six month progress report to Council regarding his property. In February 2018, Council gave Mr. Stevens one year to cleanup his property and come into compliance with city code. Mr. Stevens stated that Lot 44 is clear and has been sold, the fencing is complete on Lot 43 and the construction debris on the other lot will be removed by the end of the year. There are vehicles on Lots 42 and 43 and he intends on petitioning the Planning Commission to include these two lots as part of his operation. He has hired another employee to start marking and crushing cars now that prices have gone up. Ms. Humphries thanked Mr. Stevens for his efforts in cleaning up his property. She confirmed that he will meet with the Planning Commission and petition for Lots 42 and 43 before he returns in February 2019.

11. *Reappointment of Water Board members Troy Gubler, Greg Last and Kelby Iverson*

Pam Humphries made a motion to approve the reappointment of Water Board members Troy Gubler, Greg Last and Kelby Iverson. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Kevin Tervort and Kevin Thomas voting aye.

12. *Update on SR-7 and SR-9/I-15 Project*

Mayor Bramall gave Council an update regarding the future UDOT SR-7 and SR-9/I-15 Projects. Next year SR-7 will be under construction which will force more traffic on SR-9, especially if UDOT closes SR-7 for construction. Mayor Bramall and Council discussed the potential ramifications of this closure and the extreme impact it will have on SR-9. There will be significant delays heading towards I-15.

13. *Discussion of possible I-15 milepost 18 on/off ramp*

Mayor Bramall stated that UDOT is considering putting in an on/off ramp at milepost 18 on I-15. These ramps would be located by the Walmart Distribution Center, Boulevard Home Furnishings and DATS Trucking. This would allow these trucks access to the interstate without having to use Gateway. The estimated cost is approximately \$4,000,000.00 and they will be reaching out to the different companies to help fund this project.

14. Discussion and update regarding bus transit

Mayor Bramall has been attending meetings regarding the proposed bus transit system. There have been discussions of implanting electric busses, which initially will cost more, but their reliability is much higher. Once the batteries from the busses have been retired, they could be used to power different solar projects. Mayor Bramall will continue to keep Council updated regarding this matter.

15. Mayor, Council and Staff reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering- Mayor Bramall wanted to start a discussion to see how Council would feel about having a Hurricane Community Hospital. Kevin Thomas would like to have another medical provider besides IHC. Council is open to the idea of a community hospital. Mayor Bramall will make some inquiries and report back to Council at a later date. Mayor Bramall also reminded everyone that the County Fair starts next week.
Kevin Thomas	Emergency Management, Streets & Drainage, Youth City Council-
Pam Humphries	Court, Water, Power, Solid Waste- Power Board discussed increasing the amount of nuclear from 5 megawatts to 7 or 8 megawatts because the usage is increasing. Also, during the joint Planning Commission meeting it was mentioned that some Council members didn't have time to review their Board Packets before the council meetings. Ms. Humphries proposed that Council receive any documents pertaining to Land Use items be submitted the Friday before the meeting. This would give Council extra time to review the supporting documents for that agenda item. A second option she suggested was any Land Use item would be discussed at the first meeting, and then voted on during the second meeting. Kevin Thomas stated that he is not in favor of this option because it would delay the process for builders. Mr. Tervort stated that this is the procedure most big cities follow, Washington for example. He and Ms. Humphries are open to discuss how to move forward when the other Council members are present.
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-

Adjournment 7:35 pm