

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JULY 6, 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, Bert Clark and Sonja Norton. Mayor Gary Showalter was excused.

SELECTION OF MAYOR PRO TEMPORE: Councilmember Ted Munford moved to appoint Councilmember JoAnn Cowan as Mayor Pro Tempore for this meeting. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Clark, Reynolds, Norton and Cowan voting in favor for a unanimous vote.

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

INVOCATION OR UPLIFTING THOUGHT: Councilmember Cal Dee Reynolds gave an uplifting thought.

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

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF JUNE 15, 2011:
Councilmember Bert Clark moved to approve the minutes of June 15, 2011 with the addition of the word "motorcycle" to the bike rally. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton, and Clark voting in favor.

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF JUNE 22, 2011:
Councilmember Cal Dee Reynolds moved to approve the minutes of June 22, 2011 as written. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton, and Clark voting in favor.

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF JUNE 29, 2011:
Councilmember Bert Clark moved to approve the minutes of June 29, 2011 as written. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton, and Clark voting in favor.

REQUEST FOR SPONSORSHIP OF SOUTH WEST REGIONAL TOURNAMENT FOR VERNAL YOUTH BASEBALL – KAM POPE: Kam Pope, President of Vernal Youth Baseball, explained that the National Baseball Association approached Vernal Youth Baseball to see if they were interested in hosting the southwest regional tournament for the 14 year-old players this year. Usually the associations compete years in advance to host these tournaments. The Vernal Association agreed to host the tournament which includes teams from Hawaii, Utah, California, Nevada and Arizona. The host association is also allowed to enter a team into the tournament. Mr. Pope requested the City Council help sponsor the baseball tournament. Councilmember Ted Munford asked how many people are expected to attend. Kam Pope stated that the host hotel, the Marriot, is already booked and has had to look for additional rooms. The

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tournament starts August 1st and ends August 6th. After further discussion, *Councilmember Sonja Norton moved to sponsor the SW Regional Baseball tournament at a cost of \$3000. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munfordaye;*
- Councilmember Cowan..... aye.*
- Councilmember Reynoldsaye;*
- Councilmember Norton.....aye;*
- Councilmember Clark aye.*

Kam Pope requested the Mayor throw the first pitch for the tournament and invited the Council to attend the opening barbeque.

PROPOSE BIKE RACKS IN DOWNTOWN – TRACY FROST: Tracy Frost of 1542 North 1500 West, Vernal, Utah, explained that she would like to propose that Vernal City install bike racks on Main Street covering a three block area from 100 West to 200 East. She stated that bike riders are chaining their bikes to trees and pipes when they visit downtown. Councilmember Ted Munford stated that the pipe being shown is actually the gas meter behind his building. Tracy Frost stated that there is a parking issue downtown, and bike racks can help by getting people to ride their bikes downtown rather than driving. She proposed the Council consider installing four racks per block with two on each side of the street and three larger racks placed in strategic locations. A power point presentation was displayed showing rack designs, use of space and potential locations. The cost of the racks range from \$215 to over \$800 dollars each. Councilmember Cowan asked if the racks would be permanent. Tracy stated that there are riders that commute in the winter, but the racks could be removable. There was some discussion regarding how to bolt the racks down. Mr. Rick Anderton stated that he noticed the cost is for commercial racks, and it would be less expensive to have them made locally. Councilmember Norton liked the idea of turning the racks so pedestrian traffic is not hampered. Councilmember Cal Dee Reynolds agreed that the racks will not protrude out any farther than the flower pots. Tracy Frost suggested the welding classes become involved. Councilmember Cowan wondered if the students would have the skill level for this project. She suggested that the Vernal Excitement Association become involved and ask for proposals from local welders to see what they can do. Ken Bassett noted that snow removal is a serious issue and suggested that the Street Superintendent be asked to give his input on this project. Ms. Frost suggested the larger racks be placed in areas that do not need snow removal such as the County building and Cobblestone Park. Councilmember Cowan suggested \$3000 to \$4000 be allocated to this project. Councilmember Sonja Norton stated she would be glad to take this project to the Vernal Excitement Association, ask for ideas from the welders in the area and invite the street department to work on this project and bring back a proposal. Ken Bassett suggested a diverse group or committee look at designs. *After further discussion, Councilmember Norton moved to pursue this project and authorize a committee to develop a proposal including design, location and cost. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Norton, Munford, Clark, Reynolds and Cowan voting in favor.*

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REQUEST TO SPONSOR CAR SHOW: Bob Oostveen explained that the 10th annual car show is scheduled for July 9th at the City park. Last year 123 cars were displayed and participants came from all over the U.S. This year a 66 mustang convertible will be raffled off on Saturday at 3:00 p.m. to draw a larger crowd. He asked the Council to consider sponsoring the car show. Councilmember Clark asked if he was requesting \$800 which is the same amount as last year. Mr. Oostveen answered yes. *Councilmember Bert Clark moved to approve the request for sponsorship of the car show in the amount of \$800. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munfordaye;
Councilmember Cowan..... aye.
Councilmember Reynoldsaye;
Councilmember Norton.....aye;
Councilmember Clark aye.

PUBLIC HEARING: REQUEST FOR APPROVAL TO REZONE THE PROPERTY LOCATED AT 660 NORTH 100 WEST FROM R-2 TO R-4 – ORDINANCE NO. 2011-19:

Allen Parker explained that there is an issue that needs to be addressed before the Council considers this request. By State code, an applicant for land uses must be sent any staff reports three days prior to any public hearings unless they waive that requirement. In this case, the staff report was not sent out in time. Also Mr. Hyde did not receive notice of the public hearing as it was damaged during delivery. If Mr. Hyde does not waive these requirements, this rezone request will need to go back to the Planning Commission. Mr. Hyde stated that he was willing to waive the requirement. Mayor Pro Tempore Cowan opened the public hearing.

Allen Parker explained that Mr. Hyde built twin homes along 650 North where the property is zoned R-2. The general plan shows a mixed use for this area which allows different types of uses and extends over to 150 East Street. He noted that even though the general plan allows for mixed use, the Planning Commission expressed concern about spot zoning, and traditionally entities avoid that. Mr. Parker noted that the Planning Commission is forwarding a negative recommendation due to the spot zoning issue. One thing that is important to note is that a rezone requires the applicant to sign a development agreement. The agreement will bind the developer to the design proposed. If the use changes from what is approved in the development agreement, the zoning will revert back to the old zoning.

Mr. Bart Hyde explained that when this development was started, he was still in the process of trying to acquire the final piece of property, but that plot could not be included in the original plat. Now, instead of simply adding two more twin homes, Mr. Hyde indicated that he wanted to add a club house with a light business for the neighborhood. He stated that he spoke with Dennis Judd to determine what could be included, and instead of re-platting the development, he decided to apply for a rezone. Councilmember Norton stated that other developments have been allowed to have club houses. Allen Parker agreed that amenities are allowed in PRUD's or condominium developments as conditional uses, however, this parcel was not included in the recorded PRUD. He noted that Mr. Hyde does have the option to amend the plat which is a long process and does not give the Council as much control. Councilmember Clark asked if he was considering a

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salon. Mr. Hyde stated he is considering adding a small salon to the clubhouse. Also, a small sitting area for a birthday party or gathering will be included on that parcel.

Ruth Brown, 133 West 650 North, stated that the beauty salon concept was not mentioned at the Planning Commission meeting. She noted that there are a lot of children in this neighborhood, and commercial businesses will bring more traffic which creates more problems. Bart Hyde noted that four more units will create more traffic than a club house and salon.

Rick Anderton, 152 West 650 North, explained that he would rather have a clubhouse than two more buildings in the neighborhood. A clubhouse will give the families a place to go and have a party and impacts the neighborhood less. The development agreement gives an element of control to the City. He asked if he could be a part of the committee that drafts the agreement. Allen Parker stated there would not be a "committee," however another meeting will be held to review the agreement, and Mr. Anderton can attend that meeting. Councilmember Norton noted that the Planning Commission was nervous about this request and did not fully understand the development agreement. Ken Bassett explained that the Council will need to set the terms of the development agreement before the Planning Commission can review the site plan based on those terms. Councilmember JoAnn Cowan stated that usually she is opposed to spot zoning, however, allowing a club house that could have been a part of the PRUD anyway would not be horrible. Councilmember Munford stated that he grew up in this neighborhood, and the development has been an improvement so far.

Delmar Hyde stated that he owns a couple of the buildings in this subdivision and is pleased with the quality of the neighborhood. The expectation is that the club house will enhance the development.

Councilmember Reynolds stated he would rather see a club house than something like a boy's home. Councilmember Munford stated that this area would not be a good location for a business.

Angela Wright, 100 West and 650 North, stated that her concern is the increase in pedestrian traffic, specifically children walking to the club house. She asked what would be done to prevent the club house from becoming a hang-out. Mr. Hyde indicated that there will be restrictions on the use of the clubhouse. Also, there will be tenants who will monitor the use of the property.

Councilmember Norton expressed her concern that a rezone is being requested because it seems to be the easy route. Mr. Anderton stated that as a contractor he has to jump through hoops all the time. If the Council does not approve this request, four more units will simply be built instead.

Mayor Pro Tempore JoAnn Cowan asked for any more public comments. There being no further comments, the public hearing was closed.

Councilmember Cal Dee Reynolds moved to approve Ordinance No. 2011-19 rezoning property at 660 North 100 West from R-2 (residential) to R-4 (residential) and go through the necessary process to draft a development agreement for Council approval with the ordinance not being

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signed or recorded until the agreement is approved. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

*Councilmember Munfordaye;
Councilmember Cowan..... aye.
Councilmember Reynoldsaye;
Councilmember Norton.....aye;
Councilmember Clark aye.*

Councilmember Norton asked what would happen if the club house is torn down. Allen Parker stated that the zoning would revert back to an R-2 if the development agreement is not followed. Councilmember Cowan asked why Mr. Hyde did not receive the staff report. Allen Parker stated he did not have time to prepare it.

CONTRACT WITH FOSTON CHIVERS FOR MANHOLE AND DRAINLINE AT 650

NORTH 300 WEST: Ken Bassett explained that to the north of 650 North Street to the east is a drain line that was installed in the early 70's when the subdivision was built. The line was used to collect ground water so the land could be developed. In 1988 the City received calls from residents on 650 North that their basements were cracking and water was coming in. It was determined that the drain line was never maintained and was no longer working to drain the ground water. The City decided to maintain the line to help the residents. There is also a sewer stub out to the north that is collecting a lot of ground water that is entering the sewer line. The City received a request from the Sewer Management Board to stop the ground water from infiltrating the sewer line that is ending up at the sewer treatment plant. It is hoped that if the water is diverted to the storm drain system, the basements will not flood and the treatment plant will no longer have to deal with it. Ken Bassett showed the Council where the water enters the sewer line and explained where a manhole will be placed to maintain the line. Further, Ken Bassett stated that Foston Chivers has submitted an estimate of \$9800 to complete this work and is able to start right away. Councilmember Clark asked if the easement is recorded. Ken Bassett stated that the drain line is in the roadway and winds through the subdivision and enters the irrigation system. There was some discussion regarding the savings to the City from the AVSMB Treatment Plant.

Councilmember Bert Clark moved to approve the contract with Foston Chivers to complete the drain line work. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

*Councilmember Munfordaye;
Councilmember Cowan..... aye.
Councilmember Reynoldsaye;
Councilmember Norton.....aye;
Councilmember Clark aye.*

REQUEST FROM QUESTAR TO CUT THE ROAD AT 500 SOUTH 417 EAST TO

RELOCATE THE SERVICE LINE: Ken Bassett explained that he met with Shelly Finn,

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Questar manager, to discuss their need to cut 500 South street to relocate a gas line that is under a building. The gas company is requesting to cut a 4x4 area in the non-travel lane portion of the roadway which has a moratorium on it. Councilmember Clark asked if the City can require a three year warranty on their repair of the road. Ken Bassett answered that the Council can impose a three year warranty. There was some discussion as to why Questar did not fix this problem before the road was resurfaced. *Councilmember Bert Clark moved to approve lifting the moratorium on 500 South for Questar and impose a three year warranty on the road repair and require all future cuts to carry a three year warranty. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Clark, Reynolds, Norton, Munford and Cowan voting in favor.*

REQUEST TO APPROVE KEN LATHAM AS A REGULAR MEMBER OF THE PLANNING COMMISSION: Allen Parker explained that the Planning Commission is recommending Ken Latham be moved from an alternate member to a regular member. *Councilmember Sonja Norton moved to approve Ken Latham as a regular Planning Commission member. Councilmember Bert Clark seconded the motion. The motion passed with a unanimous vote with Councilmembers Munford, Cowan, Reynolds, Norton and Clark voting in favor.*

ADMINISTRATIVE REPORTS:

Drug Court Graduation:

Ken Bassett reminded the Council that Drug Court will be holding their graduation ceremony on July 13th in the District Court building at 5 pm.

New City Hall Move:

Ken Bassett informed the Council that the staff will begin moving into the new City municipal center on July 14th and 15th. He requested approval to close the office on the 15th and reopen for business on Monday in the new office. The Council agreed. Councilmember Cowan and Norton scheduled a meeting to plan the open house.

Fireworks:

Councilmember Clark voiced his concern regarding fireworks being set off late at night. Ken Bassett stated that the problem is with the new State law that allows fireworks for an entire month.

Irrigation Line:

Councilmember Bert Clark stated that there is an irrigation line south of 250 North 500 East that is collapsing. He asked if Ken Bassett would have time to review this problem with him.

Uintah Animal SSD:

Councilmember Ted Munford explained that the animal control officers have changed their working hours and have publicized their new hours. He stated that the District has received positive feedback on the changes.

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

ATTEST:

Roxanne Behunin, Deputy Recorder

Mayor Pro Tempore JoAnn Cowan

(S E A L)