

Minutes of the Hurricane City Council Special Emergency meeting held on June 23, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3 p.m.

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

Also Present: City Attorney Fay Reber, Police Chief Lynn Excell, Lieutenant Brisk, Officer Raddatz, Public Works Director Mike Vercimak, Building Official Lance Gifford, Planning Director Stephen Nelson, GIS Specialist Joe Rhodes, City Recorder Cindy Beteag and Fire Department Inspector Kevin Gildea.

AGENDA

3:00 p.m. Discussion and possible action regarding declaration of local emergency

The Utah State Fire Marshall has moved the emergency level to 4, which means 60-65% of firemen statewide are being used. Eight cities have banned private fireworks due to high fire danger. Mayor Bramall spoke to the superintendents this morning, and everyone is in favor of banning fireworks. Darin Larson asked if this is done as a proclamation, where can residents light them. Will there be a penalty? It will be a class B misdemeanor but can also require restitution. In the previous years there have been fires in the areas where fireworks have been allowed. We are six days below the driest year in 100 years. Fay Reber stated on the last whereas it should be changed from unincorporated areas to all public and private lands within Hurricane City. Dave Sanders read in the Full Fire Restrictions and Proclamation.

Mayor Bramall commented some trees are so dry it takes 1000 hours of rain and higher humidity to restore them. Fireworks will still be allowed if they are class C and get permission from the Fire District. Nanette Billings stated this is a holiday celebrating people's rights and this is restricting their rights. She suggested limiting fireworks and not ban them completely. Have one area designated area to let them off. It is difficult to talk way people's rights. She stated the Proclamation shouldn't restrict smokers to their cars either. Mr. Larson stated smoking issue isn't the problem. The Proclamation addresses where they can smoke. He questioned briquettes and prohibiting them. Kevin Gildea commented briquettes aren't the problem it is how people dispose of them. They stay heated for a week. They are allowed in a structure. Kevin Tervort stated the issue this year is we are in a drought. It is a critical drought more than anything we have seen. Fuel level is at its highest level. We are also low on firemen. We shouldn't waste water on little fires. He understands people's rights but sometimes saying no is needed. Tom Hirschi agreed we can't afford fires. A ban is the best way to go. Council discussed briquettes and where they should be allowed. Again, the problem is the disposal of the briquettes not the actual burning of them. Chief Excell stated they will work with the Fire District, and they will have more officers out to help with whatever is passed. They will do as much advertising as possible. We have message boards, UDOT will allow them to advertise on their boards, the radio station, and they can make signs to put up everywhere.

Ms. Billings pointed out if other Cities don't ban fireworks, then the residents from Hurricane will go there to light them off. Mr. Larson stated the City can encourage residents to go to the City display at the lake as the main event. Residents can park on SR-7 to watch the City firework display. Police and fire will be enforcement authorities. They will have to know who lit the firework to cite them, but they can still shut them down. There is going to be a percentage of people that don't know about the restriction, but officers will have to use their discretion on issuing citations. Ms. Billings questioned if banning them

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is the correct thing to do. She suggested still doing all the planned advertisements to warn people of the danger but not ban them. Mr. Gildea stated there will be zero tolerance for illegal fireworks. There were about twenty-seven fires last year in the legal locations of fireworks. Fay Reber echoed Chief in terms of issuing citations. The other issue is most court cases are people doing something stupid. It needs to be laid out in black and out. Chief Excell commented he would love to agree with Ms. Billings, but people don't follow the rules. If the Proclamation only says *strongly recommend not using them* then the police can't enforce anything. Ten percent of people let off fireworks outside the designated areas. Officers are ready to do whatever is approved. We need to encourage people to go to the professional firework show. Willie Billing agreed if it is not banned then the police have no teeth. Lance Gifford stated everyone in Hurricane has a right to be protected. We have to weigh it out what is the greater good.

Ms. Billings stated we could still put teeth in the proclamation but not ban them. Only allow fireworks in those designated areas and issue citations if they are not in those areas. Chief Excell pointed out the designated parks are surrounded by dry bush except one that is surrounding by residential. The City has a duty to protect the town. Fire creates its own weather. The Beryl fire spread in 30 minutes. Pam Humphries commented she doesn't read things that are as long as this Proclamation. It needs to be something simple. Mr. Sanders feels the only choice is to ban it.

Dave Sanders motioned to support Mayor Bramall's decision in declaring an emergency. Seconded by Nanette Billings. Motion carried with Darin Larson, Dave Sanders and Kevin Tervort voting aye. Nanette Billings voted nay.

Mr. Reber stated a Resolution would be better than a Proclamation. He will make the discussed changes. Darin Larson motioned to approve a Resolution declaring local emergency regarding fire restrictions subject to legal review. Seconded by Kevin Tervort. Motion carried with Darin Larson, Dave Sanders and Kevin Tervort voting aye. Nanette Billings voted nay.

Adjournment: 4:05 p.m.