

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
APRIL 17, 2013 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

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

WELCOME: Mayor Showalter welcomed everyone to the meeting.

UPLIFTING THOUGHT: Mayor Showalter asked everyone to offer a minute of silence to show support for those involved in the recent Boston tragedy.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember JoAnn Cowan.

APPROVAL OF CITY COUNCIL MINUTES OF APRIL 3, 2013: Councilmember Bert Clark moved to approve the minutes of April 3, 2013 after clarification of the major community events. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton and Clark voting in favor.

INTRODUCTION OF NEW BUILDING INSPECTOR, JEFF SHAFFER: Allen Parker explained that Mr. Jeff Shaffer, who is originally from California, has been hired as a building inspector for the City. He recently worked for the Army Corp of Engineers as a building inspector for border patrol construction. He stated that Mr. Shaffer has a lot of experience, and the department is pleased to have him working. Councilmember Norton asked Mr. Shaffer why he decided to move to Vernal. Jeff Shaffer stated that his children are grown, and he is tired of the big city life. Also, it is closer to family. The Council and Mayor welcomed Mr. Shaffer to Vernal City.

WOMEN'S SHELTER PRESENTATION - DESIREE SWANK: Desiree Swank explained to the City Council that the women's shelter has moved into their new facility thanks to the generosity of the City. She thanked the Council and staff, especially JoAnn Cowan and Ken Bassett, for their hard work to buy and remodel the women's shelter. She stated that an open house was held last week for the new facility, and Mr. Bassett was unable to attend so she wanted to present a plaque to him in appreciation of his help. She noted that the new facility is so much bigger and they are able to provide better service to their clients. Councilmember Cowan explained that federal money was received for this project which required Ken to comply with a lot more regulations. The Council and Mayor also thanked Ken for his work on this project.

REQUEST FOR DONATION TO THE DINO-TRIATHLON – MARK MASON: Mark Mason explained to the Council that with the recent bombing during the Boston marathon, the runners in Vernal would like to host a run on Monday night. The event will start at 6:30 pm at the park and any funds raised will go to Boston. Mayor Showalter asked what this event has been named. Mark Mason stated it has been named "Vernal runs for Boston." Mr. Mason showed a video of an iron man race explaining how he started competing, and asked the Council to consider supporting the upcoming Dino-triathlon scheduled for June. Councilmember Ted

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Munford asked if this is a for-profit event. Mark Mason stated that technically it is not a non-profit organization, however all the funds are used for the event. Councilmember JoAnn Cowan moved to award a \$2000 sponsorship for the Dino-triathlon event. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

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

PUBLIC HEARING: REQUEST FOR APPROVAL TO REZONE PROPERTY LOCATED AT 287 NORTH VERNAL AVENUE - JOSH HERMANN - C-2 COMMERCIAL ZONE TO R-4 RESIDENTIAL ZONE - ORDINANCE NO. 2013-12:

Allen Parker explained that the City received a request from Josh Hermann to rezone his property located at 287 North Vernal Avenue from a C-2 commercial zone to an R-4 residential zone. This zone change does conform with the mix use designation for this area which includes retail or multi-residential. The Planning Commission reviewed this request and is forwarding a positive recommendation. Mayor Showalter opened the public hearing to discuss this request. Councilmember JoAnn Cowan asked what the neighboring property is zoned. Allen Parker stated that the property along Vernal Avenue is zoned C-2 commercial. However, the property is only 85 feet away from an R-4 to the west. Councilmember JoAnn Cowan stated that the City has always had a philosophy not to spot zone. Allen Parker answered that the concept behind a mixed use designation is to allow residents to live, shop, recreate and work in the same general location. Josh Herman explained that he improved his home and installed a mother-in-law apartment into the building to the side. He would like to sell the property, but is having trouble with lenders because the property is zoned commercial. Allen Parker stated that the home is grandfathered as non-conforming in a commercial zone. Councilmember Clark asked why the rezone request is for an R-4 instead of an R-2 residential. Allen Parker stated that an R-2 zone is not an appropriate zone in a mixed use area. Josh Hermann noted that this area is a checkerboard of commercial and homes including commercial across the street. Allen Parker stated that the R-4 zone allows some commercial such as offices. Ken Bassett stated that mixed use areas are seen in older downtown areas of communities to promote commercial in old residential areas. Councilmember Munford asked if the neighboring properties also wanted to be residential. Josh Herman stated that his neighbor, Philip Henderson, does not care one way or the other, and the property to the north is a rental. Allen Parker reminded the Council that the property owners need to initiate the request. Councilmember Norton stated that the Planning Commission viewed this as a mixed use theme allowing bakeries and small businesses to be a part of a community within a community. Mr. Kent Cook, owner of the property to the south with an office located on it, stated that he tried numerous times to rezone property for his office and was told he could not spot zone. He commented that property owners should be able to use their property as they like, but if there is a specific zone, the City should stick with that zone. He noted that a mixed zone does make sense for this area, although it is frustrating that it is not allowed in other areas. Councilmember Norton

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stated that it is a hard concept to understand, and in order to have a “little community” within a larger neighborhood, spot zoning will occur to create that effect. Mayor Showalter asked if there have been other instances of spot zoning or mixed uses. Allen Parker stated yes - the downtown area is mixed use. This concept is used to allow high density residential with commercial and offices. Councilmember Munford agreed with having a mechanism to allow residents to do what they like with their property as long as it fits the neighborhood. There being no further comments, the public hearing was closed. Councilmember Ted Munford moved to approve Ordinance No. 2013-12 rezoning the Hermann property from C-2 to R-4. Councilmember Sonja Norton seconded the motion. The motion passed with the following majority vote:

Councilmember Ted Munford.....aye;
Councilmember JoAnn Cowan nay;
Councilmember Dave Everett.....aye;
Councilmember Sonja Norton.....aye;
Councilmember Bert Clark..... aye.

DISCUSSION TO REZONE PROPERTY LOCATED AT 251 EAST, 260 EAST, 292 EAST AND 308 EAST ON 100 NORTH FROM R-4 (RESIDENTIAL) TO CC-1 (COMMERCIAL): Allen Parker reminded the Council that the City received a request to rezone property along 100 North and 300 East from R-4 residential to CC-1 commercial zone, and the public hearing was held at the last meeting. Mr. Brock Smith, representing Mr. Russ Henderson, explained that this rezone would allow Mr. Henderson to build a shop and move the laundry facility for the hotel. The one garage will be removed to make the area more appealing. Also, Best Western is requiring the property to be updated. Mayor Showalter asked if the home will be used. Brock Smith stated it will only be used for storage or an office. Councilmember Clark asked if there is a time frame for the improvements. Brock answered no. Councilmember Everett asked if there were any plans to spruce up the outside. Brock Smith stated they will consider any suggestions. Councilmember Cowan stated that they were inviting more vandalism unless the property looks like it is being used. Brock Smith agreed that safety precautions need to be taken. Ken Bassett reminded the Council that they can require a development agreement in conjunction with the rezone, and in this case they can require the homes be painted and landscaping maintained. Mayor Showalter noted that the intent is to expand the hotel and the landscaping can only be maintained in the short term. Brock Smith stated that Best Western has specific standards and the development agreement could not conflict with those. He stated that he cannot disclose any additional plans for the property. After further discussion, the consensus of the Council was to place the rezone request on the next agenda without a development agreement.

REVIEW OF BIDS AND AWARD OF SOUTH VERNAL AVENUE WATERLINE PROJECT: Ken Bassett explained that bids were received to replace the water line on Vernal Avenue from approximately 100 South to 500 South. A grant was received from the Community Impact Board in the amount of \$213,000 for this project. The remainder of the funding will come from the Water Fund. Four bids were received with the low bid of \$311,450 being submitted by Weldon Construction. Ken noted that Hubes Construction made a mathematical error in their bid,

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causing it to be higher than originally presented. Darren Anderson, engineer for this project, explained that they contacted references for Weldon Construction and verified their track record. The recommendation is to award the contract to Weldon Construction. He explained that Mike Weldon has completed municipal work in California although Weldon Construction mostly performs oilfield work. Mayor Showalter agreed that George Weldon is known as a reputable contractor. Councilmember JoAnn Cowan moved to accept the bid of Weldon Construction and award the south Vernal Avenue water line project to them. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

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

REQUEST FOR APPROVAL OF EIGHTH DISTRICT COURT EMPLOYMENT AGREEMENT: Ken Bassett explained that the City enters into an agreement with 8th District Court for the purpose of having juvenile offenders provide landscaping maintenance on City property throughout the City. The cost of this service is \$700 a month. The youth are required to spend time doing community service, and the City benefits from their work. Councilmember Cowan asked if this includes the fire station. Ken Bassett stated he would add that parcel to the list. Jessica Lawson stated that she would rather see the City hire students who have not been in trouble and provide them with their first job. Councilmember Munford asked who provides the equipment. Ken Bassett stated that the City does. He mentioned that the City has to be careful not to violate any laws working with youth under sixteen. He explained that the juvenile court provides supervision for these workers, and if there were volunteers willing to oversee students, it would be a worthwhile program. Jessica Lawson stated that the kids in this community need to stay busy. Councilmember Cowan asked Jessica to pursue finding volunteers who would be willing to monitor the youth to help out in the community. After further discussion, Councilmember Dave Everett moved to approve the contract with Eighth District Court. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Everett, Munford, Clark, Cowan and Norton voting in favor.

REQUEST FOR APPROVAL OF EMPLOYEE HEALTH INSURANCE PROGRAM FOR FY2014: Ken Bassett explained that the City received the health insurance renewal for the upcoming fiscal year. The health insurance is a huge benefit for the employees and is presently with Cigna. GBS Benefits, Tim King’s office, are the brokers and helped bring the renewal rate in at a 5.9% increase over last year. This rate is based on the same coverage as last year, including the high deductible health plan. The Council asked how many employees have signed up for the high deductible plan. Ken Bassett answered 28 employees are on the high deductible family plan. The employee’s cost for the \$750 deductible health insurance plan will increase from \$186.64 to \$197.67 a month for family coverage. The City cost will increase from \$1368.69 to \$1449.60 a month per employee. The dental insurance also increased from \$93 to \$97 a month. The total annual increase for the City will be \$55,000. Ken Bassett

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recommended the City stay with Cigna Health Care for medical insurance coverage and PEHP for the dental coverage with the employees paying the same percentage as last year. Councilmember Bert Clark moved to approve the insurance program as presented for the FY2014 budget. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

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

ADMINISTRATIVE REPORTS:

FY2014 Budget workshops:

Ken Bassett reminded the Council that the tentative budget will be presented at the next meeting. Budget meetings are usually scheduled after that to complete the budget before the middle of June. The consensus of the Council was to meet on May 13th, 14th, and 15th starting at 4 pm.

ADJOURN: There being no further business, Councilmember Ted Munford moved to adjourn. Councilmember Dave Everett 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)