

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
NOVEMBER 16, 2011 at 7:00 p.m. in the Vernal City Council Room, 374 East
Main, Vernal, Utah 84078.

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

WELCOME: Mayor Showalter welcomed everyone to the meeting and congratulated Councilmembers Norton and Cowan for their re-election campaigns being successful. He noted that Councilmember Reynolds will be retiring after many years of service to Vernal City.

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

INVOCATION OR UPLIFTING THOUGHT: Councilmember Sonja Norton gave an invocation.

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

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF OCTOBER 19, 2011: Councilmember Clark asked the staff to prepare a list of the Planning Commission appointments. *Councilmember Clark moved to approve the minutes of October 19, 2011 as written. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton, and Clark voting in favor.*

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

INTRODUCTION OF NEW DEPUTY COURT CLERKS, CARRIE ZELLER AND MICHELLE RUSHTON – DAWN SEARLE, COURT CLERK: Dawn Searle, Lead Court Clerk, introduced Carrie Zeller and Michelle Rushton as new employees of Vernal City serving as deputy court clerks. She noted that the Court is excited to have the new clerks. Carrie Zeller stated that she was happy to be here, and it would be a nice change from District Court. The Council welcomed both Carrie Zeller and Michelle Rushton to the City. Mayor Showalter stated that he looked forward to working with them.

REQUEST TO LIFT MORATORIUM ON 500 SOUTH STREET – SHELLY FINN, QUESTAR GAS: Shelly Fenn, representing Questar Gas, explained to the Council that the main gas line for Split Mountain Village is under 500 South Street. In order to install a loop in the system to keep households from losing their service if the line needs repaired, a two-way feed needs to be installed. The street will need to be cut to install the line. She explained that

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the road cut will be repaired in the same manner as the last cut on 500 South which seems to provide a better fix to the road. Questar Gas is slowly replacing the old Utah Gas system and looping the line around the City. This project includes 1600 feet of pipe. Ken Bassett noted that 500 South Street has a moratorium placed on it. *After further discussion, Councilmember JoAnn Cowan moved to grant the request of Questar Gas to cut 500 South Street for a gas line installation using the same method of repair recently used on this same street. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Cowan, Munford, Clark, Reynolds and Norton voting in favor for a unanimous vote.*

PUBLIC HEARING: REQUEST FOR APPROVAL OF AMENDING THE VERNAL CITY MUNICIPAL CODE, TITLE 16, PLANNING AND ZONING SECTION 16.28.067, PROJECTED SIGNS – ORDINANCE NO. 2011-23: Allen Parker explained that the Planning Commission reviewed this draft ordinance for signs that possibly project over the right-of-way, and they are recommending approval. The current code does not address this type of signage, although many times the signs extend over the sidewalk. The first section of the ordinance addresses the allowed height of the sign to allow traffic or pedestrians to travel under the sign. Councilmember Munford questioned why this was not consistent with pole signs. Allen Parker stated that many times the building is not that tall, and this type of sign will only be allowed in specific commercial zones where there is no set back requirement. Councilmember Norton stated that many times delivery trucks pull up close to buildings and do not want to hit the signs. Mayor Showalter asked for an example of a 100 square foot sign. Allen Parker directed the Council’s attention to the monitor which displayed the Best Western Hotel sign and stated that a close example is the sign in the mouth of the dinosaur which is approximately 80 square feet. Councilmember Clark asked who would be responsible to enforce the maintenance of these signs that could be a safety hazard to traffic or pedestrians. Ken Bassett stated that the City does have specific provisions in the sign ordinance that addresses that issue and the building official will address any hazards. Mayor Showalter asked for public comments. There being no public comments, the public hearing was closed. *Councilmember Ted Munford moved to approve Ordinance No. 2011-23 as presented. Councilmember Sonja Norton seconded the motion. The motion passed with the following majority vote:*

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

PUBLIC HEARING: REQUEST FOR APPROVAL OF AMENDING THE VERNAL CITY MUNICIPAL CODE, TITLE 16, PLANNING AND ZONING Section 16.04.305, Household Pets – Ordinance No. 2011-22 (Tabled by Planning Commission).

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PUBLIC HEARING: REQUEST TO AMEND SUBDIVISION PLAT FOR SILVER PINES CONDOMINIUMS PHASE II LOCATED AT 100 EAST 860 SOUTH, VERNAL, UTAH – ALLEN PARKER / HAROLD IRVING: Allen Parker explained that the City received a request from Harold Irving, owner of Silver Pines located at 100 East 860 South, to vacate the existing plat for Phase II and replace it with new plat called Silver Pines Condominiums II, Phase I. The correction to the name is needed by the finance company to split the ownership into two separate LLC companies. The design of the subdivision is not changing and the buildings, parking and landscaping will remain the way it is platted. Vic Condi, representing Silver Pines, stated that this condominium section will have access to all the amenities of Phase I and will use the same homeowner’s association regulations. Mayor Showalter asked for public comments regarding this request. There were no public comments and the public hearing was closed. *Councilmember Sonja Norton moved to approve the amendment to the Silver Pines Plat Phase II, vacating the original plat and replacing it with the same design named Silver Pines Condominiums II, Phase I. Councilmember Clark 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 TO REAPPOINT TERRY ANDERSON TO REPRESENT VERNAL CITY ON THE MOSQUITO ABATEMENT DISTRICT: Mayor Gary Showalter explained that the City appointed Terry Anderson to the Uintah Mosquito Abatement District, and his term of office will expire the end of the year. The District is asking the City to reappoint Mr. Anderson. Ken Bassett noted that the appointment will be for a four year term, and Mr. Anderson is willing to continue to serve. *Councilmember Sonja Norton moved to reappoint Terry Anderson to represent Vernal City on the Mosquito Abatement District Board. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Norton, Clark, Reynolds, Cowan and Munford voting in favor for a unanimous vote.*

CANVAS OF THE 2011 MUNICIPAL ELECTION: Ken Bassett congratulated JoAnn Cowan and Sonja Norton for their successful re-election to the Vernal City Council. He stated that Mr. Dave Everett was also successful in being elected and will become a new member of the Council in January. As part of the election process, it is necessary for the Council, as the election canvassing board, to review the votes cast and approve the numbers. One item that is different this year is the requirement for the Canvassing Board to count the provisional ballots as part of canvassing process. For this election, there are twelve valid provisional ballots that need to be counted and added to the official canvassing numbers. Ken Bassett read the votes cast for each candidate on the provisional ballots, and those votes were added to the official results as follows:

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CANDIDATE	ABSENTEE VOTES CAST	JR HIGH VOTES CAST	WESTERN PARK VOTES CAST	PROVISIONAL VOTES CAST	TOTAL VOTES RECEIVED
Norton	31	225	224	11	491
Everett	28	205	212	7	452
Cowan	16	203	205	8	432
Mashburn	19	181	149	5	354
Washburn	20	87	77	1	185
Larsen	11	71	75	2	159
Write-ins	0	5	1	0	6

The voter turnout for this election was 17.1%. Mayor Showalter commended Roxanne Behunin for her work on the election. *Councilmember Bert Clark moved to accept the election results with the addition of the provisional ballots as shown, as a member of the canvassing board. Councilmember Ted Munford seconded the motion . The motion passed with Councilmembers Clark, Munford, Reynolds, Cowan and Norton voting in favor for a unanimous vote.*

Ken Bassett expressed his appreciation to Councilmember Reynolds for his years of service on the City Council as his term will expire at the end of the year. Councilmember Cowan stated that there are young adults fighting for our freedoms in the Middle East, yet only 17% of the eligible voters actually cast a vote. She expressed her concern to find a way to engage the citizens in government more.

ADMINISTRATIVE REPORTS:

Nuisance Abatement:

Councilmember Clark mentioned that there are several unsightly areas west of Halliburton’s yard and a sign that has been knocked over by NuView, Glass. Ken Bassett stated he would have the staff inspect those areas.

Councilmember Cowan stated that she noticed a business is taking out their green space and replaced it with boulders. She asked the Planning Commission to review the landscaping requirements to make sure they are consistent. Allen Parker stated that the landscaping depends on the zone and set back requirements. After further discussion, Councilmember Norton agreed to have the Planning Commission look at the requirements for commercial developments.

Fire Marshal:

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Mayor Showalter stated that he has a concern that the Fire Marshall is overburdened trying to get all the fire inspections completed for the City. Councilmember Cowan noted that the Uintah Fire Suppression SSD will be hiring a full-time fire marshal and possibly that person can help with the City inspections. Mayor Showalter agreed that would be a good solution.

CLOSED SESSION: *Councilmember Clark moved to convene into closed session to hold a strategy session to discuss pending or imminent litigation, and to discuss the purchase, exchange or lease of real property and reconvene into open session after these discussions. Councilmember Norton seconded the motion. The motion passed with the following roll call vote and the meeting was convened into closed session:*

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

RECONVENE INTO OPEN SESSION: The meeting was reconvened into open session.

REPORTS:

The Council discussed possible dates for their annual Christmas party. The decision was made to meet on December 19th.

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

ATTEST:

Roxanne Behunin, Deputy Recorder

Mayor Gary Showalter

(S E A L)