

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 16, 2020 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

PRESENT: Councilmembers Nicholas Porter, Dave Everett, Ted Munford, Travis Allan and Bert Clark and Mayor Doug Hammond.

WELCOME: Mayor Doug Hammond welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Travis Allan.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Dave Everett.

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF SEPTEMBER 2, 2020, 2020: *Councilmember Travis Allan moved to approve the minutes of September 2, 2020. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Everett, Munford, Allan, Porter and Clark voting in favor.*

STORYTELLING FESTIVAL – VERNIE HEENEY: Vernie Heeney reminded the Council that there will not be a festival this year; however one storyteller will be doing two performances on September 19th at the Middle School. Masks are required and groups will be separated to comply with social distancing.

CHAMBER OF COMMERCE ANNUAL REPORT: Quinn Bennion reported that this item needs to be postponed.

REQUEST FOR APPROVAL OF A MINOR SUBDIVISION TO SUBDIVIDE PROPERTY LOCATED AT 1684 WEST HIGHWAY 40 – WESTON MOTELS: Allen Parker explained that the City received a request to split the property next to the Weston Hotel into two lots. Mr. Parker displayed a diagram of the property split and explained that the grassed area to the west will be one lot and the developed area to the east will be another lot. The Planning Commission held a public hearing and are forwarding a positive recommendation for this request. Councilmember Bert Clark stated he remembers the grassed area being a three par golf course for patrons of the motel. Allen Parker stated the applicant is working with UDOT to develop the property behind the motel and has public access onto a Vernal City street. There was some discussion regarding access to the street next to the soccer fields. *Councilmember Ted Munford moved to approve the minor subdivision for Weston Motels as presented. Councilmember Travis Allan seconded the motion.*

Quinn Bennion stated this development should have access to 800 South Street and the plat showing the lot split will not allow that. Allen Parker stated in the original concept that access was an important part of the development with traffic flow. He noted that there are irrigation facilities there which may be an issue. Councilmember Nicholas Porter asked if that issue can even go into this decision to approve the minor subdivision split. Allen Parker answered that this

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is an administrative approval and does meet all the regulations so it would not be appropriate to outright deny the request.

Councilmember Ted Munford withdrew his motion stating he would like to table this item and Councilmember Travis Allan withdrew his second.

The Council discussed the possibility of an easement or other ways to allow access. Councilmember Ted Munford suggested the staff discuss this item with the developer. *Councilmember Ted Munford moved to approve the minor subdivision for Weston Motel. Councilmember Travis Allan seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allan.....aye;
Councilmember Everett.....aye;
Councilmember Porter.....aye;
Councilmember Clark.....aye.

PUBLIC HEARINGS: REQUEST TO REZONE PROPERTY FROM R-3 RESIDENTIAL ZONE TO R-4 RESIDENTIAL ZONE AT 238 WEST 200 SOUTH, 152 SOUTH 200 WEST, 168 SOUTH 200 WEST, AND 186 SOUTH 200 WEST, VERNAL, UTAH FROM STEVE COCHRAN (MILES PROPERTY HOLDING LLC), BENJAMIN PORTER, DAVID DAVIS, DURK HALL & ELAINE HASSINGER – ORDINANCE NO. 2020-09:

Allen Parker explained the City received a request from Steve Cochran and several of the property owners to rezone an area by 200 West and 200 South from an R-3 to R-4 residential zone. The R-3 zone is a medium density residential zone while the R-4 zone allows the highest density and reduced setbacks along with business activities such as offices. Mr. Parker displayed the City map showing the properties requesting the rezone. Some of the properties actually have a split zone. This area in the general plan shows a medium density, however, there is an overlay that has a mixed use that allows exceptions so the Council can apply any zone to areas of a mixed use as long as it does not create an island. The reasoning for this overlay was to allow commercial, low and high density to a downtown core. In order to not be spot zoning the property has to be adjacent to an R-4 residential zone. Allen Parker stated after the public hearing before the Planning Commission the members of the Commission forwarded a negative recommendation. Councilmember Ted Munford asked why the property owner wants to change the zone. Mayor Doug Hammond opened the public hearing.

Steve Cochran, developer at 1897 S 120 East, stated that the main reason for this rezone request is to allow him to fix up the garage on the back of the property and split the lot into two lots creating a flag lot. The problem is the setbacks for the R-3 zone are 30 feet so there is not enough footage around the garage to convert it to a home. The setbacks for the R-4 zone are 10 feet on

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the back and five feet on the sides so the building would comply with those regulations. He stated he became aware of the neighbors' concerns that this could turn into higher density and more liability, but that is not his plan. He suggested the Council consider a development agreement. Councilmember Dave Everett asked Mr. Cochran to explain the structure that is on the property. Steve stated it is a two bay garage. Allen Parker reminded the Council that the lot split for this property was denied because of this structure as you cannot have an accessory building on a piece of land without a main dwelling. The lot split would have the home on the other lot. Councilmember Travis Allan recalled that it was a dilapidated building that needed to be taken down. Councilmember Ted Munford stated if it is changed to R-4, the City has to live with what happens in the future. He noted that the current owner has great intentions; however when it changes hands the new owners are free to do what is allowed in the zone. Councilmember Travis Allan asked what the concerns of the neighbors are. There was some discussion regarding development agreements that were approved for other rezoned properties. Allen Parker stated those agreements are hard to administer. Steve Cochran stated he would be willing to hold onto this property as a rental. Councilmember Travis Allan stated this request affects other properties, not just Mr. Cochran's. Steve Cochran stated he has purchased old buildings before and rebuilt them to be nice buildings. Councilmember Bert Clark stated the overlay is to allow retail along 100 South and 100 North and this property is farther south. He stated he would not want to extend that further south. Allen Parker agreed. Councilmember Ted Munford stated that the regulations for flag lots should be looked at to make sure they are appropriate. He noted that since the homes are not on a street, the setbacks do not seem to be that important. Allen Parker stated that the R-3 zone has the same setbacks as the R-1 zone and possibly the City should look at reducing the footage within reason. Councilmember Ted Munford asked the staff to look into different policies for flag lots. Steve Cochran stated that the main house is under contract and asked if it is possible to have a flag lot permitted and nothing done until a final decision is made. The Council indicated it would take time to change the code, if it is changed.

Mr. Derk Hall, neighbor, stated that the garage is next to his backyard and it is a garage not a living space. He stated that although he initially signed the letter to be a part of the rezone, he misunderstood what was planned, and he is not in favor of this change. Also the neighbor, Elaine, does not want to change from single family homes. He stated that this neighborhood does not need apartments. Councilmember Bert Clark clarified that he would rather see it remain as an R-3 zone. Mr. Hall answered yes, and stated it could change in the future.

Annette Daggett, neighbor, stated that her concern is what will happen in the future. She stated she does not want to end up in a situation where she is living next to an apartment complex.

There being no further public comments, Mayor Doug Hammond closed the public hearing. *Councilmember Bert Clark moved to deny this rezone request and keep the existing zone.*

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Councilmember Ted Munford seconded the motion. Councilmember Nicholas Porter disclosed that he had a conflict with this issue as his brother is one of the applicants. The motion passed with the following roll call vote:

*Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark.....aye.*

PUBLIC HEARINGS: REQUEST TO REZONE PROPERTY FROM R-2 RESIDENTIAL ZONE TO C-2 COMMERCIAL ZONE AT 410 NORTH 800 WEST & 713 WEST 500 NORTH, VERNAL, UTAH, JACOB PHILLIPS- ORDINANCE NO. 2020-10: Allen Parker explained that this request is to rezone two properties next to the mortuary property on 500 North. The current zone is R-2 residential and Mr. Phillips is asking to rezone it to commercial. The Planning Commission heard this request and is forwarding a positive recommendation. Councilmember Bert Clark asked how much property is involved in this request. Allen Parker stated it is 2.5 acres. Councilmember Bert Clark noted that there is a drain line on that property. Allen Parker stated it is on the property that is already developed. Councilmember Dave Everett asked if this is next to Uintah Basin Medical Center. Allen Parker answered yes, it is directly west. Mayor Doug Hammond opened the public hearing. There being no public comments, Mayor Doug Hammond closed the public hearing. *Councilmember Ted Munford moved to approve Ordinance No. 2020-10 as presented. Councilmember Nicholas Porter seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark.....aye.*

DISCUSSION REGARDING DOWNTOWN REVITALIZATION PLANS AND SUBMISSION TO CIB FOR PLANNING GRANT: Quinn Bennion explained that he wanted to receive the Council’s input and direction to apply for a downtown revitalization planning grant through the Community Impact Board. He explained that he met with the Chamber of Commerce director, Uintah County Tourism director, Uintah County economic development director and a County Commissioner to get their input and see if it is the right time to start a plan. Also, this project was mentioned to UDOT Region 3 planner several weeks ago, and they set aside \$100,000 for Vernal to develop a downtown revitalization plan. The items that will be looked at are economics, multi-transit, transportation, pedestrian access, etc. To

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apply for a planning grant through the CIB, there has to be a 50% match and Uintah County is willing to fund 25% which is \$15,000. The cost to the City would be \$15,000. If this plan is successful, property values will go up and downtown will be more vibrant. The City has the downtown plan that was done in 2006, but there was no implementation. Quinn Bennion stated this plan will need private investment, developers, and city and county investment. Councilmember Bert Clark stated it would be good to get with local businesses and property owners involved. Councilmember Ted Munford stated some cities have made major investments in their downtown areas like Grand Junction, Colorado with sculptures, pictures, and events to get people downtown. Councilmember Dave Everett stated people are moving to smaller areas and this will attract them downtown which creates more business and tax revenue. Quinn Bennion stated in the future the Council will need to make a decision on establishing a CDRA District to incentivize improvements. Councilmember Bert Clark questioned what area is "downtown". Quinn Bennion stated the maximum area would be 5th to 5th; however the CDRA may have to be smaller. Allen Parker agreed that having a CDRA in place is critical to attract reinvestment. Quinn Bennion stated there is a lot of potential to bring people downtown similar to the balloon festival which had 5000 to 6000 people walking around. The Council voiced their appreciation for the staff working on this project.

DISCUSSION REGARDING POSSIBLE SEWER LATERAL AND WATER SERVICE LINE WARRANTY PROGRAM: Quinn Bennion stated this item is not critical and suggested it be tabled.

ADMINISTRATIVE REPORTS:

CARES Act:

Quinn Bennion reminded the Council that the City would be receiving the second allotment of the CARES Act funds and will begin working on business grants for the community. Councilmember Clark questioned if a business got funds from round one would they be eligible for more funds. Quinn Bennion stated they will be eligible, however first priority will be those businesses that did not get any funds in round 1. Councilmember Dave Everett stated that several businesses signed up for the Shop Utah grant and have to give 50% of the funds to customers in some way. He noted that West End Cleaners is offering a discount until the 1st of November to use those funds.

Main Street Drainage:

Quinn Bennion stated the storm drain project is now underway on Main Street and will go through the middle of next year.

CLOSED SESSION: *Councilmember Dave Everett moved to go into closed session to hold a strategy session to discuss the purchase, exchange, or lease of real property, including any form of*

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a water right or water shares. Councilmember Nicholas Porter seconded the motion. The motion passed with the following roll call vote:

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark..... aye.

RECONVENE INTO OPEN SESSION AND ADJOURN: Mayor Doug Hammond declared the meeting back in open session. There being no further business; *Councilmember Bert Clark moved to adjourn. Councilmember Dave Everett seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.*