

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MAY 18, 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, JoAnn Cowan, Sonja Norton, and Bert Clark. Mayor Gary Showalter was excused.

**STAFF PRESENT:** Ken Bassett, Allen Parker, Mike Davis, and Sherri Montgomery.

**SELECTION OF MAYOR PRO TEMPORE:** Councilmember JoAnn Cowan will be the Mayor Pro Tempore for this meeting.

**INVOCATION OR UPLIFTING THOUGHT:** Councilmember JoAnn Cowan asked everyone for a moment of silence in memory of past Mayor Leonard Heeney.

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

**APPROVAL OF CITY COUNCIL MINUTES OF MAY 4, 2011:** *Councilmember Bert Clark moved to approve the minutes of May 4, 2011 as written. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton, and Clark voting in favor.*

**PUBLIC HEARING: FY2012 BUDGET:** Ken Bassett gave the public a brief explanation on the budget process for the City. A tentative budget was presented at the last Council meeting, and the Council held several budget workshops this week to meet with each department. There are a few remaining items to be discussed at a later meeting, such as employee wages and benefits. Councilmember JoAnn Cowan asked what the budget figure is for the City. Mike Davis, Finance Director, stated that the general fund is under \$9 million dollars and approximately \$13 million dollars total. Councilmember JoAnn Cowan mentioned that the Uintah School District has a budget of around \$80 million. Councilmember JoAnn Cowan opened the public hearing to discuss the FY2012 budget and announced that the public is welcome to see a copy of the tentative budget. There being no further comments, Councilmember JoAnn Cowan closed the public hearing.

**REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, CHAPTER 16.24 – SUPPLEMENTARY REGULATIONS FOR TEMPORARY USES AND STRUCTURES – ORDINANCE NO. 2011-07:** Councilmember JoAnn Cowan stated that the Planning Commission was asked to take a look at the ordinance for temporary structures on the streets to make them safe and attractive for the City. Allen Parker referred to Ordinance No. 2011-07 to review the changes made by the Planning Commission at the last meeting. Section 16.20.300 was added for drive-up window service as a new use. Temporary merchants will be designated as either short term or long term vendors. Any new business that has drive-up window service shall provide a site drawing showing the location of the vehicle stacking lane, menu signs, speaker location, and window location. Sound pressure levels shall not exceed 80dB from any outdoor speaker. Mr. Parker indicated that 80dB was derived from using a decimal meter to measure all the drive-up windows in the City. Ken Bassett stated that

there is nothing in the business license section of the ordinance that addresses sales events such as craft shows. There needs to be guidelines outlining where they can and cannot operate. Normally, the City would not allow sales events to be in a residential zone. Councilmember JoAnn Cowan asked about yard sales. Mr. Bassett stated that yard sales are provided in another section. The Code needs to indicate any commercial zone, school, park, or church. Councilmember Sonja Norton suggested adding where a sales event cannot operate. Mr. Bassett explained that you cannot rule out residential zones, because there are schools and churches in residential zones. Councilmember Sonja Norton stated that the Planning Commission discussed this issue, but did not know how to separate them out. Mr. Bassett suggested a temporary permit be issued in a commercial or industrial zone, or school, church, or community park property. Mr. Parker also suggested adding fairgrounds.

Allen Parker briefly went over the Fireworks Stands section of the code. Councilmember Bert Clark asked if fireworks stands still need to meet the same restrictions for onsite parking. Ken Bassett stated that they are required to have three parking spaces. Councilmember Sonja Norton asked if fireworks can be sold from June 26<sup>th</sup> to July 26<sup>th</sup>, does the maximum of thirty consecutive days allow vendors enough time to set up and take down their stands. Mr. Parker explained that section five for fireworks stands does not address a time frame. Mr. Bassett indicated that this needs to be clarified. Councilmember Bert Clark stated that he would like to see that addressed as well. Councilmember JoAnn Cowan stated that there needs to be stricter regulations for temporary merchants. Mr. Bassett explained that a short term permit lasts 30 days, and they cannot apply for another permit within a 120 day period. Councilmember Cal Dee Reynolds asked if a vendor can do business for 30 days and then move down the street and apply for another 30 day permit selling the same item. Mr. Parker indicated that this ordinance does not permit this from happening. Councilmember Cal Dee Reynolds asked if the 120 days applies to anytime in the whole City. Mr. Bassett explained that the language “to do business in the City” covers this issue.

Councilmember JoAnn Cowan asked about the vendors at the farmers market. Allen Parker stated that agricultural has different provisions. Councilmember JoAnn Cowan asked about vendors who sell homemade soap at the farmers market. Councilmember Sonja Norton asked if the City can only allow certain items to be sold. Ken Bassett indicated that it would be hard to define. Councilmember Cal Dee Reynolds asked if a vendor needs a business license to participate in the farmer’s market. Mr. Bassett answered yes, it is an event. Councilmember Sonja Norton asked if vendors are allowed to sell other goods at the farmer’s market other than agricultural. Mr. Bassett answered yes. Councilmember Sonja Norton asked if those vendors are required to obtain a business license for less than 30 days. Mr. Bassett stated yes, they would need a 30 day permit. Councilmember Bert Clark asked if the Pepsi wagon at a soccer tournament is required to purchase a permit. Ken Bassett answered yes. Allen Parker stated that they would also need to register with the State Tax Commission. Councilmember Bert Clark asked if nonprofit groups have to register as well. Ken Bassett answered yes. Councilmember Cal Dee Reynolds asked about the hot dog cart outside of Smiths. Ken Bassett explained that the hot dog cart is not a separate vendor, so no permit would be required. However, if Smiths added a separately owned snow cone place, they would be required to purchase a permit.

Councilmember JoAnn Cowan stated that the ordinance for temporary merchants needs to be more specific and suggested the following language: Buildings must be constructed with solid walls of wood and or covered with vinyl, aluminum, stucco, or a wood composite material molded to look like siding. The walls, stairs, awning, and skirting must be painted. Skirting must completely surround the structure and be of a solid material. Structures must have a solid roof capable of supporting snow. Food can only be sold from a cart, trailer, catering truck, or similar vehicle designed for food sales. Buildings must include vending sinks that comply with the health department requirements. Any auxiliary equipment necessary for the business such as fuel tanks, refrigerator, ice machines, etc. must be screened away from the view of the public. Councilmember Bert Clark asked if propane tanks are allowed. Councilmember JoAnn Cowan stated yes, if the health department allows them. Councilmember Sonja Norton suggested no exterior appliances be exposed. Allen Parker stated that the Code could require exterior items to be screened. Councilmember Cal Dee Reynolds asked if temporary businesses can have a vending machine outside. Ken Bassett suggested that no vending machines be allowed for temporary merchants. Councilmember JoAnn Cowan opened the public hearing for this item. Zack Pfifer asked if the no vending machine rule only applies to temporary stands, and the Council agreed. Ranae Bangerter with the Vernal Express asked if the moratorium would be lifted at this meeting. Ken Bassett affirmed that the moratorium would be lifted on the effective date, which is the day after the ordinance is published. There being no further comments, Mayor Pro Tempore JoAnn Cowan closed the public hearing. *Councilmember Sonja Norton moved to approve Ordinance No. 2011-07 for the request to amend the Vernal City Municipal Code, Chapter 16.24, Supplementary Regulations for Temporary Uses and Structures with the noted changes. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following unanimous roll call vote:*

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

**REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE – BUSINESS LICENSING – TITLE 5 – BUSINESS CODE, TEMPORARY USES – ORDINANCE NO. 2011-11:** Allen Parker explained that the request for this amendment changes Title 5 which governs mobile vendors, business licensing, and regulations. Ken Bassett stated that the public hearing and ordinance changes are being recommended for the purpose of providing more structure to not only temporary merchants, but also for those selling prepared food. Councilmember Bert Clark mentioned that requirements is misspelled on Page 25. Councilmember Bert Clark asked if locations that are deemed acceptable for fireworks stands, tents, etc. are described in this ordinance. Allen Parker explained that locations are addressed in Section 16.24.150 of the new ordinance. Councilmember JoAnn Cowan confirmed that this is basically a housekeeping tool to move this section from the business licensing to the planning and zoning. Allen Parker agreed. *Councilmember Bert Clark moved to approve Ordinance No. 2011-11 to amend the Vernal City Municipal Code, Business Licensing, Title 5, Business Code, Temporary Uses. Councilmember Sonja Norton seconded the motion. The motion passed with the following unanimous roll call vote:*

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

**REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE – BUSINESS LICENSING – CHAPTER 5.68 – FIREWORKS – ORDINANCE NO. 2011-12**

**– KEN BASSETT:** Ken Bassett explained that this ordinance is a housekeeping item to coordinate with State Code on the legislation that has recently changed on fireworks. This change allows individuals to set off fireworks during specified times and allows for bigger fireworks. The State is hoping less people will travel to Wyoming to purchase fireworks this year. Ken Bassett stated that the City has eliminated all definitions on what is allowed and referred to State Code to keep it simplified. Councilmember Bert Clark mentioned that the State will recoup several million dollars by keeping the sale of fireworks within the State. Ken Bassett explained that more sales tax will be brought into the State of Utah and local governments. Councilmember JoAnn Cowan asked if the noise ordinance is null and void during the time frame of fireworks. Ken Bassett answered yes. Councilmember JoAnn Cowan asked if there are any provisions set in case of a fire. Ken Bassett explained that the person setting off the fireworks will be responsible if any problems arise. He also noted that the changes are a little more troublesome to local government such as Section 6 regarding public displays of fireworks. The Elks Lodge takes care of the 4<sup>th</sup> of July fireworks every year and were only required to obtain a license from the City and have insurance bonding. They now have to send their permit to the State Fire Marshall’s office for approval and pay \$40. This is a revenue issue with the State legislature. Councilmember JoAnn Cowan asked what is needed to set off fireworks for graduation, homecoming, etc. Ken Bassett explained that a permit would have to be purchased through the County and sent to the State with \$40. Councilmember JoAnn Cowan asked if Wyoming fireworks can be set off without a permit. Ken Bassett stated that there are some fireworks sold in Wyoming that are still not allowed in Utah, but there are many that are now permitted. *Councilmember Sonja Norton moved to approve Ordinance No. 2011-12 to amend the Vernal City Municipal Code, Chapter 5.68, Fireworks. Councilmember Ted Munford seconded the motion. The motion passed with the following unanimous roll call vote:*

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

**REQUEST FOR APPROVAL OF FINAL PLAT FOR ASHLEY ESTATES PHASE II BY KIMBALL GLAZIER:**

Allen Parker explained that the applicant is requesting approval for a preliminary plat for a new subdivision of land to be divided into 10 parcels. This property is a RA-1 zone with 8.9 acres of land. The lot has a 24 foot wide access strip. The storm water is retained in this location. The original storm water above ground was miscalculated, and now

has underground storage instead. This application is in substantial compliance with Vernal City Code. *Councilmember Sonja Norton moved to approve the final plat for Ashley Estates Phase II with any corrections made by engineering and staff. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton, and Clark voting in favor.*

**REQUEST TO CUT ROAD UNDER MORATORIUM AT 550 NORTH 50 EAST BY QUESTAR GAS – ALLEN PARKER:** Allen Parker explained that Questar Gas is requesting to cut into a moratorium road at approximately 600 North 50 East if it becomes necessary. The moratorium expires in November of 2012. Questar is also installing a new gas line and disabling the existing service line along 50 E 500 North and 600 North. Questar will attempt to bore underneath the road at 50 East 550 North, but if it fails, it may be necessary to make the cuts. Councilmember Bert Clark asked if there is a two year warranty if the City approves the cut. Allen Parker answered yes. He also explained the reason for Questar installing a new gas line. The existing gas line runs along property lines with sheds and fences built over it. It is easier to install a new gas line rather than tear up those structures and violate the easement. Ken Bassett asked if they would be vacating the easement. Allen Parker stated that they have not discussed the vacation of the easement, because it is an old gas line. Ken Bassett recommended the Council approve these cuts now, rather than having to bring it back to the Council if the boring fails. *Councilmember Bert Clark moved to allow Questar gas to make a cut into the moratorium road at approximately 600 North 50 East if necessary and as long as they are aware of the two year warranty. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton, and Clark voting in favor.*

**REQUEST FOR APPROVAL OF EMPLOYMENT AGREEMENT WITH EIGHTH DISTRICT JUVENILE COURT – LANDSCAPING AGREEMENT:** Ken Bassett reported that over the last several years, the juvenile court has been providing the City with landscaping services for the dinosaur area, welcome to Vernal area, memory park, fire department, etc. In the past years, they were being paid \$500. This year, they are asking for \$600, which is more than adequate. Mr. Bassett indicated that they provide a wonderful service at little expense and is recommending that the City enter into this agreement for landscaping services. Councilmember Bert Clark asked if they could change the direction of how they are mowing the lawns, so that the grass clippings are not on the curb or street. He indicated that at the court, the clippings blow out onto Highway 40. Mr. Bassett stated that he will make that request. *Councilmember Cal Dee Reynolds moved to approve the Employment Agreement with Eighth District Juvenile Court for landscaping services. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton, and Clark voting in favor.*

#### **COMMITTEE REPORTS:**

Ken Bassett stated that the City/County meeting is scheduled for May 27, 2011. The Council agreed, due to graduation and the Memorial weekend holiday, that this meeting be cancelled.

**DOWNTOWN MERCHANTS:** Councilmember Sonja Norton reported that the Downtown Merchants Association is now the Vernal Excitement Association. This new association has

taken the focus away from helping merchants to helping the City bring back life to the downtown area. The committee will be planning events in a variety of locations around the City to draw the public to the City center. It will be up to the local businesses to promote their own company during these events. The first event is scheduled for June 18, 2011 after approval of the location and will be free to the public. Councilmember JoAnn Cowan suggested the Council set aside money for projects and events. Public members could ask for grant money to assist them in starting and planning an event. Councilmember Sonja Norton stated that the County has money in their budget for that exact purpose. Councilmember JoAnn Cowan mentioned that there are a lot of good ideas from people with other interests. Councilmember Sonja Norton stated that the committee has met a few times and are always open to suggestions for these events.

**SEWER BOARD:** Councilmember Cal Dee Reynolds stated that the Sewer Board is trying to get 500 South going West repaved down to Vernal Avenue. There is money available to also repave from the theatre to 2500 West, Highway 40, and the Walgreens project. Councilmember Bert Clark mentioned that Vernal City has partnered with the Uintah Transportation District on these projects. Councilmember JoAnn Cowan stated that the Cemetery Board has done a beautiful job. They have fixed the one end of the hill that has been asked to be covered for years and added a sprinkling system. They have also built a beautiful new building that will be dedicated at noon on May 24, 2011.

**ANIMAL SERVICES DISTRICT:** Councilmember Sonja Norton asked if the animal services district has any afterhours coverage. Councilmember Ted Munford explained that he has asked the District to provide a written schedule of when everyone is working and to make that information public. Councilmember Sonja Norton stated that she had an experience where she has called at 5:00 p.m., and they had already left for the day. Councilmember Ted Munford indicated that the hours of operation have been extended from 6:30 a.m. to 7:00 or 8:00 p.m., except for Saturday and Sunday. Councilmember Sonja Norton stated there needs to be an overlap in shifts when it is busy and at least stay open until 8:00 p.m. or be on call. Councilmember Ted Munford mentioned that there is an emergency on-call system in place for nights and weekends. Depending on the level of the emergency, it will be decided if they go out immediately or the next day. Councilmember Sonja Norton indicated that dispatch is not the best to inform someone of the policy. Councilmember Ted Munford explained that he has no control over dispatch, but met with them and Chief Rooks in hopes of taking care of some of these issues.

**ADJOURN:** There being no further business, Councilmember Cal Dee Reynolds moved to adjourn. Councilmember Sonja Norton 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 )