

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
May 15 , 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, JoAnn Cowan, Ted Munford and Mayor Showalter.

WELCOME: Mayor Showalter welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: The uplifting thought was given by Mayor Gary Showalter.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Dave Everett.

APPROVAL OF CITY COUNCIL MINUTES OF MAY 1, 2013: *Councilmember Sonja Norton moved to approve the minutes of May 1, 2013. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton and Clark voting in favor.*

REQUEST FOR FUNDING FOR ANNUAL ROD & GUN CLUB SHOOTING EVENT - STACEY HAWLEY: Mayor Gary Showalter reminded the Council that each year the Rod and Gun Club hosts a significant shooting event which brings a lot of people to the area. The visitors spend a few days here which benefits the City. Stacey Hawley stated that they are excited to host this event and are expecting 275 participants from around the U.S. and Canada. The Gun Club hosts six dinners and serves over 35,000 plates with the assistance of other groups during the shoot. She asked the City to help sponsor this event again this year at a cost of \$5000. Mayor Showalter noted that it is important for the travel and tourism groups to be present at these events. Stacey Hawley stated that the Chamber of Commerce will be handing out brochures about the area to participants. *Councilmember Clark moved to provide a \$5000 sponsorship of the Rod and Gun Club shooting event. 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.

INTRODUCTION OF NEW WATER TECHNICIAN, MIGUEL GUTIERREZ – MIKE DAVIS: Mike Davis, Water Superintendent, introduced Mr. Miguel Gutierrez to the Council and stated that Mr. Gutierrez is a great addition to his department. The Council and Mayor welcomed Mr. Gutierrez to Vernal City.

CANCER ELIMINATION DAY PROCLAMATION: Debbie Spafford explained that the American Cancer Society is looking for 500,000 people to conduct a study over the next twenty to thirty years on cancer. The Relay for Life event was selected to have people register and participate in the study. Councilmember Cowan asked if an exam is necessary. Debbie Spafford

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stated that only a brief survey, waist measurement and blood sample is all that is needed. The blood vial is not tested unless the participant develops cancer. She asked the City Council to consider declaring June 7th as Cancer Elimination Day to bring increased awareness to this study and the Relay-for-Life event. Debbie read the proclamation for the Council. *Councilmember JoAnn Cowan moved to authorize the Mayor to sign the proclamation, proclaiming June 7th Cancer Elimination Day. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Cowan, Clark, Norton, Everett and Munford voting in favor.*

Councilmember Cowan thanked Debbie Spafford for her work on this project.

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING CHAPTER 16.46 - MANUFACTURED HOME ZONE, 16.56 - MANUFACTURED HOME PARK AND TRAVEL TRAILER COURT REGULATIONS - ORDINANCE 2013-01: Mayor Gary Showalter opened the public hearing for Ordinance No. 2013-01. He asked the audience to feel free to ask a question or make any comments. Allen Parker explained that the purpose of this ordinance is to change the way we look at manufactured homes. Councilmember Cowan asked why the width would be changed from 24feet to 18 feet. Allen Parker stated that only certain sized double-wides are allowed. The concern is that the City might be excluding a certain price point in housing by requiring the 24foot width. He noted that single wides are allowed in mobile home parks while double-wides are allowed in other areas. Councilmember Cowan asked why the ordinance eliminates certain styles of exterior siding. Allen Parker stated that at the advice of the City Attorney, the same development standards should apply to manufactured homes as stick built homes. Councilmember Cowan stated she did not want to see unsightly siding on homes in the City. Ken Bassett explained that in the building codes adopted for regular stick built homes, there is a provision requiring certain types of exterior finishes. He asked if there is a minimum width for a home or square footage. Allen Parker stated that he was not sure, but he would find out. Councilmember Cowan asked what is "other like substance" when it comes to a hard surface. Allen Parker stated there are some polymer substances. JoAnn asked that "other like substances" be eliminated and require that the surfaces be maintained. Allen Parker stated that the paving requirement is in the landscaping code, indicating that all areas not landscaped be paved. Councilmember Cowan voiced her disagreement with eliminating the skirting requirement. Ken Bassett called their attention to the definition of skirting. Councilmember Clark asked if this definition will be applicable to all mobile home parks along with the maintenance of common areas. Allen Parker stated that the Planning Commission chose to eliminate the maintenance issue as that is problematic to enforce. Councilmember Munford asked if there were any provisions to prevent someone from stacking mobile homes. Allen Parker stated they would have to meet all building codes. He explained that some homes are grandfathered, but no older mobile homes would be allowed. Ken Bassett agreed that in older parks there is a lack of maintenance which is a concern and suggested the commercial development maintenance requirement be used for new park development. Allen Parker stated that the City can stop issuing building permits if the park is not maintained. Ken Bassett stated that their business license can also be withdrawn. Mayor Showalter asked that they specifically address commons areas such as parks, playgrounds and parking. Allen Parker stated that the ordinance can clarify that the landscaped areas shall be

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maintained not only by homeowners, but also by the owner of the park.

Carly Boyles, 4078 South 1500 East in Vernal, explained that she owns a few mobile homes and takes pride in those homes. The main purpose is to provide affordable housing for people who cannot afford to rent a home. She explained that she recently purchased a mobile home and wanted to place it on a lot in Vernal City, but was not allowed to because of the size. The home is only 20 feet wide. Councilmember Norton asked about allowing vertical siding. Carly Boyles stated that they are putting different type of siding on homes now. Ken Bassett asked if the home will be placed on a permanent foundation. Carly Boyles answered yes. Allen Parker stated that the Planning Commission is forwarding a positive recommendation for this ordinance. There being no further comments, Mayor Showalter closed the public hearing. *Councilmember Ted Munford moved to approve Ordinance No. 2013-01 with the changes and corrections discussed. Councilmember Norton seconded the motion. The motion passed with the following majority roll call vote:*

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

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING SECTION 16.20.610 - TEMPORARY PARKING - ORDINANCE NO.2013-07:

Mayor Showalter opened the public hearing. Allen Parker explained that an individual approached the City wanting to hold a temporary event which usually simply requires a permit through the temporary business license process. In this case, they wanted to host a flea market through the summer, but there was a question about parking. The code does not address the issue of having an event with parking in the dirt. Mayor Showalter asked about the term “fugitive dust”. Allen Parker stated that is an engineering term for dust that does not stay on the property. Ken Bassett suggested the word “fugitive” be deleted. He also asked the Council to consider the time frame. Will it be a problem if the event lasts through the entire summer? He suggested not allowing an event to be more than seven consecutive days in a 30 day period. Allen Parker mentioned that if the event is held longer, it will have to have a hard surface for the parking. Mayor Showalter stated that someone will have to be parking the cars and know how many will fit. Councilmember Cowan wanted to change the time frame to five days at one location. Councilmember Cowan moved to table ordinance No. 2013-07 until the items discussed can be changed. Councilmember Norton suggested the changes be made now. Councilmember Cowan withdrew her motion. *Councilmember Sonja Norton moved to approve Ordinance No. 2013-07 with the changes as noted - changing the time frame to 5 days, and eliminating fugitive. Councilmember Dave Everett seconded the motion. The motion passed with the following unanimous roll call vote:*

Councilmember Ted Munford.....aye;
Councilmember JoAnn Cowanaye;
Councilmember Dave Everett.....aye;

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Councilmember Sonja Norton.....aye;
Councilmember Bert Clark.....aye.

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING SECTIONS 16.24.150 - TEMPORARY USES & STRUCTURES, 16.48.030 - COMMERCIAL USES, 16.52.040 - INDUSTRIAL USES, & 16.54.020 - FAIRGROUND & PARK USES - ORDINANCE NO. 2013-08: Mayor Gary Showalter opened the public hearing for public comment. Allen Parker explained that this ordinance is lengthy, but not complicated. Specific uses are listed for each zone in the City, and specific temporary uses have been included with this ordinance. The purpose of this change is to consolidate temporary uses and put the regulations which specify how these uses should be managed, under a separate section. This change will make it easier to manage. Also, any regulatory wording that is redundant is being eliminated. Ken Bassett asked what other transient amusement included. Allen Parker stated that wording was already in the code and he did not know what it referred to. Ken Bassett stated that a circus should not be allowed in a residential zone, and in past years the City has not had to approve a circus at the Western Park or Middle School. He suggested the code be specific where a circus or similar event could be held. Councilmember Norton noted that the Planning Commission thought they were only addressing the commercial and industrial zones. The middle school is located in a residential zone. Allen Parker stated that there is no specific zone for schools. Councilmember Sonja Norton stated that the schools host a lot of carnivals. Ken Bassett suggested changing the wording to reflect any school. The consensus of the Council was to take out the City Council approval. There were no further comments and the public hearing was closed. *Councilmember JoAnn Cowan moved to adopt Ordinance No. 2013-08 with the changes discussed. Councilmember Ted Munford seconded the motion. 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 TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING: SECTION 16.06.010 - AMENDMENTS - ORDINANCE NO. 2013-09: Mayor Showalter opened the public hearing. Allen Parker explained that this Ordinance changes the notification period when there is a requested zoning change to bring it into compliance with State code. There were no public comments and the hearing was closed. *Councilmember JoAnn Cowan moved to approve Ordinance No 2013-09. 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;

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Councilmember Sonja Norton.....aye;
Councilmember Bert Clark.....aye.

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 16 - PLANNING & ZONING: SECTION 16.58.150 - STREET NAMES - ORDINANCE NO. 2013-13: Mayor Gary Showalter opened the public hearing. Allen Parker stated that this ordinance requires streets in the City to use the numerical grid system unless it is not feasible. If the developer wants a different name, they have the option to come before the Council. Mayor Showalter stated that in other areas the streets have unique names and underneath the name the street number is listed. He thought it would be permissible to have a street name as long as the number is also listed. Allen Parker stated the idea is to get away from names. Ken Bassett mentioned that the reasoning is to keep the numerical designation so the fire and police do not have problems locating the address. If the street name is used, the homeowners will use that name when they call the police. There were no further public comments and the hearing was closed. *Councilmember JoAnn Cowan moved to approve Ordinance No. 2013-13. 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.

PUBLIC HEARING: FY2014 BUDGET: Mayor Showalter opened the public hearing. Ken Bassett stated that over the last several weeks the Council and staff have been working on the budget. The Council has finished with the workshops, and now is the time to receive any specific requests from residents prior to adopting the budget for 2013-2014. There is one written request from Mrs. Paula Jones for a neighborhood park next to her home where the City owns property. He referred the Council to the letter submitted by Mrs. Jones. When the subdivision next to Vernal Gardens was platted, there were two lots left. The developer sold the property next to the subdivision to the City for the low to moderate income housing and included these two lots in the sale. The lot on 250 South is the one that Mrs. Jones is referring to, and it is marginally acceptable for development, but it is acceptable. Mayor Showalter asked if the City could sell the lot. Ken Bassett answered that the lot can be sold. Councilmember Cowan moved to maintain the lot this summer and then sell it. After discussion, Councilmember Cowan withdrew her motion. The Council requested the lot be cleaned up and placed for sale. The consensus of the Council was to not build a park. There were no further comments and the public hearing was closed.

PUBLIC HEARING: CDBG FUNDING 2ND PUBLIC HEARING FOR 2013 / 2014 PROJECT: Mayor Gary Showalter opened the public hearing for the 2013-2014 CDBG program, explaining that this hearing is to receive input from citizens on the low-income housing rehabilitation projects that will be completed using CDBG funds this year. Ken Bassett stated

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that the City’s capital improvement plan was amended to apply for funds on behalf of the Uintah Basin Assistance Council, who provides low-income housing in the Vernal area. The City was successful in the regional rating and ranking process and will receive \$30,000 in CDBG funding to replace the roof on a tri-plex located at 160 West 400 South and update the plumbing in a duplex located at 78 North 1000 West in Vernal. The City will be responsible to pay the engineering at a cost of \$3,500 for those projects and the funds have been allocated in the upcoming FY2014 budget under the capital improvement budget. Mayor Showalter mentioned that the capital facilities plan is available for anyone interested in receiving a copy. He then asked for comments, questions, and concerns from the audience. Hearing none, Councilmember JoAnn Cowan then commented that the Uintah Basin Assistance Council runs on a very tight budget and does not have the funds to make necessary improvements. Uintah County helps subsidize their low-income housing by providing office space, and any additional help from the City would be greatly appreciated. Councilmember Bert Clark noted that the shingles are badly curled on the 400 South property and asked what type of roof will be installed. Ken Bassett stated that the plan is to use asphalt shingles. There were no further public comments, and the public hearing was closed.

REQUEST FOR APPROVAL OF 2ND LOW BIDDER FOR RAW WATER LINE PROJECT: Ken Bassett reminded the Council about the issue surrounding the raw water line bid. The funding from the Community Impact Board was for \$4.3 million dollars and the 2nd lowest bid will put the project over that amount. The bonding and funding will need to be changed before this project can commence. Ken brought the Council’s attention to the summary of the bids and stated that the low bidder, J.B. Gordon, withdrew his bid, and the next low bidders are BHI for phase I in the amount of \$2,748,255 and Counterpoint for phase II in the amount of \$1,656,500. The total project cost will be closer to \$5.2 million dollars. The Community Impact Board will be considering the increased funding request in June. Once the funding request is approved, the project can start. He recommended awarding the bid upon approval of the funding. Councilmember Cowan asked if they had checked the references on Counterpoint. Keith Despain stated that they did speak with entities that had worked with them, and they have also done municipal work in the past. He stated that he was confident they are a valid construction company. Both companies met with the property owners after the pre-bid meetings. *Councilmember JoAnn Cowan moved to award the raw water line contracts to BHI and Counterpoint contingent on receiving the additional funding. Councilmember Sonja Norton seconded the motion. The motion passed the following roll call vote:*

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

A RESOLUTION SUPPLEMENTING THE APRIL 4, 2012 PUBLIC HEARING ON WATER REVENUE BONDS, AUTHORIZING THE SALE OF AND PROVIDING FOR

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THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED OF NOT MORE THAN \$5,400,000 TAXABLE WATER REVENUE BONDS FOR WATER SYSTEM IMPROVEMENTS, FIXING THE MAXIMUM PRINCIPAL AMOUNT, MATURITY, INTEREST RATE AND DISCOUNT OF THE BONDS; AND RELATED MATTERS. - RESOLUTION NO. 2013-11: Ken Bassett explained that prior to completing the bonding with the Community Impact Board (CIB) for the raw water line project, several legal steps have to be taken. The first step is to amend the parameters resolution to reflect the correct amount for this project as explained. The original parameters resolution was for \$4.9 million dollars. This resolution amends the amount to \$5.4 million dollars to cover any residual issues that have to be dealt with. There is a 30 day waiting period to receive comments before the final resolution can be presented. He recommended the approval of Resolution No. 2013-11. *Councilmember Bert Clark moved to approve Resolution No. 2013-11. 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 STOCK LOAN SERVICES LATE COMERS AGREEMENT WITH VERNAL CITY - KEN BASSETT: Ken Bassett stated that Stock Loan Services is willing to complete the private utilities in the Haven Estates Subdivision. The purpose of this agreement is to have the Council approve, under the terms of the late comer's agreement, an agreement with Stock Loan Services so they can recoup their costs for these improvements. They put the utilities in, and when builders come in for a permit in this subdivision, they pay their share of this expense. The City Attorney, Mr. Dennis Judd, reviewed and revised the agreement to make sure it complies with the ordinance. Approval of this agreement will tell Stock Loan Services that the City encourages this step to complete this subdivision. Councilmember Sonja Norton asked if the improvements will be on the 66 lots adjacent to the paved streets. Ken Bassett answered yes. Councilmember JoAnn Cowan moved to approve the agreement with Stock Loan Services with the revisions of the City Attorney. Councilmember Sonja Norton seconded the motion. The motion passed with the roll call vote:

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

A DISCUSSION OF THE FINAL RESOLUTION FOR THE RAW WATER LINE PROJECT - RESOLUTION NO. 2013-12: Ken Bassett stated that he wanted to bring to the Council's attention the final resolution for the raw waterline project as discussed earlier. Mayor Showalter acknowledged that it has been presented for review. There was some discussion

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regarding presenting these items electronically for the Council. Councilmember Cowan noted that she likes to make notes on the paper documents.

ENGINEERING PROPOSAL FOR EAST PARKING AREA OF CITY HALL - KEN BASSETT: Mayor Gary Showalter noted that the property to the southeast of City Hall was deeded to the City by Uintah County. Ken Bassett stated that the property is connected to this building and the intent is to add parking for the City Hall building. Engineering Services has submitted a proposal for the design of the parking, egress and ingress of \$25,000. There is not an estimated cost for the project, but the City still has funding of approximately \$800,000 for the City Hall building project. *Councilmember Sonja Norton moved to accept the proposal from Engineering Services for the parking lot project. Councilmember Dave Everett 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.

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