

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
MARCH 16, 2016 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

PRESENT: Mayor Sonja Norton, Councilmembers Ted Munford, Dave Everett, Bert Clark and Travis Allan. Councilmember Samantha Scott was excused.

WELCOME: Mayor Sonja Norton welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: An invocation was given by Councilmember Bert Clark.

PLEDGE OF ALLEGIANCE: The pledge of Allegiance was led by Councilmember Ted Munford.

APPROVAL OF MINUTES OF MARCH 2, 2016 REGULAR MEETING:
Councilmember Bert Clark moved to approve the minutes of March 2, 2016. Councilmember Travis Allen seconded the motion. The motion passed with Councilmembers Munford, Allen, Everett, Scott, and Clark voting in favor for a unanimous vote.

ELKS LODGE PRESENTATION: Natalie Murray, representing the Vernal Elks Lodge, explained that every year the Lodge picks an outstanding citizen who has performed great public works for the community. This year the Elks Lodge selected Glade Allred. Ms. Murray asked Mr. Allred to step to the podium and accept his award, thanking him for his work in the community. Glade Allred thanked the Elks Lodge for the honor. Mayor Norton stated that Mr. Allred had no idea this award would be presented to him tonight. She noted this award is well deserved, congratulated him on receiving this award, and thanked the Elks Lodge for recognizing his dedication. The Council also congratulated Mr. Allred and thanked the Elks Lodge for their work in the community.

INTRODUCTION OF NEW WATER TECHNICIAN, JARID ERICKSEN: Mike Davis, Water and Sewer Superintendent for the City, introduced Mr. Jarid Ericksen as a new member of the water crew. Jarid Ericksen stated he was happy to be here. The Council welcomed Mr. Ericksen to City employment.

REQUEST TO CONSIDER AMENDMENT #7 TO THE 5 YEAR AIRPORT ENGINEERING AGREEMENT WITH GDA - KELLY HARVEY: Ken Bassett explained that this amendment is for the airport runway expansion project including the earthwork for the final paving. The funding packages from the FAA are based on incremental parts of the entire project. When one part of the project is completed, then the FAA will fund the next section which requires an amendment to the contract with the engineers who have been awarded a five year contract. This amendment is specifically for the engineering work to pave the runway and aprons. Kelly Harvey, airport manager, stated this portion of the work is an \$11 million dollar project which includes a 5% local match. The engineering for this portion of the project is \$577,000, called the runway relocation project. This is an exciting phase putting into service a runway that, hopefully, will serve this area for 30 to 35 years. Ken Bassett stated the sponsor amount of \$560,527 will be paid by the Uintah Transportation District although the County owns 75%, and the City owns 25% of the airport. An agreement was signed with Uintah County to

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transfer the management of the airport to the Uintah Transportation District effective January of last year. Mayor Norton asked how long the new runway will be. Kelly Harvey stated the current runway is 6200 feet long by 150 feet wide and has a weight capacity of 55,000 pounds. The new runway will be 7100 feet long by 100 feet wide with a 100,000 pound strength to upgrade the airport to a C-2 Class. This will allow bigger aircraft to land at the airport. Mayor Norton asked how large of a plane will be allowed to land. Kelly Harvey stated 76 passenger jets will be allowed. Councilmember Bert Clark stated the diagram only shows the north/south runway expansion and asked what will happen to the east/west runway. Kelly Harvey explained that it will not be utilized as FAA does not fund non-primary runways or cross wind runways. Councilmember Everett asked how often the cross wind runway is used. Kelly answered not very often. *Councilmember Bert Clark moved to approve Amendment #7 to the GDA Engineering contract for the airport. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

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

PUBLIC HEARING: REQUEST FOR APPROVAL TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTERS 16.04, 16.20, 16.26, 16.48, 16.50, AND 16.52 – ADDING “DATA CENTER” AS A USE – ORDINANCE NO. 2016-03:

Allen Parker explained that this Ordinance amends the use tables for the commercial and industrial zones adding data centers. The current code does not have a definition for a data center, and there are a number of centers contacting the State of Utah looking for sites. He explained that data centers are facility that house a lot of servers, store data over the internet and disseminates it back out. He displayed several pictures of typical data centers. One concern is they can be noisy, so separating them from residential uses is the primary concern. This ordinance would require a 300 foot separation from existing residences, and he suggested the word “structures” be added to be more specific. Ken Bassett questioned if the 300 foot requirement should be residential development to prevent future nuisances. Allen Parker stated the first section of the regulations addresses existing housing that could be impacted immediately. The second section addresses possible future conflicts by requiring a fence along all property lines abutting a residential zone even if it is not developed yet. He explained that as he researched this issue he only found three major concerns with other communities. Councilmember Clark asked if the City should regulate the amount of green space used as a buffer. Allen Parker stated the green space is actually governed by the zone. In an industrial zone no green space is required, while in specific commercial zones there are minimum landscaping requirements. Ken Bassett asked if there is a residential subdivision that is not developed fully, yet only a fence is required based on this ordinance, can a data center locate right next to the subdivision where homes could end up being built closer than 300 feet. Allen Parker answered possibly. Mayor Norton stated it may be better to say 300 feet from the property line if next to a residential zone. Allen Parker noted that is an entire city block. There was some discussion regarding sound barriers. Mayor Norton commented that it may be necessary to require a wall around the generator to protect neighborhoods from the noise and smell. Councilmember Ted Munford voiced his concern about the additional 300 feet as it may prevent these types of businesses from locating in the community

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with the added cost of land. He wondered if there were other ways to redirect the sound other than space. Councilmember Clark stated there is technology to mitigate sound and odors that are used all over. Councilmember Ted Munford stated he would like to see what other areas that have data centers are doing. He suggested this item be tabled until more information is available. Mayor Norton opened the public hearing to receive comments on this code change. Mr. Glade Allred stated that with new requirements for diesel engines, the smell should not be much of a factor. Also, the generators may run on natural gas. As far as the noise, the best buffer, especially in the summer, is tall trees. He stated that a few years ago there were Chinese elm trees behind Smith’s Food that the City was going to remove, and the residents asked them to leave the trees as it was much quieter. Liberty Best asked what kind of information is stored at a data center. Mayor Norton stated there are many kinds of centers. Liberty asked if there was anything in the works. Allen Parker answered that only Strata has a center so far, however, it would be nice to be considered as these types of businesses store financial or corporate data and provide jobs with good salaries. There being no further comments, the hearing was closed. *Councilmember Ted Munford moved to table Ordinance No. 2016-03 for more research and ideas. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE - REPEALING SECTIONS 9.32.020, 16.24.055 AND 16.24.080, AMENDING SECTION 16.04.240 AND ADDING SECTION 16.20.350 – FENCING REGULATIONS – ORDINANCE NO. 2016-01:

Allen Parker explained that this Ordinance came before the Council before and a public hearing was held. The main purpose of this Ordinance is to gather all the regulations on fencing into one section so it is easier to find. The Planning Commission had concerns with how the code was structured which has now been corrected. Several changes were made based on input from the Council with the first change being to allow a six foot fence for a back yard even it is next to a front yard. Mayor Norton asked where that usually happens. Allen Parker stated usually corner lots. Councilmember Clark stated there are several in the community, and it is something that needs to be considered. The Council looked at several examples of a front yard next to a neighboring back yard or side yard. Mayor Norton asked how this affects the clear vision triangle. Allen Parker stated in all cases the fence cannot impact the clear vision triangle. He mentioned that some properties use the backyard to park recreation vehicles, and the fence could create a hazard for visibility in those cases. He stated the ordinance could be amended to say in all cases, any fence within any distance of a right-of-way would need to be four feet. Councilmember Clark asked what is defined as a back yard. Allen Parker stated it is the property that is all behind the home. Mayor Norton stated she did not see a problem with a six foot fence as long as there are no safety issues. Allen Parker reminded the Council that at the last meeting there was a concern regarding barbed wire fences so Section E (b) of the ordinance clarifies that this type of fencing can only be used where livestock can legally be placed. Also, if a property owner wants a fence in excess of seven feet, visibility and safety factors will be investigated under the conditional use provisions.

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Councilmember Bert Clark asked about temporary fences being up to eight feet, and wondered if the code should specify at least eight feet high. Allen Parker stated the code says up to eight feet with the purpose of not allowing over that height for a limited amount of time. Councilmember Clark noted that during swings in the economy, many projects may not be finished when expected making the fence a nuisance. Allen Parker stated the fence permit will expire at the same time as the building permit. After further discussion, *Councilmember Bert Clark moved to approve Ordinance No. 2016-01. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

MULTI-JURISDICTIONAL EMERGENCY MITIGATION PLAN PROCESS AGREEMENT:

Ken Bassett explained that this agreement, submitted to the City by Tal Ehler, Emergency Manager, incorporates all the cities in Uintah County. The advantages of a multi-jurisdictional emergency plan is to allow all the resources under different jurisdictions in the County to be used to help mitigate emergencies or disasters. This agreement is required by FEMA when a community is part of a multi-jurisdictional plan, and the entities have to agree to provide on-going updates to identify hazards that could occur in addition to those that likely would occur. An example is an earthquake. Even though there are not a lot of geographic faults in the area, there is the possibility of one happening. Councilmember Bert Clark asked if there were any fees for this agreement. Ken Bassett stated there is no cost to Vernal City, it is strictly to meet FEMA guidelines. *Councilmember Dave Everett moved to approve the Multi-jurisdictional Emergency Mitigation Plan. Councilmember Travis Allan seconded the motion. The motion passed with Councilmembers Everett, Allan, Clark and Munford voting in favor.*

REQUEST FOR APPROVAL OF UDOT SAFETY SIDEWALK AGREEMENT:

Ken Bassett reminded the Council that the City applied for a grant to construct a sidewalk on 1200 South Street, just east of Discovery Elementary to 500 West. The grant in the amount of \$193,000 was awarded to the City to make sure students have a safe walking path to and from the School. This agreement outlines the requirements of the grant including the \$14,000 matching funds from the City. The funds will come out of the Road Construction Capital Fund. *Councilmember Travis Allan moved to approve the UDOT Safety Sidewalk Agreement as presented. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Allan, Clark, Munford and Everett voting in favor.*

FY2016 BUDGET DISCUSSION – REVENUES, EXPENDITURES, AND PERSONNEL:

Ken Bassett explained that for the past several years, the City has been fortunate to have revenue exceed expenses. However, the revenue of the City is diminishing with the downturn in the economy with a projected loss of \$1.1 million dollars, or 26%. The major source of revenue is sales tax. Another revenue affected is the transient room tax which is the tax paid by visitors renting hotel rooms. With fewer rooms being occupied, that tax has dropped significantly. Several weeks ago the Department Heads were asked to look over their budgets and identify cuts they could make while still providing essential services. The departments did that, and last week even

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more cuts were made totaling \$275,120 in cuts. Mr. Bassett asked the Council to consider moving funds set aside for capital projects to the general fund to cover the shortfall in revenue to balance the budget. He suggested moving \$250,000 from the Parking Lot fund, \$200,000 from the Green Space fund and \$100,000 from the Emergency Preparedness Fund. The week of March 28th the Council Committees will meet to go over the budget and recommend adjustments, or level of services being provided. During a tough economy, usually the first thing that gets cut from the budget is capital projects and training. However, it takes skilled employees to run the City. Mayor Sonja Norton stated she appreciates the efforts made to tighten the budget and make cut where they can. Councilmember Clark mentioned that possibly training can be done through telecommunications instead of in-person. Chief Dylan Rooks stated his department has been using on-line training for a while now. Mike Davis, Water and Sewer Superintendent, explained that the City is required by the State to have certified operators and in order to maintain that certification the employees must attend training that is not available on-line. Councilmember Bert Clark noted that the revenue for the utility funds comes from user fees rather than taxes. Mike Davis stated that with people moving out of the area, those fees are also declining. Glade Allred, Street Superintendent, stated that he appreciates the support of the Council during good times to replace old equipment. He agreed that training is important to keep employees trained for their protection and the safety of the public. Councilmember Bert Clark applauded the staff for keeping the equipment in good condition as it could be a long time before it can be replaced. Ken Bassett voiced his appreciation of the Finance Director, Mike Davis, who has kept him informed of budget issues. The unappropriated fund balance cannot exceed 25%. Once the revenue starts to drop, the surplus amount must also drop so that amount has been reduced by \$286,000 which also helps balance the budget. Mike Davis asked the Council to look at their schedules to set up Council Committee meetings to go over the budget reopener. After discussion, the Public Safety Committee meeting was scheduled for March 23rd at 11:00 am, the Public Works Committee Meeting was scheduled for March 28th at 4 pm, and the Administrative Committee meeting was scheduled for March 28th at 8:15 am.

ADJOURN: There being no further business, Councilmember Dave Everett moved to adjourn. Councilmember Ted Munford seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.

Mayor Sonja Norton

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)