

Minutes of the Hurricane City Council meeting held on August 16, 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 Tervort, Kevin Thomas and Cheryl Reeve **Via Telephone:** Darin Larson

Also Present: Assistant City Manager/Recorder Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Water Department Superintendent Ken Richins, Planning Director Toni Foran, City Engineer Arthur LeBaron, and Fire Chief Tom Kuhlmann.

AGENDA

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

Discussion of RFP for Peach Days garbage and rules for Peach Days – Mayor Bramall said the garbage pickup contract has been awarded to the same family for many years and to avoid having an audit issue, he suggested issuing a Request for Proposal to bring in other bids. He also explained there have been safety concerns regarding young people driving side-by-sides and golf carts to pick up trash and transporting people. Mayor Bramall suggested possibly offering safety training to the drivers. Cheryl Reeve will be attending the Peach Days Committee later this evening. She will share these concerns with the committee.

Ken Richins gave an update on the Stratton Well #1. This well's water production has had a rapid decline. They recently tried to chemically treat the well to dissolve the hard water deposits on the screens. Using a well camera, they found that the screens had holes in them as well as some major deterioration within the well itself. It was determined that a new well should be drilled 80 feet from this existing well. The cost of estimate to drill this new well is \$790,331.00. The money spent on the new well will be made up in 3.4 years. Water Board recommended approval to drill the new well. Mr. Richins also stated that there was an issue with fire hydrant located behind the Desert Vet Clinic building. Apparently a contractor inadvertently dug into the waterline creating a muddy mess. The Water Department has been working to resolve this issue.

Chief Excell reported that the new K9 arrived today. The dog was selected out of Right Hand K9 facility in Ogden. Rico is a fourteen month old, malinois mix canine. Right Hand K9 will be conducting training for Rico and his handler for eight weeks. Chief Excell stated that the testing process for potential new hires will begin September 11, 2018. A new officer, Daniel Raddatz will be starting this next week. He is a Corporal out of Iron County. They have selected a new Records Clerk who will be starting in two weeks. The Community Preparedness Expo is on September 22, 2018 at the Community Center. The new hybrid light plant that was purchased will be ready to be picked up at the end of the month and stored up at the Water Department.

Chief Kuhlmann received another Resource Request for crews to assist with fires currently burning in California. He had hoped that the fire season would be slowing down, but it doesn't seem to be happening. Also, their board approved the usage of the GSA website which establishes the maximum per diem rates for federal travel customers. Kevin Tervort suggested that the City research this website and revise the current travel policy to reflect the usage of this website to help determine per diem rates.

Mike Vercimak said the Streets Department is still cleaning up debris from the most recent flooding. They have been removing brush, trimming trees, and repainting crosswalks in preparation for the first day of school. With regards to the Lumo Subdivision on the Agenda for reconsideration, Mr. Vercimak said current code does not allow for a large lot subdivision exemption of curb, gutter and sidewalk. However, in the Standards it states "in large subdivisions, in rural or agriculture settings, the curb and gutter may be eliminated" which is rather ambiguous. Mr. Vercimak reiterated that there is nothing in the code that allows for waiving of these improvements and suggested a revision to the Standards to remove the ambiguity. Ms. Humphries stated that 920 West and 650 South are busy roads and children walk to and from school on these streets. Mr. Tervort and Mr. Thomas agreed that curb, gutter and sidewalk are a necessity.

Toni Foran said that Bill Zitting contacted her regarding the parcel of property on 600 North. Ms. Foran explained that Council had agreed to deed the lot to Mr. Zitting as reimbursement for improvements and changes he was implementing to 600 North by his project. Mr. Zitting discovered that the waterline is not located where the City thought it was. The relocation of this line will require a rebuild of one side of the road. He submitted a cost estimate of \$54,000 to relocate this waterline. Ms. Foran will get with Mr. Vercimak and Mr. LeBaron to review this issue.

Dave Imlay showed pictures from the UAMPS conference. He thanked everyone who attended. Kevin Thomas and his wife won the Best Dressed award at their 60's themed dinner. Mr. Imlay explained that the extreme heat this summer has caused the price of power to skyrocket. The generators are working well and they are able to keep up with the demands.

Arthur LeBaron updated Council on the 300 North project. Construction is one month ahead of schedule and the curb, gutter and sidewalks should be constructed within the next three weeks. UDOT is moving forward with the Southern Parkway project and will start advertising that project in December. UDOT is also considering an interchange on 5500 West by Warner Trucking. They will conduct an Interchange Access Study in the near future.

Fay Reber stated that the Sky Vista Subdivision has already been recorded, so Agenda #4 can be dismissed. He added that he was able to speak to Julie Judd regarding the potential condemnation of her property. She acknowledged receiving the paperwork from City and said she was sending it to the Ombudsman's office for review. Ms. Judd also stated that she would not be attending the Council meeting tonight. Mr. Reber explained that the condemnation process would take a minimum of 45-60 days after the complaint has been filed with the court before Mr. Beddo could begin construction on his project. In addition, 100% of the appraised value of the taking will need to be deposited with the court. The property has been appraised at \$22,000.00.

6:00 p.m. - Call to Order

Pledge: Pam Humphries Prayer: Kevin Tervort

Approval of Council minutes: Joint Meeting with Planning Commission 07/25/2018

Ms. Humphries requested changes to Page 1, Line 19 with the addition of the word "they"; Page 1, Line 30 changing "live" to "lived" and Page 2, Line 28 deleting the word "of".

Pam Humphries made a motion to approve the Joint Meeting minutes with the Planning Commission with the proposed amendments. Kevin Thomas seconded. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

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

None.

NEW BUSINESS

1. *Discussion and possible reconsideration regarding the Lumo Subdivision, a 5 lot single family subdivision located at the southeast corner of 650 South and 920 West- Sean Reddish*

Sean Reddish attended the meeting via telephone through Karl Rasmussen. Mr. Reddish stated that he purchased this property with the intent to subdivide it. Before purchasing the property, he had a conversation with Ms. Foran and he was told that curb, gutter and sidewalks are not required on one acre lots. He feels he did his due diligence before purchasing the property. Mr. Reddish explained that the Preliminary Plat for the subdivision was approved by Planning Commission along with a required road dedication. He said it wasn't until the City Council meeting that the curb, gutter and sidewalks were added to 650 South and 920 West. Mr. Reddish said that he purchased the property for \$95,000.00 an acre and he cannot offset the cost of the curb, gutter and sidewalks. He also received a redline item from the Water Department requesting he put in a new water main down the street, which he feels his impact fees should cover. In regards to the dry irrigation, Mr. Reddish said that he already has irrigation and owns water shares. These are the four issues that Mr. Reddish would like to work out, with the curb, gutter and sidewalk being the biggest issue.

Karl Rasmussen commented that in the Hardcastle Subdivision the dry irrigation was done on new roads paved into virgin ground and Mr. Reddish is dealing with roads which are dedicated City streets that already have irrigation. He added that having to put in dry irrigation on these Master Planned roads and trying to guess the correct size of line to be used in the future could be an issue. Ken Richins explained there are different water line issues that should be addressed if curb, gutter and sidewalks are required to be installed. A running water line, storm drain and the planned pressurized irrigation system for that area are items that need to be addressed before curb, gutter and sidewalks are installed. Mr. Richins stated that these are discussions that will need to happen with Mr. Reddish in regards to his project.

Arthur LeBaron explained when property is being subdivided and making new lots, the subdivision ordinance requires that improvements be put in as well as the dedication of property for the full street width. The Hardcastle Subdivision is a recent example. The Developer was required to dedicate additional road width on 650 South and install curb, gutter and sidewalks. Mr. LeBaron stated that if a Developer wants to come into the City, split property into lots and have municipal services provided to those lots, this is the protocol. 920 West and 650 South are both Master Planned roads and any Land Use application that is submitted in that area will require the dedication of property for road widths.

Fay Reber reiterated that the courts have determined that anytime a Developer builds, he creates an impact on the City. That impact can be alleviated by the City requiring certain concessions, called exactions. As long as the nature and extent of the exactions are consistent with that impact, the courts have uniformly held that cities have the right to do execute exactions. Mr. Reber stated that the City has always tried to be consistent with applying the ordinance and this situation is not different. Mr. Reddish disagrees that the City has been consistent with applying the ordinance and the requirements.

He does not want to put curb, gutter and sidewalks on these properties, or dedicate 1/3 of his property without some sort of trade out. He feels this request is unreasonable and because his sister is an attorney, this will not cost him anything to litigate the issue.

Ms. Foran does not recall any conversation with Mr. Reddish regarding this property. She also stated that the road dedication would only be 6% of the total property, not 1/3. Mayor Bramall commented that these two roads are Master Planned roads and citizens have come in and requested that there be curb, gutter and sidewalks here so children can walk to school safely. The ordinance and the rules have been explained and the City Council will have to decide if they want to override those rules and make an exception in this case. Mr. Reddish stated that the exception he would like is to not have to put in curb, gutter and sidewalks in on 920 West when the City doesn't know where the road is going to be yet. He is willing to asphalt 920 West and add the curb, gutter and sidewalks to 650 South. He feels giving up 1/3 of his property without any sort of trade out is unreasonable.

Mr. LeBaron added that the amount of property being required from Mr. Reddish is less than the Standard Development Practice for Roadways would be. The percentage is usually up around 20% dedication for roadways. Mr. Reddish's dedication percentage is only 6%. City Council has already made a decision on this matter which upheld the ordinance. Mr. LeBaron requested Council to uphold the previous decision. Both Mr. Tervort and Mr. Thomas agree that upholding the rules and treating it the same across the board will make decisions easier.

Ms. Humphries stated that Planning Commission has already reviewed the material and made a recommendation to Council. Council has already voted on this matter, and we shouldn't have to vote on it again. She believes that the previous vote should stand. Mr. Reddish stated that these items are not what the Planning Commission recommended and these items were added after the fact. Mr. Tervort read the JUC Comments from the Planning Commission meeting which their decision was based on:

1. Full drainage review and design will be required after preliminary plat is approved.
2. Sewer design will be required. Sewer is accessible off 920 West.
3. New power must be developed to the site.
4. Soils report and recommendations required before construction drawings are approved. Soil is collapsible.
5. Road dedication and road improvements required for both 650 South and 920 West to half the 60' master planned width.
6. Any driveways over 150' deep will require fire turn around.
7. Run-off from adjoining farm irrigation will need to be addressed.

The Planning Commission unanimously recommended approval of this preliminary plat subject to all JUC comments and Staff comment #4 as well as a requirement that a disclosure is recorded on the plat and against each lot regarding the soil conditions.

Pam Humphries made a motion to uphold the previous motion to approve the preliminary plat for the Lumo Subdivision, a 5 lot single family subdivision located on the southeast corner of 650 South and 920 West, along with the JUC and Staff comments and curb, gutter and sidewalks on 650 South and 920

West. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye. Darin Larson voted no.

2. Consideration and possible approval of acquisition of property by eminent domain from Julie Judd at approximately 2100 West- Fay Reber

Pam Humphries made a motion to approve the Resolution Authorizing the Acquisition of Real Property Interest through the Exercise of the Power of Eminent Domain from Julie Judd, Hurricane Enterprises LTD at approximately 2100 West. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

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

Mayor Bramall stated that he spoke with Dale Beddo earlier this week. The condemnation process could potentially take two years or so, depending on the response received from Ms. Judd. Jerry Spilsbury explained that Mr. Beddo would like to proceed with construction before the condemnation is complete, but he wants to close the contract and get financing. Mr. Spilsbury would like documentation from the City stating that this project is approved and is going to happen. Mr. LeBaron stated that the City has approved construction drawings, the plat and a paper copy of the mylar. These documents prove that the project will happen. Mr. Reber stated that the City could issue a letter stating the status of this project and listing out the different approved items as well as stating that the condemnation process has begun. Mr. Spilsbury agreed to the letter.

4. Discussion and decision regarding waiver of Consent to Record for Sky Vista Subdivision- Fay Reber

Fay Reber stated that the Sky Vista Subdivision has already been recorded.

5. Consideration and possible approval of a Preliminary Plat for Foothills Townhomes, an 111 lot Townhome Subdivision located at approximately 296 N Foothills Canyon Drive and Old Hwy 91- Merrill Properties-Applicant, Brad Merrill-Agent

Ms. Foran explained that the applicants have requested this item to be tabled.

Kevin Thomas made a motion to table the Preliminary Plat for Foothills Townhomes, a 111 lot Townhome Subdivision located at approximately 296 N Foothills Canyon Drive and Old Hwy 91. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

6. Discussion regarding Stratton Well #1- Ken Richins

Mr. Richins stated that the Stratton Well #1 is in need of an overhaul. It was determined that a new well should be drilled 80 feet from this existing well. The cost of estimate to drill this new well is \$790,331.00. The money spent on the new well will be made up in 3.4 years. Water Board

recommended approval to drill the new well. Mr. Richins recommended that a Change Order be prepared to Gardner Drilling’s current contract to drill a new well adjacent to the existing well with reference to a specification for the well drilling procedures, as well as the overall approval of this project. He requested the Council approve this item in two parts.

Kevin Tervort made a motion to approve a Change Order in the amount of \$417,380.00 to Gardner Drilling. Seconded by Kevin Thomas. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

Pam Humphries made a motion to approve the remaining cost of \$372,951.00 and total cost not to exceed \$790,331.85 with the Change Order with Gardner Drilling. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

7. Consideration and possible approval of an ordinance amending Title 5, Chapter 2 Animal Control-Lieutenant Jerod Brisk

Kevin Thomas made a motion to approve the ordinance amending Title 5, Chapter 2 Animal Control. Seconded by Pam Humphries. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

8. Consideration and possible approval of a Motion to Vacate, Employee Issue- Kaden DeMille

Kevin Thomas made a motion to deny the Motion to Vacate. Seconded by Kevin Tervort. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye.

9. 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- The golf course has to redo the pond on hole 12 and the Mosquito Abatement Board is requesting they install a water feature that will continuously make the water ripple to detour mosquitos.
Clark Fawcett	City Administration-

10. Adjournment: 7:40 p.m.