

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

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

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

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Bert Clark.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Sonja Norton.

APPROVAL OF CITY COUNCIL MINUTES OF JUNE 19, 2013: Councilmember Cowan asked that the minutes reflect that she gave an uplifting thought. With that correction, *Councilmember Cowan moved to approve the minutes of June 19, 2013. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton and Clark voting in favor.*

APPROVAL OF CITY COUNCIL MINUTES OF JUNE 26, 2013: *Councilmember Bert Clark moved to approve the minutes of June 26, 2013 as written. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton and Clark voting in favor.*

REQUEST FOR SPONSORSHIP OF ENERGY SUMMIT: Ken Bassett explained that the County Economic Development Director, Tammie Lucero, has requested the City help sponsor the upcoming energy summit. This summit has been held for several years and this year Governor Herbert will speak. The summit is planned for September 19th at the Western Park. Last year the City contributed \$3000. After discussion, *Councilmember Dave Everett moved to sponsor the energy summit at the cost of \$3000. 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 EMPLOYEE, KELLY KING - DANNY ANDERSON: Danny Anderson introduced Kelly King, the new lead custodian, to the Council. He explained that Kelly has been living in the Ogden area and has been trying to move back to Vernal. He

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noted that she is doing an excellent job learning the needs of this building. The Council welcomed Kelly to Vernal City.

PRESENTATION BY FISH & WILDLIFE DIVISION ON FISHING & FISH HATCHERIES - TRINA HENDRICKS: Trina Hendricks, with the Fish and Wildlife Division, explained that the goal of this presentation is to inform the public about fishing to get them excited and try to incorporate a fishing program into the community. The hope is to get the more urbanized population into fishing and outdoor recreation. A power point presentation was shown to explain the program. Councilmember Clark asked how much revenue is provided to a community when someone purchases a fishing license. He noted that someone that purchases a hunting license spends an average of \$2600 for hunting. Trina Hendricks stated that people do not spend as much for fishing, although many fishermen own boats. Anglers from the Wasatch Front probably spend anywhere from \$50 to \$600 for a weekend fishing trip. Ken Bassett asked who usually owns neighborhood ponds. Trina Hendricks stated that usually the city or town that they are working with owns the property. Ken Bassett asked who handles the liability issue. Trina Hendricks stated that she did not know how that is dealt with. The community ponds program is usually a partnership between the local entity and the State. Surveys show that the majority of anglers only travel 16 miles to their favorite fishing hole, predominantly use bait and are between the ages of 16 to 59 years of age. Councilmember Clark asked if there is still a reduced license cost for seniors. Trina Hendricks answered yes that they do receive a discount. She noted that the Vernal area does not have a community fishing program although Kids Canal is stocked annually. Councilmember Cowan asked why Kid's Canal is not considered a community area as a lot of families and kids recreate there. Trina Hendricks stated that usually a community area is large enough to hold special events, and Kids Canal has a problem with traffic and safety. Councilmember Sonja Norton asked if the pond at the Walking Park would be large enough for this type of activity. Trina Hendricks stated that a certain size of pond is necessary to carry the fish. One of the reasons for this presentation is to receive ideas. Councilmember Clark asked who buys the water to fill the ponds. Trina Hendricks agreed that is a big concern, although the State does have water shares for their properties. Other entities are also being approached to see if they are interested in investing in a community pond. The major points to consider are who owns the land, obtaining water rights and damn construction which the State can do. Also, mosquito abatement and general maintenance need to be considered. The Council thanked Trina for her presentation.

REQUEST FOR SPONSORSHIP OF ALIVE AFTER FIVE - JOE EVANS: Mr. Joe Evans introduced Sherry Remington, who will be working organizing this year's Alive after Five events. This event has grown larger every year and is getting more expensive to produce. Councilmember Clark stated that the City received noise complaints on the recent Thunder Rock concert held at the Western Park and asked what Alive after Five has planned to control the noise. Joe Evans stated that this event is held in the amphitheater with a smaller sound system which helps control the noise. Also, there is a building on one side and bleachers on the other that works as a barrier to stop the sound. In years past, the City has provided a \$3500 sponsorship and this event would not be able to happen without that support. This event helps

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local youth work with professional sound equipment and to feel comfortable in front of people. *Councilmember JoAnn Cowan moved to support the Alive After Five event at the amount of \$3500. Councilmember Bert Clark 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.*

RECOGNITION OF CLINT MORTON FOR CERTIFICATIONS - COREY COLEMAN:

Allen Parker explained that Clint Morton was hired to be an infrastructure inspector and has gone through the process to get his certifications through American Public Works Association. He is the first person in Utah to become certified as a Certified Public Infrastructure Inspector (CPII) by this organization. Other organizations are now contacting Clint to work for them. Councilmember Norton commended the Planning Department for giving Mr. Morton the opportunity to become certified. The Council congratulated Mr. Morton on his accomplishment.

PUBLIC HEARING: REQUEST TO REZONE PROPERTY LOCATED AT 650 NORTH VERNAL AVENUE FROM RA-1 RESIDENTIAL ZONE TO C-2 COMMERCIAL ZONE - SUNBURST CHILD CARE - ORDINANCE NO. 2013-21:

Allen Parker explained that Andrea Fleming is requesting to rezone property located at 650 North Vernal Avenue from residential to commercial. This property houses her child care facility and is in a mixed use zone which is allowed by the general plan. The property is adjacent to a CC-1 commercial zone to the north which is unique in this area. Most of the CC-1 zone properties are along Highway 40 / Main Street. To the south is an R-1 zone. Councilmember Bert Clark asked why the request is being made - are there plans to expand. Allen Parker answered yes; they would like to build an addition. Councilmember Bert Clark stated there is an easement for a sewer line in that proximity which will need to remain. Councilmember Cowan agreed that she thought the line was between this property and the neighboring property. Andrea Fleming acknowledged that she was aware of the easement, and it will be shown on the site plan. Mayor Pro Tempore Sonja Norton opened the public hearing. Allen Parker stated that the other businesses along Vernal Avenue are in a C-2 commercial zone which is more appropriate for that street. The Planning Commission is forwarding a positive recommendation. The Council can require a development agreement if they feel it is necessary. Councilmember Cowan asked if there is any reason to require a development agreement. Allen Parker answered no, not that he was aware of. There being no more public comments, the public hearing was closed. *Councilmember Dave Everett moved to accept Ordinance No 2013-21 to rezone the property at 650 North Vernal Avenue from RA-1 to C-2 zone, with the location of the sewer line being noted. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:*

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

PUBLIC HEARINGS: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODES: SECTION 16.20.610 - TEMPORARY PARKING (DEPOSIT AND HOLD HARMLESS LETTER) - ORDINANCE NO. 2013-15: Allen Parker explained that the Council previously discussed creating a financial guarantee to make sure a vendor cleans up properly after an event that requires temporary parking. The Planning Commission reviewed this request and determined this is more of an issue between the property owner leasing the land, and the individual using the land for parking. The recommendation is to not have the City get involved. Mayor Pro Tempore Sonja Norton opened the public hearing. Councilmember Bert Clark asked if when an individual comes in to get a permit for a temporary event and parking permit, is there a way to make sure they adhere to the rules. He asked if the property will be inspected after the event. Allen Parker answered that the City will verify compliance with any City requirements. Councilmember Cowan stated that she thought about the escrow account and did not think the City should be involved in a transaction that is actually between two private individuals. Councilmember Munford agreed that this transaction would be between two private parties, and the land owner would want to take care of his own investment. Councilmember Norton agreed and stated that the ordinance that was already adopted will protect the surrounding properties. Ken Bassett stated that the event that triggered this discussion was a flea market south of the Recreation Center which potentially could have a lot of traffic, and the zoning has to be appropriate so there is no impact to neighboring properties. There being no further public comments, the public hearing was closed. *Councilmember Ted Munford moved to decline Ordinance No. 2013-15 and not make any changes to section 16.20.610 of the Code. 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.

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODES: SECTION 16.24.130 - STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES - ORDINANCE NO. 2013-16: Allen Parker explained that an issue came up regarding larger trucks being parked in the City in residential zones. The code does not currently allow the storage of commercial vehicles greater than 1 ½ tons. However, people drive heavier rated trucks, and in this case, he has a street sweeper that is kept at the home. The Planning Commission looked at this issue and had specific concerns about the rated capacity of the roads. The Planning Commission asked for more data before making a recommendation

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and tabled this item until they receive more information. Councilmember Cowan stated that the code says continuous parking and she asked for a definition of continuous parking. Allen Parker stated he did not have the definition. Councilmember Cowan stated there is a commercial truck with dual wheels that parks every night and leaves every morning - are they in violation of this code? Allen Parker answered yes if it is continuous. Councilmember Clark asked if this also pertains to farm vehicles. Allen Parker stated that with the workforce in the Uintah Basin, it is hard to enforce and find a balance. Ken Bassett confirmed that the City code in another section, addresses large vehicles driving on City streets that are not built for heavy truck traffic in residential zones. This code section only applies to trucks rather than different types of vehicles rated over 1 ½ tons. Ken Bassett stated that these issues need to be addressed by the Planning Commission. He suggested the Council table this Ordinance and bring it back after the Planning Commission has discussed it and added something that has more merit. Mayor Pro Tempore Sonja Norton opened the public hearing and asked for any public comments. There were no public comments and the hearing was closed. *Councilmember JoAnn Cowan moved to table this item and direct the staff to look at other cities and find an ordinance that is more carefully worded for review by the Planning Commission and Council. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Cowan, Munford, Everett, Norton and Clark voting in favor.*

PUBLIC HEARING: DISPOSAL OF REAL PROPERTY LOCATED AT 300 SOUTH AND 250 SOUTH - KEN BASSETT: Ken Bassett reminded the Council that the two lots owned by the City over by Vernal Gardens have been advertised for sale. State law requires a public hearing to dispose of public property before it can be sold. A minimum sales price was placed on the land and proposals are due by July 26th. Mayor Pro Tempore Sonja Norton opened the public hearing to receive any public comments. There being no comments, the public hearing was closed.

AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE - TITLE 15 - ADOPTION OF BUILDING CODES - ORDINANCE NO. 2013-14: Ken Bassett explained that from time to time the City needs to adopt updated building codes as they are revised. One code, the international maintenance code, deals with issues between tenants and owners, and the City does not need to enforce that code. He suggested that code be eliminated from the municipal code. The State of Utah adopted these codes as of July 1, 2013. *Councilmember Bert Clark moved to adopt Ordinance No. 2013-14. 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.*

ADMINISTRATIVE REPORTS

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Construction concerns:

Councilmember Bert Clark stated that there are a lot of vehicles with the construction on 100 North entering the traffic lanes. He asked if they are required to have spotters to prevent any accidents. Ken Bassett answered yes and stated that the infrastructure inspector has been monitoring these projects which are being done by Questar and Strata. Councilmember Clark stated that they have also left a mess on private properties. Ken Bassett stated they will be required to do a final inspection and put things back to the satisfaction of the property owner. Councilmember Cowan mentioned that it would be good if they coordinated with Vernal City to take up old cement sections rather than new sections.

Utah League of Cities and Towns Convention:

Ken Bassett notified the Council that the upcoming ULCT convention will be held September 11th – 13th in Salt Lake City. The Friday Night entertainment this year will be the Beach Boys at the Galivan Center.

Youth City Council:

Grayson Massey stated it has been an honor to serve as the Youth City Mayor. He explained that he will be leaving on an LDS mission and Jessie Phillips will be acting as Mayor Pro Tempore until elections are held. The Council thanked him for his service and wished him well. Grayson stated that his mother is willing to continue as the advisor until the Council can find a new advisor.

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

Mayor Pro Tempore Sonja Norotn

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)