

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
APRIL 3, 2013 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

PRESENT: Councilmembers Bert Clark, Dave Everett, Sonja Norton and JoAnn Cowan, and Mayor Gary Showalter. Councilmember Ted Munford was excused.

WELCOME: Mayor Showalter welcomed everyone to the meeting.

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 20, 2013: Ken Bassett noted that City Attorney, Dennis Judd, has requested corrections to the minutes dealing with the Haven Estates issue. His suggested changes were approved to clarify the contractor and names of investors. Councilmember Bert Clark moved to approve the minutes of March 20, 2013 with the corrections noted. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Cowan, Everett, Norton and Clark voting in favor.

BASIN ENTERTAINMENT LLC PRESENTATION: Steve Evans, owner of Basin Entertainment, explained that he has been involved in the concert business in the Uintah Basin for the last 3 years and was involved in producing the Country Explosion events. Last year the event attracted 6800 people, however the other owners decided to move the venue to Tooele in the hope of attracting a larger audience. He stated that although he is disappointed about the move, that event has grown into the largest outdoor festival in Utah. Two new festivals are being planned for the Uintah Basin, Thunder Rock and Thunder Country, and will be held at the Western Park. These events have numerous sponsors and the hope is to break even the first year. The projected budget is \$70,000 for production costs. Also, the support of law enforcement, the Western Park crew, and fire department will be needed to have a successful concert series. Councilmember Clark asked if he planned on placing a notice on the City and County websites. Steve Evans indicated that the Chamber of Commerce is helping with the local advertising. Ken Bassett stated the City can place a flyer on the web page. Mayor Showalter explained that Vernal City contributed \$5000 to the 2011-2012 venues for Country Explosion. It was later determined that they were a for-profit business making it hard for the City to participate financially. This new event will benefit the City, and if it is successful, it will further justify the need for a convention center. Councilmember JoAnn Cowan reminded everyone that there are specific guidelines for donating to these types of events using taxpayer money. Ken Bassett agreed, and stated that for a for-profit event, the City will need to project anticipated tax benefits to the City to see if what is being donated is equal to or greater than the revenue collected. Other types of events that the City sponsors do not have to have the tax analysis as they make the community what the Council wants it to be. Mayor Showalter asked the Council if they wanted the staff to go through the steps necessary to sponsor this event. Councilmember Norton stated she would like to support this event in other ways than financial. She suggested this event move forward the first year without City funds. Steve Evans stated that this event will promote the community, and the hope is that law enforcement will help keep everyone under control.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD APRIL 3, 2012

Councilmember Everett agreed that the Council should wait a year and possibly consider supporting this event in the future. He stated there was a lot of people unhappy that the City was involved with a for-profit endeavor that was not in the City. Councilmember Cowan suggested he contact the Chief of Police and Street Superintendent and let them help with shutting down streets and monitor alcohol use for this event. Steve Evans agreed to meet with them. Councilmember Sonja Norton moved to be supportive of Basin Entertainment events scheduled for this summer with the help of law enforcement and street departments. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Norton, Clark, Everett and Cowan voting in favor.

REQUEST FOR FUNDING FOR JUNIOR LIVESTOCK SHOW - JUSTIN HARRISON & RHETT HOLMES:

Justin Harrison stated that he would like to request funding from the City for the upcoming Junior Livestock show. He explained that this is the largest event of this type held in Utah. Students from the 3rd grade to high school participate, and over 400 kids are expected with half of them coming from out of town. Last year \$180,000 was raised for the kids. Bert Clark noted that they actually only make about four cents an hour taking care of their animals. Councilmember JoAnn Cowan moved to support the Junior Livestock Show with a sponsorship of \$1500. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowanaye;*
- Councilmember Dave Everett.....aye;*
- Councilmember Sonja Norton.....aye;*
- Councilmember Bert Clark.....aye.*

INTRODUCTION OF GOVERNMENT BUILDING EMPLOYEES, KYLE HUGHES, MICHAEL COULAM AND ALLEN KNUTSON:

Danny Anderson explained that he has new employees in his department and would like to introduce them to the Council. The first employee, Kyle Hughes, has been hired as a seasonal employee to help with the grounds, clean the parking lots, landscaping, electrical projects, etc. The next employee, Michael Coulam, is the full time custodian responsible for the City Hall buildings, and the last employee, Allen Knutson, is the part-time custodian who helps with City Hall and Public Works. The Mayor and Council welcomed the new employees and stated they are glad they are here.

PUBLIC HEARING: FY2013 BUDGET REOPENER #1 - ORDINANCE NO. 2013-04:

Mayor Gary Showalter stated that as the Administration, Department Heads and Council Committees prepare for a new budget, they all are very professional and diligent. He opened the public hearing to discuss reopening the FY2013 budget. Ken Bassett explained the purpose of reopening the budget is to make adjustments to the expenditures and revenues to make sure the budget is balanced. All the City departments meet with the Council Committees to go over the financial needs of the department and approve any adjustments. The City relies heavily on sales tax revenue and anticipated a 3.2% higher amount of sales tax than last year, leaving a \$46,000 surplus over expenditures. The current budget figures are actually higher than projected, however, by the end of the fiscal year, the tax revenue should be more in line with the 3.2% projection. Other changes in revenue include the franchise tax from Rocky Mountain

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD APRIL 3, 2012

Power which increased \$55,000 due to the cold winter, and building permits which are down, although that may change with the anticipated commercial development. There has not been a lot of changes in expenditures in individual departments. The utility funds are separate from the general fund and are marginally in the black, making it necessary to look at sewer rates for the upcoming budget. Councilmember Clark asked if it was anticipated that the water fill station would be built before the end of the fiscal year. Ken Bassett stated yes. There being no further comments, Mayor Showalter closed the public hearing. Councilmember JoAnn Cowan moved to approve Ordinance No. 2013-04 approving FY2013 Budget Reopener #1. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowanaye;*
- Councilmember Dave Everett.....aye;*
- Councilmember Sonja Norton.....aye;*
- Councilmember Bert Clark..... aye.*

PUBLIC HEARING: REQUEST FOR APPROVAL OF AMENDING THE VERNAL CITY GENERAL PLAN & LAND USE MAP - ORDINANCE NO. 2013-06:

Allen Parker explained that the City has received a request to consider amending the general plan. He brought the Council’s attention to the general plan map, pointing out an area near north Vernal Avenue. The request is to widen the mixed use area by two blocks connecting the now disconnected area and allow multiple types of zones. The Planning Commission has reviewed this request and is forwarding a positive recommendation. Mayor Showalter opened the public hearing for comment. Allen Parker explained that the general plan map shows mixed use even past the City limits to harmonize with the County general plan. Mayor Showalter asked if the area would be commercial. Allen Parker stated that mixed use would allow commercial or residential. The applicant will be requesting a change from C-2 (commercial) to R-4 (residential) which allows a denser residential development. Ken Bassett clarified that the mixed use allowance is within the dotted area of the general plan map, and obviously the City has no jurisdiction outside the City limits. The mixed use designation would allow commercial or residential so the Council could consider changing the zone. Ken Bassett asked if an industrial zone would be allowed. Allen Parker stated that would not be supported in a mixed use. Ken Bassett explained to the students present at the meeting that the City and County have general plans outlining how the community should grow over time. For example, a pig farm would not be allowed next to their homes in a residential neighborhood. In a mixed use area, there could be apartments with commercial uses right next to each other similar to the Gateway development in Salt Lake City which has apartments as part of the outdoor mall. There being no further comments, the public hearing was closed. Councilmember JoAnn Cowan moved to approve Ordinance No. 2013-06 amending the general plan map. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowanaye;*
- Councilmember Dave Everett.....aye;*
- Councilmember Sonja Norton.....aye;*
- Councilmember Bert Clark..... aye.*

PUBLIC HEARING: REQUEST TO REZONE PROPERTY LOCATED AT 251 EAST, 260 EAST, 292 EAST AND 308 EAST ON 100 NORTH FROM R-4 (RESIDENTIAL) TO

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD APRIL 3, 2012

CC-1 (COMMERCIAL) - ORDINANCE NO. 2013-05: Allen Parker explained that Mr. Russ Henderson is requesting to rezone his property along 100 North that borders his motel. The property currently is bordered by boulders and small houses and is being used as laundry storage for the motel. Councilmember Cowan stated that she has fielded questions on what the intent is for this rezone. Allen Parker stated that it is appropriate to know what is being planned, although Mr. Henderson has indicated that any long term plans will depend on the development of downtown. This property is part of his motel business activity, and he has said he plans on building a separate laundry facility, which is not permitted in an R-4 residential zone. Councilmember Cowan asked how the fire department will access the building. Allen Parker stated it would be the same as a detached garage. Councilmember Cowan stated the neighbors are concerned about the area becoming blighted with this property not being maintained. Councilmember Clark asked if the area will be lit. Allen Parker stated only new construction will require lighting. He suggested a development agreement be considered to alleviate the Council's concerns. Mayor Showalter suggested this item be tabled until more information is available. Ken Bassett suggested the Council have Mr. Parker meet with Mr. Henderson and communicate their concerns and draft a development agreement addressing the concern of blight and future blight. Once an agreement is available, the Council can reconsider this request. Allen Parker noted that Mr. Henderson has the Best Western franchise and has been placed on notice to improve the property or lose his franchise. There was some discussion regarding allowing a fence right next to the sidewalk. Allen Parker stated that the Planning Commission did forward a positive recommendation for this rezone. Keelson Beard asked if the homes are unoccupied, why doesn't the property owner take them down and simply build storage units. Councilmember Norton answered that the owner has personal property rights, allowing him to do what he wants as long as it is not against the code. Keelson asked if it affects the neighbor's property values, can something be done. Allen Parker stated that some properties can have negative impacts on neighboring properties which is still allowed. Councilmember Norton agreed. There being no further comments, the public hearing was closed. Councilmember JoAnn Cowan moved to table this item until the planning staff has met with the property owner and brings a recommendation on how to protect the integrity of the neighborhood. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

Councilmember JoAnn Cowanaye;
Councilmember Dave Everett.....aye;
Councilmember Sonja Norton.....aye;
Councilmember Bert Clark..... aye.

CARPET CLEANING BIDS PRESENTATION AND REQUEST FOR APPROVAL: Ken Bassett explained that \$5000 has been budgeted for carpet cleaning for the City Hall building and the old building. Five bids were received for this work with the low bidder being Carpets Plus. The staff is recommending the bid be given to the low bidder. Councilmember Clark asked how many times the carpet will be cleaned in a year. Ken Bassett stated only once. Councilmember Sonja Norton moved to approve the bid from Carpets Plus. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

Councilmember JoAnn Cowanaye;
Councilmember Dave Everett.....aye;
Councilmember Sonja Norton.....aye;

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD APRIL 3, 2012

Councilmember Bert Clark..... aye.

REQUEST FOR APPROVAL OF LEASE AGREEMENT WITH UTAH STATE FOR WOMEN’S SHELTER: Ken Bassett explained that the Utah State Division of Facilities Management has submitted a lease agreement to the City for the Women’s Shelter. The agreement is for a period of five years which is the longest they will write the agreement for. However, the agreement can be extended after the five year period. There is no payment to the City for the lease, and the State will be responsible for the day-to-day maintenance. If there are any structural issues such as the heating, or roof repair, that will be the responsibility of the City. Councilmember Bert Clark moved to approve the lease agreement with the State of Utah for the women’s shelter with the correction of the Mayor’s name. Councilmember JoAnn Cowan seconded the motion. The motion passed with Councilmembers Clark, Cowan, Everett and Norton voting in favor.

LETTERS OF SUPPORT TO COUNTY FOR CONVENTION CENTER: Mayor Showalter reminded the Council that the County Commission intends to apply for funding to build a convention center and has asked the City for support. The construction of a convention center is a logical addition as the community continues to grow. Councilmember Clark asked what the square footage is expected to be. Ken Bassett answered that the County is saying 70,000 square feet. Mayor Showalter asked the Council if they were supportive of a convention center depending on the location. He noted that this type of use would greatly help downtown and could share parking with the Western Park. After further discussion, the consensus of the Council was to have the Mayor write a letter of support for the County to be presented in their funding application to the Community Impact Board. The letter would include the City’s willingness to participate in the operation and maintenance of a convention center in the City’s downtown area with the amount undetermined at this time.

ADJOURN: There being no further business, Councilmember Sonja Norton moved to adjourn the meeting. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Norton, Clark, Everett and Cowan voting in favor and the meeting was adjourned.

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)