

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
AUGUST 4, 2010 at 7:00 p.m. in the Vernal City Council room, 447 East Main, Vernal,
Utah 84078.

PRESENT: Councilmembers Ted Munford, JoAnn Cowan, Cal Dee Reynolds and Bert Clark and Mayor Gary Showalter. Councilmember Sonja Norton was excused.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Ted Munford.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Cal Dee Reynolds.

APPROVAL OF CITY COUNCIL MINUTES OF JULY 21, 2010: Councilmember Reynolds moved to approve the minutes of July 21, 2010. Councilmember Cowan seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, and Clark voting in favor.

3 ON 3 SOCCER TOURNAMENT REPORT: Lynaun Mortinsen explained that the soccer tournament included over 200 athletes participating in 82 games. The cost for the tournament was approximately \$5000 and the majority of the funds were spent in the Uintah Basin. Since this was the first year for this event, the organizers learned a few things such as needing to start earlier and allow on-line registration to increase the number of participants. Mrs. Mortinsen indicated that they have financial support for the next year. Councilmember Cowan asked if they received any comments from the people that traveled here for this event that they would be willing to come back. Lynaun Mortinsen stated that many of the participants from out of the area were originally from here and wanted a chance to return. In the future, they hope to draw people from neighboring states. Mayor Gary Showalter complimented them on keeping the spending local. Councilmember Clark asked Mrs. Mortinsen to explain how the Recreation District helped with this event. Lynaun Mortinsen stated that the Recreation District waived the fee for the field rental, prepared the fields so they were in good shape and helped with advertising. The Mayor and Council thanked Mrs. Mortinsen for the report.

STORY TELLING FESTIVAL SPONSORSHIP REQUEST: Lori Olmstead explained that the Indian Summer Story Telling Festival is scheduled for September 23rd and 24th and will include three storytellers this year. The programming has been changed to include a bedtime storytelling event for children and a dinner theater event for adults. Also, the event on Friday night will be free with the hope of getting the whole community excited about storytelling. Councilmember Reynolds noted that in the past there have been more storytellers. Lori Olmstead agreed and stated that they decided not to bring in smaller regional storytellers this year because of the cost. When this event was first started, it was hoped that regional storytellers would bring visitors from the Wasatch Front, but that did not happen. Now the intent is to get the local community behind this event and then expand. Councilmember Ted Munford asked what funding amount is being requested from the City. Lori Olmstead stated that they need help paying for the storytellers and the cost for one entertainer is \$2000 plus their travel. Councilmember Clark stated that the pamphlet requests no children under 5.

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Lori Olmstead stated that is for the Friday evening event only. She explained that the bedtime story telling event is for the younger children. There was some discussion regarding the age limit. Mayor Showalter noted that when City funds are used, the hope is to attract visitors from out of the area. Lori Olmstead explained that although this event is not currently geared toward bringing in a lot of people from outside the area, it does enrich the community with a diversified type of entertainment. Councilmember Munford asked if there has been any growth for this event. Lori Olmstead stated that it has not grown the way they would like, and the hope is with the free night, the community will be more involved. Councilmember Cowan explained that any money generated from this event goes to the literacy program and reading material for the kindergarten classes. After further discussion, Councilmember JoAnn Cowan moved to sponsor the Indian Summer Storytelling Event with a \$1000 contribution. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

Councilmember Cowan aye;
Councilmember Clark..... aye;
Councilmember Reynolds..... aye;
Councilmember Munford..... aye.

PUBLIC HEARING: REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, PLANNING & ZONING: ORDINANCE 2010-15 – CHAPTER 16.58 – SUBDIVISIONS:

Allen Parker explained that the Planning Commission is recommending that the subdivision section of the code be amended. The first section deletes the requirement to dedicate land to the City for a minor subdivision where a property owner is simply dividing land into no more than four parcels, with no new frontage. The next section amends the amount of required escrow funds when a subdivision is being proposed. As the subdivision is developed and the process drags on, the costs go up. Therefore, the amount needed to complete the subdivision needs to be sufficient to protect the City. Also, a subdivision can be delayed for up to two years, and the Planning Commission is recommending that time limit be changed to one year. Councilmember Cowan asked when the year begins. Allen Parker stated that it is from the date that the final plat is recorded with the County. Councilmember Cowan asked if increasing the escrow amount would hurt development efforts in the City. Allen Parker stated that the developers may complain about the amount, but if it is a financially viable project, they will want to develop anyway. If the developer's margins are tight, they may abandon the project or build elsewhere. Councilmember Clark stated that if they have a lot of money tied up in the escrow, they will want to finish quickly to get their money back. Councilmember Cowan stated that if the economy turns around and there is a big resistance to the escrow amount, the City may need to reconsider this issue. Councilmember Ted Munford asked what the average escrow requirement is throughout the state. Allen Parker stated it is around 130% of the estimated infrastructure improvements. He noted that a developer also has the option of using the bonding process or a letter of credit to cover the infrastructure costs. Mayor Showalter asked what the escrow requirement is for Uintah County. Allen Parker stated that their requirement is 110% and Naples City also requires 110%. The amount for Vernal City, if this ordinance is adopted, will change to 150%. Mayor Showalter suggested that if a significant project is submitted and this amount is a stumbling block, the Council can readdress the issue. Allen Parker

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stated that one reason the time limit was changed was because of the weather. Many times a developer does not have enough time to install the improvements before the winter weather sets in. Also, after a subdivision is finished, 30% of the escrow amount will be kept in the escrow account until the two year warranty is up, the improvements are inspected, and are up to City standards. Mr. Parker explained that the next section deals with the problems of someone buying lots in a development and wanting to occupy a residence before all the infrastructure is completed. The new ordinance will require a document be recorded with the plat notifying any potential buyers that they will not be able to occupy a home until the entire subdivision infrastructure is completed. Councilmember Clark stated that “the phase” of the subdivision needs to be included. Allen Parker agreed. He stated that instead of not issuing a certificate of occupancy until the subdivision is completed, the City will not issue any building permits until the infrastructure is completed. Councilmember Clark stated that many times the sidewalk ends up being damaged when the homes are built if they are put in before the homes are built. Allen Parker stated that would be the responsibility of the developer to monitor the sub-contractors. He mentioned that there is one exception to issuing a building permit before all the subdivision infrastructure is installed, if there is a lot where all the infrastructure is in place and working and the lot fronts a city street, the building department can issue a building permit. Allen Parker stated that the last section of the ordinance pertains to a road in a subdivision that is not directly connected to another roadway, but it is necessary for future roads and development. Mayor Gary Showalter asked for public comments regarding this ordinance. Marcie Young stated that there may be disgruntled developers because of the escrow requirement. There were no further public comments received.

Councilmember JoAnn Cowan moved to approve Ordinance No. 2010-15. Councilmember Clark asked about adding the working for a “phased subdivision”. Councilmember Cowan amended her motion to approve Ordinance No. 2010-15 with the additional wording for phasing of the subdivision. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

- Councilmember Cowan aye;
- Councilmember Clark..... aye;
- Councilmember Reynolds..... aye;
- Councilmember Munford..... aye.

PUBLIC HEARING: REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, PLANNING & ZONING: ORDINANCE 2010-16 – CHAPTER 16.25 –

PARKING REGULATIONS: Allen Parker explained that the Council recently added a requirement for larger apartment complexes to have designated parking for recreational vehicles. Now the City has received a request to waive that parking requirement for the lower income housing development being constructed by Neighborhood Housing. The cost to add the additional parking spaces for recreational vehicles would be \$70,000. Ken Bassett explained that Kim Datwyler, the director of Neighborhood Housing, is willing to sign a development agreement restricting the tenants to parking passenger vehicles only at the complex. Ordinance No. 2010-16 allows this type of waiver with a development agreement for housing being built by a government agency for special

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housing. Allen Parker stated that the Planning Commission has forwarded a positive recommendation for this ordinance. Councilmember Cowan stated that there are two additional lots not included in the development that could be used for parking. Councilmember Reynolds stated that if the tenants know the rules before they move in, there should not be a problem with the parking. Marcie Young explained that this complex will have a different rent structure based on the tenants income, and in other complexes for low income, there does not seem to be a problem with tenants following the rules outlined in their lease. Mayor Showalter opened the public hearing for comments. Councilmember Clark asked what would happen if they have family visiting with an RV. Marcie Young stated that they will have to park the RV somewhere else before visiting. Councilmember Clark stated that there are other complexes where the parking is so limited that the tenants are parking on City streets, and this cause problems in that neighborhood. There were no additional public comments. Councilmember Bert Clark moved to approve Ordinance No. 2010-16. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:

Councilmember Cowan aye;
Councilmember Clark..... aye;
Councilmember Reynolds..... aye;
Councilmember Munford..... aye.

APPROVAL OF LANDSCAPING MAINTENANCE PROPOSAL FOR 2000 WEST STREET: Ken Bassett explained that during a joint meeting with the Uintah County Commissioners, the maintenance of the landscaping strips along the extension of Main Street and the new 2000 West Street from 500 North to 500 South was discussed. The consensus from that meeting was to have Vernal City facilitate the maintenance contract along those roadways where the property is owned by Vernal City, Uintah County and in some areas, Utah State University. Proposals were received from several vendors with the lowest bid being submitted by Red Mountain Landscaping. References were checked for this company, including Uintah Basin Assistance Council, who are pleased with their work. Further, Ken explained that he spoke with Darlene Burns, Uintah County Commissioner, and Rob Behunin from USU, and they are willing to accept the proposal of Red Mountain Landscaping. Councilmember Cowan stated that the mowing will only include to the outside edge of the sidewalk, and in some areas the weeds extend further back. There was some discussion regarding the weed problem. Ken Bassett explained the approximate cost breakdown for this work: Uintah County will pay 53%, USU 27% and Vernal City 20%. He recommended the Council accept the proposal of Red Mountain Landscaping. Councilmember Clark asked what the length of time would be to mow the strips. Ken Bassett explained that the lawn area will be mowed through September or maybe October depending on the weather. Councilmember Bert Clark moved to accept the proposal of Red Mountain Landscaping as proposed by Mr. Matt Massey. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

Councilmember Cowan aye;
Councilmember Clark..... aye;
Councilmember Reynolds..... aye;

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Councilmember Munford..... aye.

RECOMMENDATION FOR APPOINTMENT TO UINTAH BASIN ASSISTANCE COUNCIL FOR SELECTION COMMITTEE: Ken Bassett explained that the Uintah Basin Assistance Council would like the City to appoint members to the selection committee for the Crown Homes project being built in Vernal City. Marcie Young, representing Uintah Basin Assistance Council, explained that the Crown Home project is approximately 45 days from completion, and a selection committee is needed to evaluate possible owners for these homes. She explained that Utah Housing funded this project, and those funds rotate to different communities in the area each year. The program allows families to enter a rent-to-own lease for fifteen years and then they purchase the home at a reduced cost. Councilmember Clark asked if there is any reimbursement if the tenant moves out before the 15 year period is up. Marcie Young explained that a percentage of their rental payment is set aside in a reserve fund for the final purchase and they can receive that money back, plus the cost of any improvements they have made to the home if they move. If the tenant stays with the program, they have the opportunity to own a nice home. Councilmember Reynolds stated that the homes are also periodically inspected to make sure they stay in good shape. Marcie Young stated that the Uintah Basin is at a 90% rate for tenants remaining with the project which is an exceptional rate. She asked the Mayor to appoint two members for the selection committee. Councilmember Cowan recommended the Council consider Alicia Gowen, the Victim Advocate Director, and Barbara Thorne, who is an employee of Basin Medical Clinic. Marcie Young disclosed that she is related to Alicia Gowen, but the project manager is Ashley Watson. Councilmember Cowan stated she did not see a conflict as the selection committee is not involved in the day-to-day operations of the Assistance Council. After further discussion, the consensus of the Council was to accept the recommendation from Councilmember Cowan and have Alicia Gowen and Barbara Thorne serve on the Uintah Basin Assistance Council selection committee.

RECOMMENDATION FOR APPOINTMENT TO PLANNING COMMISSION: Allen Parker explained that there are five potential appointees for the two vacant seats on the Planning Commission. He stated that he spoke with Chrissy Knibbe who has voiced interest in serving either on the Planning Commission or the Board of Adjustment. Also, Mr. Redden is aware of the responsibilities if he is asked to serve on the Planning Commission. Further, Allen stated that he has not been able to speak with Mr. George Bingham yet, however, he has served in the past. Mayor Showalter stated that the other two candidates, Ken Latham and Kathleen Gray are very capable. Mr. Latham is retired and Kathleen Gray works for Zion’s Bank. Councilmember Reynolds mentioned that Mr. Bingham is a former building contractor and would be very good in this capacity. After further discussion, Councilmember Clark moved to appoint Kathleen Gray as a regular member of the Planning Commission and George Bingham as an alternate. Councilmember Munford seconded the motion. The motion passed with Councilmembers Clark, Munford and Reynolds voting in favor for a majority vote. Councilmember Cowan was not present for the vote.

REQUEST FOR APPROVAL OF REVISED CHANGE ORDER REQUEST #72 FOR THE CITY MUNICIPAL BUILDING: Ken Bassett explained that he is bringing this change order

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request to the attention of the Council because it exceeds \$2000. This increase in the cost of the City municipal building project is associated with the drive entrances coming off Main Street on the west for the City office building and Basin Auto. The entrance to the City office was originally designed to be 28 feet, but it was decided to increase the width to make it easier for larger vehicles to get in and out. The entrance will now be 34 feet wide with 6 foot flares. In addition, the east drive entrance for Basin Auto encroaches onto City property and was shortened to accommodate curb and gutter. In an effort to remedy the shortened drive entrance, their west entrance will be extended. The total cost for these changes will be \$8248.14 with 90% of the cost being associated with the City entrance. Mayor Showalter noted that the width had to be approved by UDOT. Councilmember Bert Clark moved to accept Change Order Request #72 in the amount of \$8248.14. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

Councilmember Cowan aye;
Councilmember Clark..... aye;
Councilmember Reynolds..... aye;
Councilmember Munford..... aye.

CONVENE INTO CLOSED SESSION: Councilmember JoAnn Cowan moved to convene into closed session for the purpose of discussing the character, professional competence, physical or mental health of an individual and to hold a strategy session to discuss pending or imminent litigation. Councilmember Munford seconded the motion. The motion passed with the following roll call vote:

Councilmember Clark..... aye;
Councilmember Reynolds..... aye;
Councilmember Cowan aye;
Councilmember Munford aye.

RECONVENE INTO OPEN SESSION: Mayor Showalter declared the meeting back in open session.

SELECTION OF CITY PROSECUTING ATTORNEY: Councilmember Cowan moved to contract with the law firm of Allred, Brotherson and Harrington to provide prosecuting attorney services for the City for a two year period at a cost of \$5500 a month with Mike Harrington being the chief prosecutor. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

Councilmember Cowan aye;
Councilmember Clark..... aye;
Councilmember Reynolds..... aye;
Councilmember Munford..... aye.

ADMINISTRATIVE REPORT:

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Utah League of Cities and Towns:

Ken Bassett reminded the Council that the Utah League of Cities and Towns fall conference is scheduled for September 15th through the 17th.

T-Rex Dinosaur Costs:

Mayor Showalter explained that he has heard comments about the amount of time and money it takes the City crew to take care of the green dinosaur. Councilmember Reynolds stated that he receives comments on how much the community likes the dinosaur costumes. Ken Bassett stated that he will get a breakdown of the costs for the Council to review. Councilmember Cowan suggested a T-rex calendar be developed to help offset the costs. Councilmember Clark agreed with Councilmember Reynolds that tourists also love the dinosaur along with the flowers. It was suggested that this item be discussed at the next meeting after the cost breakdown is received.

Intersection painting:

Councilmember Cowan explained that the High school students would like to paint a big red "U" in the intersections to show their school spirit and asked if the police department could help with traffic control.

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

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)