Minutes of the Hurricane City Council meeting held on January 23, 2020, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

**Members Present:** Mayor John Bramall and **Council Members:** Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort. **Absent:** Nanette Billings

**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, City Engineer Arthur LeBaron and GIS Specialist Joe Rhodes.

**AGENDA**

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

Chief Excell said the department will be applying for a Community Policing Grant. If approved, the grant will pay for the salary and benefits for an officer for three years. This application requires Council approval at a later date. The Police Department has contracted with a new fingerprint company and their staff will be trained on the new system next month. Last week there was a stabbing during a house party. The suspect is still at large and a warrant has been issued for their arrest.

Dave Imlay attended a UAMPS workshop last week in St. George. It was a well-attended event. They have a new employee starting on Monday. Mr. Imlay will bring him in to meet Council.

Mike Vercimak reported the completion of the Gould’s Wash cleaning project. Interviews for the Street Supervisor position will be conducted next week. They received seven applicants for the position. A new street sweeper truck will be in circulation next week.

Toni Foran received updated aerial photographs of the Hurricane community. With regards to the proposed name change for Turf Sod Road, she has received several comments in opposition of the change.

Arthur LeBaron invited Council to attend the public scoping meeting regarding Gould’s Wash on February 4, 2020 at 5:00 p.m. at the Community Center and the Dixie Transportation Expo on Tuesday, February 11, 2020 from 10:00 a.m. to 6:00 p.m. at the Dixie Center in St. George. They’ve received bids for the slurry and chip seal projects. They will be issuing their recommendation at the next meeting.

Joe Rhodes mentioned if a road name change was approved, the process for the name change would take six months and residents would not have an address change until the process is completed.

Clark Fawcett would like to schedule a work meeting with Council to discuss and review ordinances and the parameters of the Code Enforcement Officer. This meeting was scheduled for Tuesday, February 4, 2020 from 3:00 p.m. to 5:00 p.m.

Kevin Tervort left the meeting at 5:45 p.m.
6:00 p.m. - Call to Order –

Pledge: Clark Fawcett  
Prayer: Dave Sanders

Approval of Minutes: 01/09/2020

Joseph Prete made a motion to approve the 01/09/2020 minutes as presented. Seconded by Dave Sanders. Motion approved with Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

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

Carson Tait, a resident of Hurricane spoke out in opposition of the proposed Turf Sod Road name change. He feels there is too much rooted history regarding this road to change the name.

Amy Stratton told a story of how many years ago her mother-in-law submitted a recommendation for the naming of Turf Sod Road explaining she recommended “Turf OR Sod” Road and it was deemed to be both Turf Sod Road. Ms. Stratton explained that this road is part of their Stratton Family legacy and is against a name change.

OLD BUSINESS

1. None.

NEW BUSINESS

1. Consideration and possible approval of a name change for Turf Sod Road – Chris Wyler

Fay Reber briefly explained the road name change procedure adding it would be six months or longer before the change would be in effect.

Chris Wyler is the developer of the Pecan Valley subdivision on Turf Sod Road. He has had clients request a road name change that would be conducive to the area. However, after hearing the comments in opposition and the history of the road, Mr. Wyler withdrew his application for the name change of Turf Sod Road.

2. Consideration and possible approval of local consent for full liquor license for Rooster Run Café – Spiro and Bianca Magoulas, applicants

Applicants are requesting a full liquor license for the Rooster Run Café. They are anticipating opening in mid-February. Liquor will be poured in the back and brought tableside by the server. Council expressed concerns regarding approving local consent for a full liquor license and the proximity to Hurricane High School. The café is located 600 feet from high school. Applicants are not opposed to reducing the full service liquor license to beer and wine only. Councilman Prete appreciated the applicants willingness to be flexible to our community.

Steve Phipps, a resident of Hurricane, commented that he is looking forward to having a beer with this dinner at a local establishment and not having to travel to St. George.

Joseph Prete made a motion to approve local consent for a beer and wine license for the Rooster Run Café. Seconded by Darin Larson. Motion approved with Darin Larson, Joseph Prete and Dave Sanders voting aye.
3. **Consideration and possible approval of a proposal to seek sponsorship aid in using the school district buses for a private event** – Dehn Craig

Dehn Craig with Vacation Races is seeking sponsorship aid for the Zion Half Marathon to be held on February 29, 2020. This is their 8th year of operation. Vacation Races is asking Council to request the use of school buses on its behalf in order to shuttle runners and spectators on race day. Vacation Races will cover any incurred costs for the use of buses as well as driver payments. They will shuttle all runners from the Springdale, La Verkin and Hurricane areas to the race start line. Shuttles departing to the start line and returning from the finish line will position Hurricane as being a convenient place to stay in terms of race logistics. This sponsorship will also allow Vacation Races to aggressively promote Hurricane as a lodging destination for runners on race weekend. Last year, the average night stay was 3.6 nights and Hurricane was the second most popular location for runners to stay with 33% of runners staying here. Mr. Craig stated in previous years they had to charter buses to shuttle racers. These buses wouldn’t show up until the morning of the race and there was always a high level of confusion and miscommunications on race day. Using local buses will reduce the chaos making for a better event for everyone.

Dave Sanders made a motion to approve the sponsorship aid in using the school district buses for this private event. Seconded by Joseph Prete. Motion approved with Darin Larson, Joseph Prete and Dave Sanders voting aye.

4. **Consideration and possible approval of Land Use Code Amendments clarifying the time frame for recording final plats and a time extension process** – Toni Foran

Toni Foran explained that this section of the code was not changed when the code was updated to change final plats to an administrative process that is approved by staff. The proposed changes are intended to clarify how and when extensions are granted by staff.

Councilman Prete expressed concerns regarding the proposed language “If developer is actively pursuing completion of improvements before recording, Final Plat Approval Staff may grant a single extension of time to record of up to 12 month if developer applies for an extension before one year from the date of original approval. Any approval for any final plat not recorded within said period or extended period shall be deemed to have been revoked and any such plat shall require new preliminary plat approval before applying for new final plat approval.” He suggested redefining “actively” and possibly softening the language to allow more flexibility for the developer after the 12 month extension. Due to these concerns, he would like this item continued until the next Council meeting to allow time to modify the proposed language.

Joseph Prete made a motion to continue the Land Use Code Amendment clarifying the time frame for recording final plats and a time extension process until the February 6, 2020 Council meeting. Seconded by Darin Larson. Motion approved with Darin Larson, Joseph Prete and Dave Sanders voting aye.
5. **Consideration and possible approval of a proposed Zoning Map Amendment on 35.94 acres located at approximately 4750 West on the north side of 3150 South Street and west of Sand Hollow Road from RA-1, Residential Agricultural one acre, to R-1-6, Single Family Residential 6,000 sq. ft. lots – Utah State School Trust Lands, applicant, Brett Burgess, agent**

The Planning Commission recommended the minimum lot size of R-1-8, as long as other lots are 9,600 sq. ft. to create an overall average of 8,000, along with the staff findings and staff reports.

Brett Burgess explained how they’ve partnered with SITLA and has a Development Lease in place for these projects. This property is a portion of a large Trust Lands parcel that runs between Turf Sod Road and 3150 South Street on the west of Sand Hollow Road. All surrounding parcels are currently vacant. Mr. Burgess has a master plan for all the property but the remainder of the property does not match the current General Plan designation. Under the current zoning, approximately 30 one acre lots with roads serving them could be developed. Under the proposed zoning, approximately 209 residential lots with accompanying roads could be developed. Applicant is agreeable to the Planning Commission’s recommendation of the minimum lot size of R-1-8, as long as the other lots are 9,600 sq. ft. to create an overall average of 8,000.

Mr. Burgess gave a brief overview of the proposed project. Given that Sand Hollow will have high traffic their intention is to offer a mix of developments that provide different products at different price points. They want to focus on single family residences and not a condominium concept. Certain areas will be higher end and eventually there may be a nightly rental component. Mayor Bramall suggested the proposed development contain open spaces, parks and trails as to preserve the natural beauty of the area. Councilman Larson reiterated that the decision tonight is for a zone change not the project itself. The project will be constructed in phases and there will be ample time to discuss project specifics at a later time.

Joseph Prete made a motion to approve the application for a proposed Zoning Map Amendment on 35.94 acres located at approximately 4750 West on the north side of 3150 South Street and west of Sand Hollow Road from RA-1, Residential Agricultural one acre, and amend it to R-1-8, Single Family Residential 8,000 sq. ft. lots. Seconded by Darin Larson. Motion approved with Darin Larson, Joseph Prete and Dave Sanders voting aye.

6. **Consideration and possible approval proposed Zoning Map Amendment on 40.689 acres located at approximately 2800 South on the west side of Sand Hollow Road from RA-1, Residential Agricultural one acre, to R-1-8, Single Family Residential 8,000 sq. ft. lots – Utah State School Trust Lands, applicant, Brett Burgess, agent**

Planning Commission recommend approval.

Darin Larson made a motion to approve the proposed Zoning Map Amendment on 40.689 acres located at approximately 2800 South on the west side of Sand Hollow Road from RA-1, Residential Agricultural one acre, to R-1-8, Single Family Residential 8,000 sq. ft. lots. Seconded by Dave Sanders. Motion approved with Darin Larson, Joseph Prete and Dave Sanders voting aye.
7. Consideration and possible approval of a Preliminary Plat for Skyline Roofing single lot subdivision located at approximately 2350 S. 1500 West – Adam Stout, applicant

Stewart Stout appeared on behalf of applicant. Mr. Stout explained that they are trying to rezone three acres of their property where their shop and office building are located in order to come into compliance.

Councilman Larson said this parcel was previously approved for M-1 zoning, subject to a development agreement and the Planning Commission recommended approval of this Preliminary Plat subject to all JUC comments. JUC comments listed were:

1. Complete construction drawings reviewed and approved before any work is done on the property.
2. Water service needs to be moved onto new lot.
3. Road improvements required up to and along entire frontage of new lot on 1500 West.
4. Road improvements required along 2300 South frontage.
5. Utilities to be extended to end of lot in road right of way.
6. Address change will be needed for lot.

Mr. Stout expressed concerns regarding certain JUC comments. The property is already developed and no further construction will happen, therefore there will not be further construction drawings submitted. Additionally, the road improvements required up to and along the entire frontage of the new lot on 1500 West, and the road improvements required along 2300 South will require more work. On 1500 West there is approximately 650 feet across that frontage that is on a small hill and the top 150 feet is lava rock. 2300 South is a future road that is to the north side of the shop, on a hillside. These improvements would require blasting and a lot of work and until the road is constructed improvements might be premature.

Kevin Tervort returned 7:00 p.m.

Councilman Prete asked for clarification of what is required for the road improvements along 1500 West. City Engineer Arthur LeBaron stated the applicants would be responsible for installing full improvements (curb, gutter and sidewalk) on their side of the road plus a minimum of 26 feet of asphalt on all roads that they front, as in accordance with the subdivision ordinance. However, Mr. LeBaron explained there are probably some options given the terrain and the status of the pending road.

Councilman Larson said there is not currently a definition in our code that defines country road cross sections. Ms. Foran explained the subdivision ordinance (10-39) requires submission of construction drawings for improvements to a subdivision that comply with City Standards. City Standards require all roads to have curb, gutter and sidewalk. Councilman Prete questioned the consistency of curb, gutter and sidewalks throughout the community and inquired if there is any discretion to waive these requirements. Mayor Bramall explained this ordinance was approved by a prior Council and has been in effect for some time and these requirements cannot be waived. Councilman Prete added that what is being asked of them is disproportionate to the request that they are making. The cost of extending the road through lava rock, extending utilities, paving the road, adding curb, gutter and sidewalk in addition to dedicating a portion of their land where the road is located is a $150,000 - $200,000 request. He
would like to scale back what is being required of the applicants and would like additional time to examine the ordinance.

Joseph Prete made a motion to continue the application for a Preliminary Plat for Skyline Roofing single lot subdivision located at approximately 2350 South 1500 West, to further examine the ordinance and requirements. This item will be continued until the February 20, 2020 meeting. Seconded by Darin Larson. Motion approved with Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

8. Consideration and possible approval of an amendment to the Lone Rock Condominiums Development Agreement – Bruce Dickerson, applicant

Toni Foran said the City Council previously approved a Planned Development Overlay for this property as well as a Development Agreement. Applicants are requesting an amendment to that Agreement because of certain FHA requirements. The Water Department has not received required documents from the applicant and until these items are received and reviewed, Ms. Foran suggested this item be continued.

Bruce Dickerson stated this is going to be an FHA certified development. There are strict requirements that they must adhere to. Our current code requires apartments to have one connection location but condominiums require a connection for every unit. As a requirement for and maintenance of FHA standards, the water is to be provided and metered at the building and not the individual units. The HOA is required to have control of the meters as well as pay for the water usage. In addition, Brady Dushare said the developments CC&R’s don’t allow meters in the common areas. Mr. Dickerson would be willing to pay the individual impact fees in order to have one meter per building. This would require Water Conservancy District and Water Board approval. Ms. Foran reiterated this change can be made within the Development Agreement after Mr. Dickerson submits the requested documents and obtains the required approvals.

Mr. Dickerson reminded Council that final FHA approval will require the City to provide Temporary Occupancy Permits when the buildings have finished exteriors, bonded or finished landscaping and interior units have been painted. Final occupancy will not be given until it meets conventional City standards. No closing of individual units will take place until final Occupancy Permits have been issued from the City.

Kevin Tervort made a motion to continue the amendment to the Lone Rock Condominiums Development Agreement to allow additional time for applicant to submit materials requested by staff. Seconded by Dave Sanders. Motion approved with Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.
9. **Mayor and Council Reports**

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<th>Mayor/Council</th>
<th>Responsibilities</th>
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<tr>
<td>Mayor Bramall</td>
<td>Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering -</td>
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<tr>
<td>Nanette Billings</td>
<td>Parks &amp; Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council -</td>
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<tr>
<td>Darin Larson</td>
<td>Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -</td>
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<td>Joseph Prete</td>
<td>Court, Water, Recreation, Tree Board and Beautification Committee -</td>
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<td>Dave Sanders</td>
<td>Emergency Management, Streets &amp; Drainage, Prosecutor’s Office, Code Enforcement and Building and Inspections -</td>
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<tr>
<td>Kevin Tervort</td>
<td>Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District -</td>
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<tr>
<td>Clark Fawcett</td>
<td>City Administration -</td>
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**Adjournment:** 7:32 p.m.