

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
OCTOBER 20, 2010 at 7:00 p.m. in the Vernal City Council room, 447 East Main,  
Vernal, Utah 84078.

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

**WELCOME:** Mayor Showalter welcomed everyone to the meeting and explained that Councilmember Clark was attending another meeting. He expressed his condolences to JoAnn Cowan on the loss of her brother. He noted that a new resident of the community, Jeri Politte, is interested in volunteering her services and becoming involved in public service.

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

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Gary Showalter.

**APPROVAL OF CITY COUNCIL MINUTES OF OCTOBER 6, 2010 REGULAR MEETING AND SPECIAL MEETING:** Councilmember Reynolds stated that they did not have a quorum of the Councilmembers who attended those meetings. Councilmember Norton noted that according to City code, if there are no changes, the minutes are deemed approved at the next regular meeting. Therefore both sets of minutes for October 6, 2010 stand approved.

**CONTINUATION OF PUBLIC HEARING: REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, PLANNING & ZONING CHAPTER 16.26 – OFF-STREET PARKING AND VEHICLE ACCESS STANDARDS – ORDINANCE NO. 2010-18:**

Allen Parker explained that the first of two ordinances is being forwarded from the Planning Commission for consideration to revise the parking requirements for commercial uses. He stated that the Council asked the Planning Commission to look at adjusting the number of spaces required as well as reviewing the downtown parking issue and fee in-lieu of parking which will be included in the next ordinance. A table showing the number of spaces required for different types of businesses, were presented for review in Section 1 of the ordinance. Allen explained that the Planning Commission reviewed this table, in detail, and drafted the changes shown. Allen Parker explained some of the major changes are as follows:

Churches and accessory uses - The square footage requirement was lowered to one parking space for every 75 square feet because there could be areas where there is no fixed seating, and the Commission felt this was a more appropriate way to address the parking. This same requirement was used for mortuaries and assembly uses.

Food and beverage establishments - The Planning Commission recommended having one parking space for each 4 seats or one for each 75 square feet, with a minimum of 4 spaces. Their opinion was that if there is simply a sandwich counter, there would be no reason to require a minimum of 15 parking spaces.

Retail uses - The Planning Commission separated the types of retail establishments even further recognizing that businesses have different inventory requirements and uses for their floor space. For example, a furniture and appliance stores needs more inventory area than other types of businesses. The recommendation is to leave the parking requirement the same for large inventory type uses, and lower the parking spaces required for other uses.

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Ken Bassett explained that when Mr. DeArmon Batty was before the Council regarding the fee in-lieu of parking issue, he brought up a good point that the furniture store did not need as many spaces as the City is requiring, and based on observation, that number does seem to be excessive. He asked why the Planning Commission did not recommend changing this requirement. Councilmember Sonja Norton stated that the Planning Commission members had a hard time grasping the actual sizes and what is typical. Ken Bassett suggested the Council consider the size of the stores and an average number of patrons needing parking. The Council discussed the differences in the local furniture stores and if the amount of parking spaces seemed adequate. Mayor Showalter pointed out that the employees also have to park, many times in the same area as customers. He asked if there is any analysis of businesses, such as what is needed for the local banks. Allen Parker stated he did not have an accurate count of parking spaces and how many cars are at these businesses on a daily basis. Mayor Showalter stated that possibly more research is needed to be realistic with the number of spaces required. Councilmember Norton agreed that a random selection in each category could be evaluated on their parking needs. Mayor Showalter stated that this is a complex issue and once the ordinance is in place, how will it be enforced. Allen Parker stated that every city that he researched used the square footage approach to structure the parking regulations, and these are only minimum standards. Mayor Showalter noted that the downtown parking is in a precarious position with the recent challenges associated with Star Investment who owns a large parking lot serving downtown. Allen Parker explained that as the Planning Commission reviewed each type of use, they took into consideration if there is a compelling reason to change the requirement for new construction. Ken Bassett noted that this parking space table is for new construction and uses, and the downtown parking is a separate issue. He explained that if a building is not part of a strip mall and the use changes, such as going from retail to a restaurant, they would also have to comply. Those are the two times this ordinance would take effect on uses.

Allen Parker stated that this ordinance would also change that requirement under Section 16.26.220 – Parking space requirements for existing buildings – with the wording change noted in the ordinance. He noted that any businesses that made application to the City after the review of the parking requirements must comply with the new regulations. Councilmember Cal Dee Reynolds stated that it is unreasonable to require the furniture store to have 46 parking spaces. Mayor Showalter agreed that the one space for every 400 square feet for a furniture store was excessive, however, parking spaces are needed for employees. Councilmember Cowan agreed that for medical and dental offices, it would be more logical to require parking based on the number of exam rooms and employees. Councilmember Munford agreed that the number of spaces should be based on the type of business and the standard needs to be aligned with what is needed. Allen Parker explained that the current code requires 1 parking space for every 400 square feet of floor space for a furniture store so the proposal from Marsen Furniture would require them to have 46 spaces. If the Council doubled the floor space to 800 square feet, they would be required to have 23 spaces, or if the requirement was changed to 600 square feet, the number of spaces would change to 34. Councilmember Norton agreed that businesses with a high number of employees should be required to provide parking not only based on square footage, but also space for their employees. Ken Bassett suggested the Council look at model ordinances, based on experience from other communities, and get an idea of what the basic standard should be. This option will take more research for the staff, but will provide more meaningful numbers for consideration to mold the requirements to fit the City. Mayor Showalter agreed. Allen Parker stated that he did look at several

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communities, including Ogden and Logan, before the Planning Commission met. Allen Parker asked for clarification. Mayor Showalter stated that, for example, he could review the parking for the three banks and a few food establishments, including square footage and parking spaces, and compare the amount of traffic to come up with a standard. Also, the economy has a major affect on the parking needs, so the standard should be set during a leveling off for the oil industry. Mayor Showalter then opened the public hearing for comments.

Allan Mashburn, resident on Robin Wood Lane, noted that he owns the book store at 87 West Main. He asked the Council to review Section 16.26.220 which refers to existing buildings, and stated that as noted by the Mayor, there is not adequate parking in the down town area. Mr. Mashburn explained that with the current ordinance it is difficult, if not impossible, to open new businesses downtown, including a bakery or sandwich shop. He stated this is a detriment to downtown merchants who want to do something new and different in an existing building. In many cities, especially in the older sections, there is no dedicated parking. If Section 16.26.220 is changed as proposed, it will allow new uses. He stated that he appreciates the Council's caution on this issue, however, asked them to consider changing that section immediately. Mayor Showalter stated that he has noticed that smaller towns seem to have a central parking area.

Allan Mashburn stated that even if he had parking right next to his business, he would still need a certain number of dedicated spaces specifically for his sandwich shop.

Councilmember Ted Munford agreed that as a downtown merchant he understood how valuable it is to have existing parking. However, he voiced his concern that if an existing building changes from a small traffic use to a larger use, this section of the code could be abused slightly. Mayor Showalter explained that the owner of the property behind Zion's Bank may close it off to public parking, or charge the businesses for parking which will cause an extreme parking problem downtown. Councilmember Sonja Norton voiced her concern over approving that section. She noted that it will affect the entire City and there could be businesses without adequate parking in areas other than downtown. Ken Bassett stated that for the furniture store, if they enlarged the existing building, this section should only pertain to the new construction, or they can pay the in-lieu of parking fee.

Malia Bascom, representing the radio station, asked if the Planning Commission could look at this issue on a case-by-case basis instead of using a blanket approach that might not fit. She stated that the City needs standards that are flexible.

Ken Bassett stated the problem with that approach is the City needs to be consistent and that it will be forgotten what was done 3 years ago. He cautioned the Council to be careful and not be arbitrary and capricious. Mayor Showalter agreed that although downtown seems to have the most problems with parking, there are many areas that do not have any public parking. Councilmember Cowan stated that it would make sense to have different parking standards for downtown than other commercial areas of the City to remain business friendly. Councilmember Munford agreed, noting that downtown is landlocked. Mayor Showalter reminded the Council that the back parking area for an entire block is owned by one individual who has the right to close it off. Also, with the decision from the court on the parking issue, the City needs to fulfill what they agreed to. Councilmember Cowan suggested the Council consider holding a special work meeting to go over parking issues.

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Councilmember Norton explained that the Planning Commission held a special meeting for this ordinance and plans on continuing to make recommendations on parking. Mayor Showalter voiced his opinion that this issue needs more thought. Ken Bassett stated that Section 16.26.220 would be a fairly significant change completely eliminating the requirement for more parking for existing buildings if only the use is changed. Mayor Showalter insisted that a central multiple parking lot is needed. He stated that patrons of downtown shops and restaurants cannot find parking. Ken Bassett stated that there is parking within two blocks.

Allan Mashburn asked the Council to consider the fact that the current ordinance does not allow a sandwich shop downtown even if there is public parking which does happen to be available within 350 feet of his front door. He stated he understands it will be his gamble. There were no further public comments. Councilmember Munford stated that he likes the idea of centralized parking, however it will take more time to sort it out.

*Councilmember Munford moved to approve Ordinance 2010-18, changing code section 16.26.220 only. Councilmember Cal Dee Reynolds seconded the motion.*

Councilmember Sonja Norton asked what will happen with the in-lieu of parking fee. Allen Parker stated that will be addressed in the next ordinance. Ken Bassett suggested that in the last sentence of that section, it be clarified that a business must provide spaces for any enlargement or new footage. Mayor Showalter insisted that the Council complete what was required by the court. The Council acknowledged that changing this section of the code will benefit many businesses. Mayor Showalter went on record opposing this change stating that there is only so much area for parking and without more parking, there will only be a certain amount of patrons. Councilmember Cowan stated that shoppers may have to walk as there is not a parking terrace available. Mayor Showalter stated that the City could purchase an existing building for parking. Councilmember Munford stated he would rather encourage business growth and as the need grows, then more parking options can be considered. After further discussion, *Councilmember Ted Munford amended his motion to approve Ordinance 2010-18, changing code section 16.26.220 with the minor wording changes recommended by the staff and taking out the in-lieu of parking wording.* Ken Bassett stated that if additional parking is not required for changes in use, only for new construction, then the in-lieu of parking fee is moot. *Councilmember Munford agreed and again amended his motion to approve Ordinance 2010-18, changing code section 16.26.220 with the minor wording changes recommended by the staff. Councilmember Cal Dee Reynolds agreed to second the amended motion.*

There was some discussion as to what types of businesses may move into downtown and allowing the free enterprise system. The motion passed with the following roll call vote:

- Councilmember Munford.....aye;*
- Councilmember Norton.....aye;*
- Councilmember Reynolds .....aye;*
- Councilmember Cowan .....aye.*

**Request for Approval of a Minor Subdivision for Ashley Valley Funeral Home / Phillips at 410 North 800 West:** Allen Parker explained that the City received a request to split the property at 410 North 800 West and 713 West 500 North. The staff has reviewed the request and the lots are in

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compliance with City code. Councilmember Cowan asked if there are any plans for the lots. Allen Parker stated that lot #1 will be used for the funeral home business, and lot #2 will remain vacant for now. *Councilmember JoAnn Cowan moved to approve the minor subdivision for Ashley Valley Funeral home. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Cowan, Norton, Reynolds and Munford voting in favor for a unanimous vote.*

**Request for Approval of Change Order for Silver Spurs Construction Contract:** Ken Bassett explained that Silver Spur Construction is the contractor that is doing the storm water and sewer project along 500 South Street for the City and the Sewer Management Board. As the work progressed from Highway 40 to the golf course, almost the entire road surface had to be dug up so it was determined that the entire roadway needed to be repaved. This cost for the pavement will be split between the City and the Sewer Management Board. Also, there were two water line breaks which the contractor had to stabilize. The cost for the added asphalt and the line repair is \$159,000. Approximately \$65,000 of this cost will be paid by the Sewer Management Board and the remaining cost will be paid by the funds from the Community Impact Board. It was noted that the paving on 500 South from Highway 40 to Vernal Avenue will be done by the Uintah Transportation District. *Councilmember Sonja Norton moved to approve the change order for Silver Spurs Construction in the amount of \$159,180. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Cowan, Norton, Reynolds and Munford voting in favor for a unanimous vote.*

**Additional Equipment Purchase for New City Hall Complex:** Ken Bassett explained that the City departments reviewed their equipment needs to efficiently work in the new building and came up with a list of necessary new equipment. The Facilities Committee took the opportunity to review the equipment needs being recommended and decided to bring the larger items to the attention of the Council. Allen Parker explained that he is requesting to purchase a large format scanner device to allow large plans to be scanned into the computer system and kept as an electronic copy and also use as a photocopier. The price for the scanner is only good through the end of October. GJ Searle explained that a data storage system is needed for redundancy and resiliency of the City IT systems. This will allow recovery of data if a disaster were to happen. The number one item needed is a centralized storage module in the building and a recovery system stored off site. There is a Utah State contract for this type of equipment, but he will check pricing with other vendors. Councilmember JoAnn Cowan asked where the secondary location will be. GJ Searle stated that is the question, with the recommendation being to go outside our own power grid. Councilmember Ted Munford complimented GJ for his research on this issue. After further discussion, *Councilmember Sonja Norton moved to continue forward to purchase this equipment with more precise information being brought back to the Council for final approval. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember Norton.....aye;*
- Councilmember Reynolds .....aye;*
- Councilmember Cowan .....aye.*

Councilmember Sonja Norton asked for clarification of Mr. Parker’s request. After discussion, it was determined to approve the format scanner after seeking the best prices for the purchase.

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Danny Anderson explained that he would like the Council to consider purchasing equipment for snow removal in the new parking lot and a man lift for maintenance work inside the building. Certain areas of the building, such as the stairwells and community room will need some type of lift to repair lighting or the ceiling areas. The parking lot is more than double in size and the equipment being used now is not maneuverable enough to efficiently remove the snow in the new lot. He proposed a small track loader be purchased to remove snow and clean the parking lot. He noted that without question this type of equipment is the most efficient and versatile. The approximate cost for a track loader is \$60,000 to \$70,000 dollars. Councilmember Norton asked if the track will damage the surface of the parking lot. Danny Anderson stated that the track is actually rubber which is easy on the parking lots, over the curb, and landscaping, and puts the lowest ground pressure out of all the equipment available. Councilmember Munford asked what would be the second best option. Danny Anderson stated there is a loader without the track. There was some discussion regarding a truck with a blade or a 4-wheeler. Councilmember Munford voiced his concern on the cost. Danny Anderson explained that the equipment may be cheaper, but it would take twice as much time for the employees to remove the snow. Ken Bassett explained that the funding would come from the Community Impact Board grant. He explained that the CIB staff will have to approve the purchases, and they may ask if this equipment will really be just for the building. Also, the intent was to purchase art work for the new building, and the CIB staff has indicated that type of expenditure would be questioned. Councilmember Cal Dee Reynolds stated that Danny has worked with all kinds of equipment and needs what is adequate for the job. *Councilmember Sonja Norton moved to request bids for the loader if the Community Impact Board staff approves using the facility funds for the purchase. Councilmember JoAnn Cowan seconded the motion. The motion passed with a unanimous vote with Councilmembers Norton, Cowan, Munford and Reynolds voting in favor.*

Danny Anderson stated that he is still researching what type of lift would work best in the building. Several agencies have different lifts that they are willing to demonstrate. The cost is estimated to be between \$8000 - \$10,000. *Councilmember Cowan moved to have the staff continue to search for an appropriate lift. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Reynolds, Munford and Norton voting in favor.*

**Request for Approval of the Magic Man Contract for Holly Days:** Ken Bassett explained that this contract is for the entertainer to perform three 90 minute shows the evening of Holly Days. Councilmember Sonja Norton asked if these contracts are included in the budget. Ken Bassett stated that the City receives approximately \$20,000 in sponsorships and the remainder of the costs comes from the general fund. Councilmember JoAnn Cowan asked for a financial report on Holly Days after the first of the year including manpower. Ken Bassett stated that the cost for this contract is \$1835. Councilmember Cowan asked if there is any way to know how many people attend. Ken Bassett stated that there is no entrance fee with the events happening in different areas. *Councilmember Cal Dee Reynolds moved to approve the contract with Magic Man in the amount of \$1835. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember Norton.....aye;*

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*Councilmember Reynolds .....aye;*  
*Councilmember Cowan ..... aye.*

**ADMINISTRATIVE REPORTS:**

Special Public Hearing:

Ken Bassett explained that a special public hearing has been scheduled for October 27 at 4:00 pm regarding the disposition of the property for the workforce housing project.

Joint City / County Meeting:

Ken Bassett stated that there are no pressing issues, so the meeting has been canceled.

Impact Mitigation District:

Councilmember Norton stated that the District will be helping with an air quality study, hopefully, by an independent source. Also, they have started the budget process for next year.

**CONVENE INTO CLOSED SESSION:** *Councilmember Sonja Norton moved to convene into closed session to hold a strategy session to discuss the purchase, exchange, or lease of real property and discuss the character, professional competence, or physical or mental health of an individual. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Norton.....aye;*  
*Councilmember Reynolds .....aye;*  
*Councilmember Cowan ..... aye.*

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

Mayor Showalter requested the following statement be entered into these meeting minutes: “Mayor Showalter stated his opinion that City government has deteriorated dramatically having observed the radical favoritism with which the City Council and City Manager exhibited on the 20<sup>th</sup> of October, 2010 City Council meeting to the wishes of select individual.”

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**ADJOURN:** There being no further business, *Councilmember Cowan moved to adjourn. Councilmember Norton seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.*

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Mayor Gary Showalter

ATTEST:

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Roxanne Behunin, Deputy Recorder

( S E A L )