

## Hurricane City Council Minutes – January 21, 2021

Minutes of the Hurricane City Council meeting held on January 21, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m. and electronically

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

**Also Present:** City Manager Clark Fawcett, Assistant City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, City Engineer Arthur LeBaron, Recreation Director Bryce King, City Recorder Cindy Beteag and Fire Chief Tom Kuhlman

### AGENDA

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

Dave Imlay stated there were high winds over the weekend reaching gusts of 35-42 mile an hour but it was constantly around 20 miles per hour. They didn't have any power issues. New administration wants everyone to be completely renewable energy by 2050. He mentioned different ways to achieve this. The Power Board will make a recommendation to the City Council in the near future regarding renewal energy. The new substation needs to move over seventy feet so they had to rezone just that section.

Tom Kuhlman commented the new signal has increased calls for them. They are still seeing an incline of calls for service. They were able to decrease the direct cost from tax payers by using CARES money. They have applied for 12 million dollars to help the five counties with communication.

Chief Excell reported they had rollover at the new signal on the first day it started operating. Calls are down 2% from this time last year. They are anticipating accidents next week with the upcoming snow. An officer quit in December but they are working on a new hire. He is in communication with an officer but we would have to offer a decrease in pay for them to come here. They are hoping to put in a detective position this year if they hire a lateral transfer. They are also replacing a community police officer and a school resource officer. The animal control will hold vaccine clinics starting this weekend. COVID distancing requirements will be met. Rapid COVID testing will be here on the 27<sup>th</sup> and 3<sup>rd</sup> at the Community Center. COVID is very high in the area right now. The State is getting about 33,000 vaccines a week. The Five County region gets 1800 vaccines but Washington County only gets under 1000 of the 1800. The hospital vaccines are gone so they are looking at different solutions to get vaccines in Hurricane. He is hopeful vaccines will be available at clinics and pharmacies in March.

Arthur LeBaron stated there is a new traffic signal at 2600 West. Robert Dowell with UDOT thanked the City for what they contributed to the signal. Interstate did a great job. He thanked Kendrick Rogers and the Patel's for their cooperation. There was a kickoff for the active transportation plan project. They will assemble a community in the future. He is hoping to be done by May with that project. He recommended a double chip seal for item 1. Scott Stratton has built a detention basin that will accommodate all the lots in his subdivision.

Fay Reber commented that the deed of dedication for item 3 needs to be updated with the correct language.

Stephen Nelson explained the reimbursement agreements have been reviewed but they need a couple minor changes. He recommended Council approve them subject to legal review. The reimbursement for Frog Hollow is based on land value but we don't know that value yet so it may be best to continue that

item. For item 8, Mr. Goulding would like to put one additional unit on the lot but it requires a zone change first. The Planning Commission recommended approval on Interstate Rock's zone change with a condition there is a three hundred foot buffer. The zone change on item 10 is so the Quick Quack Car Wash can have more space. This will allow Fiiz to stay onsite. He received a lot of comments for the General Plan update. All the comments have been compiled and sent to the Planning Commission. It will be reviewed next week at their meeting. The Romney Group has turned in an application for Sand Hollow Mesa. They are doing a workshop with the Planning Commission next week.

**6:00 p.m. - Call to Order –**

Pledge: Kevin Tervort                      Prayer: Joseph Prete

Retirement Presentation for Clark Fawcett

Mr. Fawcett was recognized for his thirty seven years of service and presented with a plaque thanking him for everything he has done for the City.

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

Mark Simmons lives at Peregrine Pointe. Interstate Rock is grandfathered in for light industrial but they are doing heavy industrial. They have been doing mining since 1993 with no one around them. People moved near them. If they are mining on the property, they are grandfathered in. He showed a map showing the people that are against the change. They are the most recent people that have purchased in the area. The Planning Commission recommended a three hundred buffer but he doesn't think they should be required to provide the buffer. He thinks this is a bait and switch where Perry Homes withdrew their application and now Interstate Rock is trying to fix the zoning issue and shouldn't have to provide the buffer. They have been good to the community and we need to take care of them.

Melissa Sherman sees that Interstate Rock is trying to bring their property into compliance. Doing this affects the members of the community. This will be detrimental to the neighboring properties and will affect the integrity of the existing homes. The City needs to have the resident's best interest.

Timothy Reese read a letter opposing the Interstate Rock zone change. Letter is attached. Mr. Reber read from State law regarding mining use and their ability to expand the use. A resident questioned why the City allowed residential to be built this close to the mining operation.

Mike Andrews lives in Peregrine Pointe. He sent an email prior to the meeting with a suggestion to the Planning Commission to move a portion of their production and swap land with the BLM. He spoke to Interstate Rock and they told them they had tried to do that for twenty years. He asked the City to work with the BLM to swap land with Interstate Rock. Change comes with growth. He didn't feel like the Commissioner's took into consideration the residents' comments. He asked if Interstate Rock provides the City with their 5 year plan. If so, he would like a copy of it. Mayor Bramall commented he has never seen anything provided to the City.

**OLD BUSINESS**

1. Discussion regarding **Title 4, Chapter 2 Nuisances**-Clark Fawcett

Mr. Fawcett explained staff is still working on the update but he would like the Council's input on what they want enforced.

**NEW BUSINESS**

**1. Consideration and possible approval of awarding contracts for the Hurricane City 2021 Chip Seal Project-Arthur LeBaron**

Arthur LeBaron reported the City received bids from eight contractors. The lowest bid was Western Rock Products. He recommends a double chip seal for the amount of \$304,337. Chip seal is for higher traffic roads and slurry seal is used for local streets. It is not quite double to do double seal instead of single. This project will include 400 South from 700 West to 1760 West where they will turn the corner and continue 1760 West to SR-9, 180 West from the bridge to 1300 South and then continuing up 160 West to 2050 South, Flora Tech Road from Sand Hollow Road to where it intersects 3400 West.

Kevin Tervort motioned to award the Chip Seal Project contract to Western Rock Products for the amount of \$304,337. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**2. Consideration and possible approval of awarding contracts for the Hurricane City 2021 Slurry Seal Project-Arthur LeBaron**

Five bids were received for the slurry seal project. American Pavement Preservation was the low bidder at \$136,650. The City has worked with them in the past and they did a great job. Staff recommends awarding them the bid. Crack seal is done by the City before the slurry seal is done. This project will include the streets off of 180 West, all the roads in Angell Heights, 1515 West, some in Santa Fe Hills, and in the Coronado Ridge area. Mike Vercimak explained the Streets department will go restripe the roads after this is done.

Darin Larson motioned to award the Slurry Seal Project contract to American Pavement Preservation in the amount of \$136,650. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**3. Consideration and possible approval of an acceptance for a Deed of Dedication and agreement to reimburse property owners-Arthur LeBaron**

This is for a deed of dedication that has been presented to the City for Quail Creek industrial. It provides access to the adjoining property to the west. Staff recommends accepting this deed of dedication with a few minor changes. A reimbursement has been presented by the Dennett's based on the property value but the appraisal hasn't been received yet. Staff didn't want to record the deed of dedication until the Council approved the reimbursement agreement. Reimbursement will be fair market value. Council members Larson and Prete voiced concern about approving it without knowing the dollar amount. Brett Dennett stated they paid \$40,000 to purchase the property from Jason Campbell. He mentioned the City previously told Mr. Campbell they would pay \$40,000 plus 10%. Mr. Reber quoted a clause in the agreement, *if by March 1, 2021 the City of Hurricane has not yet received said appraisal, then on that date the City of Hurricane, State of Utah, will disburse the fair market value of said land, or credit said amount, to D & G Property Holding, on future City Impact Fees.* Mr. Dennett stated they would prefer credits instead of cash.

Nanette Billings motioned to approve the reimbursement agreement with the maximum amount of \$50,000 and accept the Deed of Dedication subject to the discussed changes. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye. Dave Sanders mentioned a conflict of interest.

**4. Consideration and possible approval to move forward with 48 lots in the Hurricane Field Estates subdivision-Scott Stratton**

Scott Stratton was approved for 9 phases but the last 48 lots were held up for drainage. It has all been installed. He did improvements and installed the storm drainage on 1500 South so it doesn't have to be torn up again. The detention area is over a half an acre.

Kevin Tervort motioned to approve the 48 lots in the Hurricane Field Estates to be completed. Seconded by Nanette Billings. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**5. Appointment of new Board and Commission Members**

Penny James Garcia will be appointed to the Planning Commission as well as Dayton Hall to be moved from alternate.

Nanette Billings motioned to approve the board appointments. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**6. Consideration and possible approval of a reimbursement agreement for Frog Hollow**

Stephen Nelson stated the main issue is we are still waiting for appraisal and that could have impact on the agreement. The owner gave up a lot to accommodate this easement so the City is planning on compensating them for the cost of the lot. Lots are anywhere from \$60,000-\$90,000.

Dave Sanders motioned to approve the reimbursement agreement subject to staff and legal review. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**7. Consideration and possible approval of a reimbursement agreement for Pecan Valley**

Dave Sanders motioned to approve the reimbursement agreement subject to staff and legal review. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**8. Consideration and possible approval of a zoning map amendment request on 0.37 acres located at 228 W 200 North from RM-1, Multifamily 6 units per acre to RM-2, Multifamily 10 units per acre. Parcels H-333-B-1-A. Dace Goulding Applicant.**

Dace Goulding explained he got zoning for this in 2014 but the development agreement in the file stated they had to start work within 100 days. That didn't happen so the old zoning went back to in effect. He is now ready to reapply to put a small house on the back of the property. The access will be on the west side of the triplex. There are twenty six feet there. The home will only be about 1200 square feet. There is plenty of room to accommodate parking.

Nanette Billings motioned to approve the zone change request located at 228 W 200 North based on it is congruent with the surrounding property, services are available, and it matches the General Plan. Seconded by Joseph Prete. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**9. Consideration and possible approval of a zoning map amendment request on 320.88 acres located at approximately 3200 W and north of 600 North from M-1 Light Industrial, and RA-1**

**Residential Agriculture one acre to M-2, Heavy Industrial and M-1, Light Industrial. Parcels H-3-1-30-31021, H-3-31-431, H-4-1-25-2202, H-4-1-36-100.** Interstate Rock Products Applicant, Chase Stratton Agent

Chase Stratton explained the parcel along 600 North and the outline above on the map they provided are currently one parcel. They are proposing to break it in half and leave the front portion as it is to create a buffer. They will do the same thing to the west. They have been mining on the back parcel for the last twenty years. They believe their right is they can expand on that entire parcel but they don't need to use the entire parcel. They think leaving a buffer now is better for future residents so they know what is planned for the area. The main crushing activity happens below the cliff. They don't plan on expanding that activity to the top. They only want to be able to extract the material and process where they are already operating. Their pit is the only one in Southern Utah that meets the slurry specs for UDOT. He stated their five year plan is held by the Department of Natural Resources. They have tried to work with BLM to swap land but they received a hard no. They are open to the City's help with making that happen. They are willing to give up their grandfather rights on the property closest to 600 North. The Planning Commission recommended a buffer along the property owned by Lagom but they don't want that buffer because it would inhibit them from extracting materials on that end.

Council discussed when the mining started and when the zoning was changed. Mr. Stratton explained where they are currently operating. Explosions do take place on the upper portion. They have to follow standards for the Division of Air Quality and they are compliant with them. The three hundred foot buffer is a standard for a blasting area but Utah doesn't have a direct standard in their code. They do seismic testing before every blast. Heavy manufacturing is the only other difference between M-2 and M-1 besides mining. Kevin Tervort commented blasting anywhere is felt for a long ways because we are on a vein of basalt. There is a mechanism to notify residents when they are blasting. Mike Vercimak stated blasting permits are filed with the Hurricane Valley Fire District. He has been on numerous complaints for blasting but has not found one that had substantial proof the damage was from blasting.

Mr. Reber suggested entering into a development agreement to protect the areas that Interstate Rock stated will stay a buffer zone. Also include language that reads they commit to obey all State and Federal regulations pertaining to blasting. State law now requires language on new plats notifying new buyers that mining is in the area. Craig Stratton explained the process they have to go through to get approval with the State and the Division of Air Quality. Darin Larson feels it would be appropriate for them to notify the City when they are expanding. Mr. Stratton stated that is already monitored by the State but they can let the City know as well. The power lines are not in the rezoning area.

Mr. Stratton gave an explanation of what they do and what their future plans are. Randy Miller voiced a lot of concerns with the dust and the possibility of them moving closer to Peregrine Point. He asked why the City allowed residential that close to the mining. Mr. Reber explained development comes in and property owners have a right to develop their land. Buyer's need to do their due diligence. Ms. Billings commented safety is the biggest concern and they meet all the State's requirements.

Darin Larson motioned to approve the zone map amendment on 320.88 acres subject to a development agreement ensuring the mining use is restricted in the buffer area along 600 North. Based on it is congruent with the surrounding uses, it is in harmony with the overall character of existing use on the property, and public facilities are currently adequate to provide service to the parcels. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

- 10. Consideration and possible approval of a zoning map amendment request on 0.25 acres located at approximately 66 N 520 West from RM-3, Multifamily 15 units per acre to HC, Highway Commercial.** Parcels H-265-A and H-265-B-1-A-1-B. Brandon Adams Applicant.

Joseph Earnest was present electronically to represent the application. Adding this property will make a better car wash and allow them to keep Fiiz onsite. They will have to do new construction plans and a site plan. Darin Larson commented this will help with the traffic for the residential part.

Joseph Prete motioned to approve the zone map amendment request located at approximately 66 N 520 West based on it will better both properties and approval was recommended by staff and the Planning Commission. Seconded by Dave Sanders. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

Consideration and possible approval of a zoning map amendment on **0.40 acres located approximately 2200 W 600 North from R1-10, Residential 1 unit per 10,000 to PF, Public Facility.** Parcels H-3-1-28-3302 and H-3-1-28-3301. Hurricane City Power Applicant.

Dave Imlay explained the City acquired this property from Toquerville Enterprises to do a substation. The City needed six feet along the road so Toquerville Enterprises said they would deed it to the City if the substation was moved seventy feet to the east to accommodate a road.

Kevin Tervort motioned to approve the zone map amendment located at approximately 2200 W 600 North. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

- 11. Discussion regarding upcoming 2021 events**

Nanette Billings commented they are moving forward with the LPGA tour. They have 49 volunteers already but they need 80. Bryce King pointed out we are a major sponsor so a plan needs to be in place for everything.

Mr. King asked what direction the Council wants to go with events from now to July. State COVID guidelines need to be followed. The State does require them to submit their plan to them for review. The police department needs to be part of the discussions so they can ensure they have staff on hand. Copper Rock is planning on having concerts during the LPGA tour. Mr. King explained the process for event permits. The ordinance requires an event permit to be submitted 90 days prior to the event. There is a lot of staff involvement in the process. The City anticipates SR-7 being done by April. Joseph Prete voiced concerns with putting all the traffic on 700 West if it isn't completed. Mike Vercimak mentioned 3000 South might be torn up again for a water line so that could have an impact on traffic.

Upcoming events are baseball tournaments, Easter Car Show, Mountain Bike Festival, 4<sup>th</sup> of July, and Ironman. Mayor Bramall commented Ironman International comes down 700 West and it needs a lot of work. Chief Excell stated the race impacts a lot of people so he thinks it would be better to come down SR-7 instead of 700 West. Mr. Larson commented the benefits outweigh the negatives. He feels the City needs to do what it takes to accommodate these events. The City doesn't have enough staff to regulate traffic. Arthur LeBaron commented his favorite part of participating in this race is going through the residential areas. People come to watch this race and line the streets. Hurricane City has the least impact because we are the first City they go through. He would like to see it stay the same route.

Peach Days can be held if they can follow the State guidelines. Mr. King suggested Council member Prete sitting in on Peach Day meetings. Council agreed events are okay but they need to hold to the State guidelines.

**12. Consideration and possible approval of annual State Fraud Risk Assessment-** Kaden DeMille

This is a new requirement that started last year. The assessment mentions a hotline but Hurricane doesn't currently have one. There are no concerns from last year to this year.

Kevin Tervort motioned to approve the annual State Fraud Risk Assessment. Seconded by Darin Larson. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

*Mayor and Council reports*

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| Mayor Bramall    | Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering -  |
| Nanette Billings | Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council -  |
| Darin Larson     | Planning Commission, Economic Development, Planning Department, Power and Swimming Pool -  |
| Joseph Prete     | Court, Water, Recreation, Tree Board and Beautification Committee –He thanked Clark for his years of service and for being a great leader.   |
| Dave Sanders     | Emergency Management, Streets & Drainage, Prosecutor’s Office, Code Enforcement and Building and Inspections –He will be meeting with Mike and Arthur next week to talk about what streets need repairs. He also gave thankful remarks to Clark. |
| Kevin Tervort    | Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District -  |
| Clark Fawcett    | City Administration -  |

**Closed Session:** Joseph Prete motioned to move into a closed session. Seconded by Kevin Tervort. Motion carried with Nanette Billings, Darin Larson, Joseph Prete, Dave Sanders and Kevin Tervort voting aye.

**Adjournment: 10:47 p.m.**