

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
MARCH 16, 2011 at 7:00 p.m. in the Vernal City Council room, 447 East Main,
Vernal, Utah 84078.

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

STAFF PRESENT: Ken Bassett, Allen Parker, Mike Davis and Roxanne Behunin.

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

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

APPROVAL OF CITY COUNCIL MINUTES OF MARCH 2, 2011: Councilmember Ted Munford moved to approve the minutes of March 2, 2011 with one correction. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Cowan, Norton and Clark voting in favor, and Councilmember Cal Dee Reynolds abstaining.

PRESENTATION OF AWARD TO TERRY SHINER – MIKE DAVIS AND MAYOR SHOWALTER: Mike Davis, Water and Sewer Superintendent, explained that Mr. Terry Shiner has worked for Vernal City since 1980 in the City's water and sewer departments and is very knowledgeable. This year, at the Utah Rural Water Association conference, Mr. Shiner was given the outstanding waste water operator award. The award was given to Terry at an awards ceremony held in St. George. Mr. Davis explained that Terry would be hard to replace and thanked him for his service. The Mayor and Council expressed their appreciation of Mr. Shiner's dedication and thanked him for his service to Vernal City.

PRESENTATION TO TROY ALLRED FOR SERVICE TO VERNAL CITY: Councilmember Sonja Norton explained that Mr. Troy Allred served on the Vernal City Planning Commission for over 20 years which requires a lot of dedication to volunteer for that amount of time. She presented a plaque to Mr. Allred in appreciation of his service. The Mayor and Council thanked Mr. Allred for his time.

CULTURAL RESOURCE CENTER / LIBRARY PRESENTATION – SAM PASSEY: Mr. Sam Passey, director of the Uintah County Cultural Resource Center / Library, explained that several officials from the area went to the Community Impact Board meeting in the hopes of receiving funding to build a new library. The Community Impact Board did approve a \$5 million dollar grant and a \$3 million dollar low interest loan for the library project. He thanked the City officials for contributing to this project by allowing them to use the land owned by the City next to the old museum for the library. Mr. Passey stated that when Mayor Showalter voiced his support at the CIB meeting, it swayed the Board to support this project. Mr. Passey then presented a rendition of what the new library will look like and mentioned that the library has been in downtown Vernal for 103 years. Councilmember Cowan asked where the regional history collection will be kept. Mr. Passey stated that the regional history center will remain in

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 16, 2011

the current library building. The Council thanked the Mayor for representing Vernal City at the CIB meeting. Mayor Showalter stated that the City is grateful for the consideration to keep the library in a downtown location. Sam Passey, on behalf of the County and Library Board, thanked the City and Mayor Showalter for their help in securing funding for a new library. He stated that he will keep the City officials informed of the progress of this project.

PUBLIC HEARING: REQUEST TO REZONE PROPERTY LOCATED AT 1045, 1065, 1105 SOUTH 500 WEST, 463, 468, 483, AND 488 WEST 1070 SOUTH, FROM R-1 RESIDENTIAL ZONE TO RA-1 RESIDENTIAL ZONE, ORDINANCE NO. 2011-04: Mr. Kimball Glazier explained that the property owners in Ashley Estates subdivision would like the property rezoned to allow them to keep farm animals. He noted that this area has traditionally had farm animals on it, and the neighboring property actually has cows on it now. Allen Parker displayed a map of the area and stated that there are actually four traditional lots and another larger parcel of land with a house and pasture land that are included in this rezone request. The zone change will not affect the density of the residential component, it will simply add animal rights to match the surrounding area. Further, Mr. Parker stated that all the property owners within the boundaries of the rezone request signed the application, and the Planning Commission is forwarding a positive recommendation. Mayor Showalter asked for public comments. Chris Zurich, resident at 181 North 1200 West, asked if this will change any water rights. Allen Parker stated that a rezone does not address water rights. There were no further public comments. Councilmember JoAnn Cowan moved to approve Ordinance No. 2011-04 rezoning the properties in Ashley Estates from R-1 to RA-1. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

- Councilmember Clark.....aye;
- Councilmember Nortonaye;
- Councilmember Reynolds.....aye;
- Councilmember Cowanaye;
- Councilmember Munford.....aye.

PUBLIC HEARING: REQUEST TO REZONE THE PROPERTY LOCATED AT 1 WEST 500 SOUTH FROM RA-1 RESIDENTIAL ZONE TO P-1 PARK ZONE, ORDINANCE NO. 2011-05: Allen Parker explained that the City received a request to rezone property owned by the Uintah Recreation Special Service District from a RA-1 residential/agricultural zone to a P-1 park zone. The property contains eighty acres and includes the parcel where the community center was built. The Recreation District would like to rezone the property in order to use it for park and recreational purposes including softball diamonds that would not be permitted in a residential zone. The Planning Commission has reviewed this request and is forwarding a positive recommendation. Councilmember Bert Clark asked why the zoning was not changed at the time the recreation center was built. Allen Parker stated that a recreation center is permissible in the current zone, however, the Recreation District would like to install a sign, and that is not an allowable use. Councilmember Clark stated that the Uintah Recreation District master plan for this property is being revised, and the rezone will help coordinate future development.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 16, 2011

Alvaro Rehbein, a resident at 763 South Vernal Avenue, stated that he purchased property across the street from the Recreation Center and has future plans to develop. He asked if the cows and pasture that is currently on the property would create any hindrance or take away any revenue. Allen Parker explained that the agricultural use would be grandfathered unless the animals are removed for over a year. Councilmember Bert Clark stated that the Recreation District is accepting bids to lease the property for farming until developed. Mr. Rehbein stated that his property is zoned R-4, but he would like to raise chickens not for farming, just for household use. He asked if the City can change the zone for a particular amount of time or limited use. Ken Bassett explained that this would actually be a use request change for a specific zone. Councilmember Norton suggested Mr. Rehbein get with Mr. Allen Parker to discuss this issue.

Mr. Kimball Glazier stated that his grandparents own property to the north on the corner, and asked if this zone change would be setting a precedence. Ken Bassett stated that if someone wanted to develop a park, their property would have to be rezoned to the park zone, and normally parks have residential areas around them. There being no further public comments, the hearing was closed. Councilmember Bert Clark moved to approve Ordinance No. 2011-05 approving the rezone. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote.

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

PUBLIC HEARING: REQUEST FOR APPROVAL TO AMEND THE VERNAL CITY MUNICIPAL CODE, PLANNING AND ZONING CHAPTER 16.20 – GROUP DWELLINGS - ORDINANCE NO. 2011-03:

Mr. Allen Parker explained that Chapter 16.20 of the City’s municipal code contains regulations for group dwellings which, by definition, are apartment buildings. However, the R-4 residential zone of the code already addresses items such as setbacks and separation between buildings so section 16.20 is redundant. Also, one section is actually in conflict with the fire code. He suggested that Chapter 16.20 be repealed and renamed for later use. Councilmember Clark asked if the yard regulations would minimize the green space. Allen Parker stated that each specific zone spells out the landscaping requirements and for apartment buildings the requirement is 30% of the total space. Mayor Showalter opened the public hearing for comments. There were no public comments. Councilmember Sonja Norton moved to approve Ordinance No. 2011-03. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

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

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 16, 2011

Councilmember Munford.....aye.

REQUEST FOR APPROVAL OF OUT-OF-STATE TRAINING FOR POLICE DEPARTMENT: Mayor Showalter explained that when the budget was approved, the Council froze all out of state travel. Chief Dylan Rooks explained that one of the police department goals is to keep employees trained within their specific job functions. The detectives need training on current trends for evidence collection, and there is a five-day class available in Scottsdale, Arizona with hands-on curriculum. No training is available in Utah until after the end of the fiscal year nor will it provide practical experience. Mayor Showalter stated that the detectives will share the information with the other detectives upon their return. Councilmember Ted Munford stated that the cost for the training will come out of the police department budget and has been approved by the Public Safety Committee. After further discussion, Councilmember JoAnn Cowan moved to approve the request for two officers to go to Arizona for training. Councilmember Sonja Norton seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Norton, Munford, Clark and Reynolds voting in favor.

REQUEST FOR APPROVAL OF OUT-OF-STATE TRAINING FOR BUILDING OFFICIAL – RICHARD ZOHNER: Ken Bassett explained that training has been budgeted for the building official, and training was offered in St. George, but because of inspections at the new municipal center, he was not able to attend. A training class is being offered in Wendover, Nevada and is \$800 less than the class in St. George. Mr. Bassett recommended Mr. Zohner be allowed to attend the training out-of-state. Councilmember Cal Dee Reynolds moved to allow Mr. Zohner to attend the training in Wendover. Councilmember Sonja Norton seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Norton, Munford, Clark and Reynolds voting in favor.

REQUEST FOR APPROVAL OF FINAL PLAT FOR PHASE II OF SILVER PINES SUBDIVISION: Allen Parker explained that the City received a request from Mr. Harold Irving to approve the final plat for phase II of the Silver Pines Condominium project. Phase II includes five new 24-plex units. The engineering review revealed some minor corrections that were needed, but the majority of the development is in compliance with City code. However, the Planning Commission has forwarded a negative recommendation because of the delinquent property taxes. He explained that the County Treasurer, Wendy Long, attended the Planning Commission meeting and pointed out that the taxes were not current on this property. Councilmember Ted Munford noted that the value of the property will increase with completion of Phase II adding to the tax bill.

Wendy Long, Uintah County Treasurer, explained that there will be additional taxes assessed. She stated that the property owner did pay the delinquent taxes today. Councilmember Norton suggested that language be added to the City code that at the time of approval of plats or other developments, that all tax assessments must be current. Ken Bassett stated that the City Attorney, Dennis Judd, looked at the issue of denying approval of a plat based on delinquent taxes and found that there is a provision in State law that allows a local government to deny

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 16, 2011

approval of a plat when tax delinquency is showing on a particular parcel of property. Ken suggested that if the Council wanted to consider this provision, it be include in the City code to provide clarity to developers. Wendy Long stated that this has been a complicated issue on the County level with the parcel being split into many pieces as the units are sold. She thanked Mr. Condie for taking care of the delinquent taxes. Councilmember JoAnn Cowan asked if the Planning Commission had any other issues with this development. Allen Parker stated that they did not express any other concerns.

Vic Condie, resident at 840 South 130 East #F104, stated that in this recession, the owner of the development considered different financial contingencies and priorities, however, he always intended on paying the taxes. He noted that he is managing the complex so it will remain in good condition. Mayor Showalter commended Mr. Condie for taking care of the property.

Mr. John Wood stated that the owner, Mr. Harold Irving, decided to drop the smaller unit that was to be included in Phase II, so the building on the north and south will be longer and narrower than shown on the plat. After further discussion, Councilmember Sonja Norton moved to approve the Silver Pines Subdivision Final Plat for Phase II with the staff recommendations as noted. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Cowan, Norton, Munford, Clark and Reynolds voting in favor for a unanimous vote.

REQUEST FOR APPROVAL OF SPECIAL ASSESSMENT AREA FOR SILVER PINES SUBDIVISION AND ASHLEY CREEK VILLAGE LLC: Ken Bassett explained that these developments, Silver Pines and Ashley Creek Village located to the north of Silver Pines, has asked the Council to consider completing the infrastructure through a special assessment area. The improvements would include curb, gutter, water, sewer, sidewalk and roads and storm drainage. Further, Ken explained that State law allows the City to form a special assessment area to finance these types of improvements with the developer paying the assessment over ten to twenty years. However, before the City becomes involved with the special assessments, Ken noted that he asked the City's financial advisor if any financing agency would provide the interim financing and purchase the municipal bonds needed to finish the projects. The financial institutions want the value of the property to be at least three times the value of the improvements before they would be interested in providing the financing. A formal appraisal of the property is needed to verify the value and those appraisals are being done. Councilmember Cowan stated that she did not remember having a commercial development involved in a special improvement district in the past. Ken Bassett stated that Midland Heights and the Beehive Homes subdivision were completed this way. Councilmember Norton asked if the assessment is paid when property is transferred or sold. Ken Bassett stated that the SSA has a first priority lien, and normally when property is sold the mortgage company is not willing to let it stand. If the property owner does not pay the assessment, the City can foreclose. There was further discussion regarding the engineering for these projects. Ken Bassett stated he would keep the Council informed on any developments regarding these projects and this request.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 16, 2011

DISCUSSION TO FUND A PARKING STUDY – COUNCILMEMBER NORTON:

Councilmember Norton explained that the Planning Commission is seeking approval to undertake a parking study to give more guidance on parking, especially for downtown. Allen Parker stated that a formal request was made at the last Planning Commission meeting. The request is to allocate funds to quantify what parking is available and how it is being used to make a more educated recommendation to amend the parking ordinance. Councilmember Cowan stated she would like to know what they are looking for such as what is appropriate for parking for businesses, or parking for special events, or downtown before approving any funding. Also, do they have any suggestions on who should do the study. Councilmember Cal Dee Reynolds stated that the City spent \$80,000 to develop a down town plan, and he is not convinced that a study will provide information that is not already known. Councilmember Norton stated that data is needed on how many buildings and parking spaces are in the downtown area and how to determine what is needed for different types of uses. She suggested that USU or another group do the study at a cost of not more than \$10,000. Mayor Showalter stated that he has been a critic of Vernal City's parking ordinances for many years. He noted that Vernal City cannot fund parking for downtown businesses without their participation. After further discussion, Councilmember Munford moved to have Councilmember Norton put together a plan for a parking study showing what will be accomplished, the expected cost, and who might complete it. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Norton, Munford, Clark and Reynolds voting in favor.

SCHEDULING OF BUDGET MEETING FOR FY2011 BUDGET REOPENER #1:

Mike Davis, Vernal City finance director, explained that the City departments are starting to put together their budget requests for FY2012. Once those budgets are prepared, the Council Committees will need to review them. Also, the first budget reopener for the current budget needs to be reviewed to tighten up the expenses with the revenue. Councilmember Reynolds reminded the Council that the Utah League of Cities and Towns conference is the middle of April which conflicts with the budget schedule. After discussion, the consensus was to have the Public Safety Committee meet on Wednesday at 3:00 pm, the Administrative Committee meet Monday at 10:30 am and the Public Works Committee meet Wednesday at 4 pm to review the budget reopener. The FY2012 budget meetings will be held April 11 at 3:00 pm for the Public Safety Committee, and 9:00 am for the Administrative Committee, and the Public Works Committee will meet on Tuesday April 12 at 10:00 am.

REQUEST FOR MORATORIUM FOR TEMPORARY MERCHANTS / FOOD VENDORS BUSINESS LICENSING:

Ken Bassett explained that in the recent past, the Council has discussed standards for temporary merchants who sell food. As the weather warms up, many of these businesses will open and from a land use and business licensing standpoint, adequate standards need to be in place to address the Council's concerns. The Planning Commission has scheduled a special meeting to consider this issue and will be forwarding a recommendation to the Council. In the meantime, Ken suggested the Council consider placing a moratorium on any temporary merchants wanting to sell food items in Vernal City until standards are put in place. The intent is not to stop this type of commerce, but to simply allow

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 16, 2011

time to consider amendments to reflect what the Council wants these businesses to look like. The moratorium would not last longer than six months and will not affect businesses that are currently operating. Councilmember Cal Dee Reynolds asked if this would affect produce marketers. Ken Bassett stated that the moratorium would only be placed on prepared food establishments whose sites are semi-permanent. Councilmember Ted Munford moved to place a license moratorium on prepared foods establishments. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Clark, Reynolds, Norton and Cowan voting in favor.

ADMINISTRATIVE REPORTS:

Oil Shale:

Mayor Gary Showalter explained that for the last 10 months he has been working with the County Commissioners and Economic Development to have a company from Estonia begin mining oil shale in Uintah County. This particular entity, ST Estonia, has purchased a parcel of land for this venture. Their initial investment is \$3 billion dollars and will bring jobs to Vernal.

Scout House:

Councilmember Sonja Norton stated that the new library takes in the scout house location. Mayor Showalter stated that the County is aware of that fact and will need to provide a place for the scouts.

ADJOURN: There being no further business, Councilmember Cal Dee Reynolds moved to adjourn. Councilmember Bert Clark 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)