

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 18, 2013 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

PRESENT: Councilmembers Dave Everett, Sonja Norton, Bert Clark 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 Councilmember Dave Everett.

APPROVAL OF CITY COUNCIL MINUTES OF SEPTEMBER 4, 2013: Councilmember Bert Clark asked that the projected costs for the three types of elections be added to the minutes. *Councilmember JoAnn Cowan moved to approve the minutes of September 4, 2013 with the correction noted. 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.

LOWER DRY FORK IRRIGATION GROUP DISCUSSION - GREG WHITBECK:

Mayor Showalter explained that this item pertains to water that has been released as a way to reduce pressure off the water line and that water, released by Vernal City in Dry Fork, was used for irrigation purposes for many years. Now the City is replacing that line with pressure reducing valves and water will no longer need to be released. The question is would it be appropriate to allow irrigators to use raw water when the City is in the process of purchasing additional water from Red Fleet. Councilmember JoAnn Cowan asked if the City were to allow the irrigators that have been using the water to continue to use water, how would they get the water, and does the City have an obligation to provide the water. Ken Bassett answered that a water connection off the raw water line could be provided. The water would need to be metered, and an agreement would need to be entered into with the understanding that culinary needs would come first. The irrigators would have to pay the extra cost to install the connection. Councilmember Clark asked what size the current connection is to feed Mr. Whitbeck's lateral. Greg Whitbeck explained that there is a saddle that goes into the 24" line which connects to an 8" line. He stated that this is the only option they have left even though they have an Ashley Creek / Dry Fork water right. The Army Corp of Engineers controls that creek and will not allow a diversion on it. He stated they will work out the cost and they understand that culinary needs trumps agricultural. He did ask that the City give them some notification if the water were to be turned off. Councilmember Clark asked if this project could be completed this fall. Greg Whitbeck stated that this decision is needed quickly as the contractor will be burying the new water line and pave before the 15th of October. Councilmember Cowan asked if this is done through common usage,

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 18, 2013

will it become an inherent right. Ken Bassett stated that this issue was discussed with the irrigators as well as the City Attorney who said they do not have any right to that water. Ken Bassett stated he would also check with the State Engineer to verify that water intended for culinary use could be used for this purpose. Councilmember Sonja Norton asked if this agreement would run with the land or the owner. Ken Bassett stated it would run with the land. The consensus of the Council was to approve allowing the use of the raw water as discussed and direct the staff to draft an agreement.

INTRODUCTION OF NEW FACILITY MAINTENANCE PERSONNEL, WAYNE SMITH: Danny Anderson, facility maintenance manager, introduced a new employee in his department – Mr. Wayne Smith. He recently moved here from Eugene, Oregon where he worked in the construction industry and has hit the ground running. Mayor Showalter and the Council welcomed Mr. Smith and were happy to see him join the staff. Mr. Smith thanked them for the opportunity as he was determined to move here.

INTRODUCTION OF NEW DEPUTY COURT CLERK PERSONNEL, RACHEL TRIBE: Dawn Searle, representing the Justice Court, introduced Rachel Tribe, the newest member of the Justice Court crew. She noted that so far Rachel is doing an awesome job, and they are glad to have her. Councilmember JoAnn Cowan commented that she participated in the interview process for this position, and there were five really well qualified applicants. She stated that Rachel had experience with a city and is an excellent choice. Rachel Tribe thanked the Council and stated she is lucky to be part of Vernal City.

PUBLIC HEARING: REQUEST FOR AMENDMENT TO THE ASHLEY ESTATES SUBDIVISION AT 380 WEST 1070 SOUTH, KIMBALL GLAZIER: Mayor Showalter opened the public hearing. Allen Parker explained that the City received a request from Kimball Glazier to amend the Ashley Estates subdivision plat located at 380 West 1070 South in Vernal. This development is located in a R-1 residential zone. The request would take four existing lots on the west end of the subdivision and further divide them and extend the cul-de-sac, creating flag lots. One access drive would access all four lots. A picture of the plat was displayed for review. The Planning Commission discussed this change and is recommending approval. Councilmember Bert Clark asked how the snow will be plowed in this cul-de-sac and asked if the Planning Commission addressed that concern. Allen Parker stated they did not address that although the street superintendent did have an opportunity to compare this plat with City standards. The code requires that developments with more than 24 units have dual access. This subdivision has 23 units in the interior. Councilmember Sonja Norton asked if the engineering review had been completed. Allen Parker answered yes, and they had a few minor corrections that have been resolved with the access strip being shifted by lot 21. Kimball Glazier stated that with the current market conditions and engineering, the retention pond will be buried in the road to make a better system allowing him to free up lots for housing. Councilmember Norton asked about the frontage for lot 18. Allen Parker stated that the frontage is actually measured thirty feet back making it 70 feet. The Planning Commission is recommending approval. There was further discussion on the snow plowing issue. There were no additional public comments and the public

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 18, 2013**

hearing was closed. *Councilmember Sonja Norton moved to approve the amendment to Ashley Estates subdivision plat with any corrections as noted by staff. 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.....nay.

PUBLIC HEARING: REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, CHAPTERS 16.26 - AND 16.04 - DEFINITIONS - ORDINANCE NO. 2013-22:

Mayor Showalter opened the public hearing for Ordinance No. 2013-22. Allen Parker explained that there are a few sections of the code dealing with hotels that are inconsistent. Ordinance No 2013-22 clarifies that when the code refers to hotels it also means motels. Mayor Showalter wondered how the parking plan was approved for the Marriot development. Allen Parker stated that both hotels met the minimum parking requirements. There were no public comments and the public hearing was closed. *Councilmember Sonja Norton moved to approve Ordinance No. 2013-22. Councilmember JoAnn Cowan 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 AMEND GENERAL PLAN MAP AT 350 NORTH 500 WEST TO HIGH DENSITY HOUSING - ORDINANCE NO. 2013-23 - ALLEN PARKER:

Mayor Showalter opened the public hearing and stated that the next few items on the agenda pertain to the same particular piece of property. He recognized that the majority of the audience is attending the meeting to express their views on this subject, and he asked them to keep their comments to not more than three minutes. Allen Parker displayed a representation of the general plan future land use map, if Ordinance No. 2013-23 is approved. He explained that the applicant, Neighborhood Non-Profit Housing, is requesting the general plan map be amended to allow higher density housing on property located at 350 North 500 West consisting of a 8.56 acre open field. The current designation is medium density residential. If the request is approved, it will open up the rezone options for this property. Councilmember JoAnn Cowan asked when the current General Plan was approved and how often cities change them. Allen Parker answered the Plan was adopted in 2010 after considerable work and public workshops were held. The number of changes varies by city. However the land use map is more specific than other cities, and this is the third request to change it since it was adopted in 2010. The Planning Commission heard this request and is forwarding a negative recommendation and would like to review the overall general plan use map over the next few months for a more comprehensive change.

Kim Datwyler, executive director of Neighborhood Non-profit Housing, explained that they partnered with Vernal City before on the Vernal Gardens project which included 48 units. That

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 18, 2013

development now has a waiting list of 150 people who are in need of affordable housing. This type of development relies on government funding and there is only one application cycle per year. If the application is not submitted this year, funding will have to wait for at least 2 ½ years. Mayor Showalter asked if there would be any debt incurred by Vernal City for this project. Kim Datwyler answered no, and federal participation is outlined through the IRS code which allows tax credits for each state through their housing agency. The application will need to be submitted in October and it will be known by the end of December if funding is allocated. If funding is not approved, the zoning will revert back which is the preference of Utah State University - the current property owner. Mayor Showalter asked what the current zoning is for this property. Kim Datwyler answered R-3 residential which allows up to 4-plex housing units. Councilmember JoAnn Cowan noted that these housing applications receive points on the federal scale for density, and asked if it could be submitted without that density. Also, additional points would be given if the property is transferred from Vernal City. Kim Datwyler agreed that does increase the chances for funding. She mentioned that building 164 units will happen over a 4 to 6 year period. She stated that if multi-family housing cannot be built, the property would be too expensive. If the property is split up, there will be a number of owners with 4-plexes. Neighborhood Non-Profit will maintain the property for 50 years or longer with oversight from the Olene Walker and Utah Housing entities. Mayor Showalter asked if there would be an on-site manager. Kim Datwyler answered yes. There was some discussion regarding the oversight of Vernal Gardens. Councilmember Bert Clark asked what the projected size of the units will be. Kim Datwyler explained there would be up to 3 bedrooms in each unit. Councilmember JoAnn Cowan asked with the issue of traffic access to 500 West, why is only one accessed planned. Kim Datwyler stated that after a discussion with UDOT, it was believed that two accesses would cause more concern. She stated that the worst case scenario would be 2-story apartments with 4-plexes. Allen Parker stated that a 6 foot non-see thru fence would be required between this complex and other residential properties. Mayor Showalter suggested a more expensive noise preventing fence be considered. Kim Datwyler stated that if adding that type of fencing makes the neighborhood feel better, she could support the additional cost. Councilmember JoAnn Cowan asked about parking. Kim Datwyler stated that each unit will have two spaces. Councilmember JoAnn Cowan asked what stops more people from moving into the apartment than are listed on the lease. Kim Datwyler stated that the manager does checks. Councilmember Dave Everett asked if there were any other viable locations. Kim Datwyler stated that this parcel is on a main thoroughfare that is not congested and within walking distance of downtown and parks.

Mr. Norman Pease, property owner across the street on 500 West, stated that the Planning Commission did their job when they did the general plan, and there are other locations available for this project with less neighboring residents. The number of vehicles in this development will also impact the neighborhood. A concrete fence is a good idea if it is higher. Also, the general plan is good and should not jump around.

Leon Hoyt, property owner on 300 West, stated that two of the entrances for this development will be within 150 feet of his home. This field has been flood irrigated over the years and has been

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 18, 2013

swampy in the past. He noted that between this property and 100 West and 200 North to 400 north, there are 37 four-plexes and duplexes and he was concerned about the additional traffic.

Glen Hemstreet, 266 N 500 West, noted that although the City would not put any money into this project, there will be transportation costs and school costs for the additional youngsters along with speed limit changes or cross walks. He stated that there are issues being overlooked such as the need to change the noise ordinance for Jake brakes and sidewalks. Mayor Showalter asked if the additional infrastructure costs would fall on the City. Allen Parker noted that Highway 121 is a State road. The development would be required to put in the public infrastructure on their property. Councilmember Cowan asked Mrs. Deets with the Uintah School District if the children from the potential new development would be required to walk to school. Mrs. Deets stated that at this time, that area is within the walk zone. However, if it is deemed dangerous or over highways, the District can provide transportation. Mrs. Deets explained that the number of students is growing, and it has been difficult for new teachers to find housing. If the teacher has a family, housing is even harder to find. She stated that one teacher that was hired resorted to living in the homeless shelter until he could find a one-bedroom studio apartment.

Russ Pearson, neighboring property owner, explained that he worked in the planning field for 15 years and noted that the process dealing with property rights requires due process. He stated that it seemed as though the outcome of this public hearing has already been made based on the content of the agenda for this meeting which violates constitutional rights. Mayor Showalter stated that no decision has been made. Russ Pearson stated that the general plan issue needs to be completed before the rezone is considered. He noted that the Planning Commission moved to recommend no change to the general plan as it is too specific and allows contract zoning for this developer which is illegal. He further explained that a developer comes in wanting to build, and signs a development agreement if the property is zoned his way. Mayor Showalter reminded him that the property is already zoned R-3. Russ Pearson answered yes and stated changing this parcel to an R-4 would be spot zoning. He stated that he would be interested in purchasing this property.

Mr. Scott Gross, owner of the adjoining property, stated he was also concerned about the impact 164 families would have on the schools, the number of children walking to school and the number of vehicles. He also wondered how the non-profit would work – do they have a board of directors with properties everywhere. Also, the tri-level buildings will hurt the privacy of the neighboring property owners. Mr. Gross asked if another school will be built to accommodate these children. Councilmember JoAnn Cowan stated that the School District is going to build another school. Councilmember Bert Clark acknowledged that he lives near Vernal Gardens and at first was opposed to it, but after they were built, there has not been any real impact to the neighboring properties.

Nelle Heeney, resident on 400 North, stated that her big concern is that this neighborhood has already been impacted with high density housing with a lot of 4-plexes, duplexes and condos that ended up being rental units.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 18, 2013

Cheryl Russell stated that this development will be next to her backyard and a six foot privacy wall will not keep someone in a three-story building from looking into her yard. The School District has taken the position that this area is not a busing area. Low income housing affects the schools with children moving in and out constantly.

Kim Datwyler stated that if it would be more desirable to build two –story buildings, she would be willing to do that.

Mike Schaefermeyer, owner of property across the highway, stated that a few years ago, he asked the Council to rezone his property so he could build an office. The rezone was granted and his property was zoned R-4. At that time the Council said they would not address high density again in that area.

Loran “Pudge” Merkley stated that he is an apartment owner in Vernal, and there have been times when there is no waiting lists for tenants, and landlords were happy to have tenants that would at least cover the utilities. He questioned the demand for this type of structure. Another concern is who will own the apartments and will they pay taxes. Mr. Merkley objected to government being in direct competition with private enterprise.

Kim Datwyler stated that an LLC will own the property with investors who will pay taxes. The non-profit organization will not own the project.

Derrick Christensen, owner of 129 rental units in Vernal, stated that he also opposes this project with government being involved and building units that are in direct competition. He stated that his rent ranges from \$700 to \$1000 with no vacancy. Mayor Showalter asked what the rent will be in the new development. Kim Datwyler stated the rent is based on income and family size and ranges from \$300 to \$600. Mr. Christensen stated that because these units are subsidized, they have an easier time evicting and getting tenants to comply with rules.

Eric Hunting, property owner across the street, stated that he does not agree with changing the general plan as there are other areas to put this development. Also convenience is not an issue as people have vehicles to get where they need to go.

Mitch Collet, Vernal City resident, stated that he worries about having opportunities to provide for his family and voiced his concern about the state of the federal government. He stated that he purchased a duplex and another property, and put time in to improve them so he would have the income he needs for this family. The rent is \$650 for a one-bedroom apartment and \$800 for a two-bedroom which includes all the utilities. He stated that it is not fair to use taxpayer money to compete with other landlords. Mayor Showalter agreed that this is an age of entitlement.

Corey Foley stated that his family has a long history of school teachers and asked what classifies as low-income. He questioned that maybe the School District needs to pay a better wage to their

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 18, 2013

teachers so they can afford housing. He stated that he has two-bedroom rental units and rents them for \$950.

Councilmember JoAnn Cowan explained that when she was on the School Board there were very qualified teachers who ended up taking positions in other areas because of housing. Places like St. George have apartments specifically for teachers, and it is hard to compete against that. Corey Foley asked what the starting pay is for a school teacher. Mrs. Deets answered \$31,000 a year.

Mrs. Clinch stated that this development will change the life style for the people in this neighborhood and asked the Council to consider that their decision will either say that they prefer citizens that pay their bills and maintain their homes or a different life style. She asked that USU be allowed to sell the property and see what is built there. In the meantime, the horses will stay. Councilmember JoAnn Cowan stated that the Council receives these same type of concerns from all neighborhoods when this type of development is proposed as no one wants change.

Tina Bryant, property owner on the corner of 500 West, stated there have been a lot of accidents on this street, and she fought for the light on 100 North so children could cross the street. She stated that she is worried that with more traffic there will be more accidents.

Shane Mayberry stated that he owns property by Basin Clinic zoned commercial and is working to put an office building there. He stated that he is opposed to changing the general plan and read the beginning section of the plan that explained the process used to draft it. Mayor Showalter asked if he wanted his property to remain commercial. Shane Mayberry responded that it was originally zoned R-3. He stated that the voice of the people should be recognized.

Ann Hunting stated that of the four accesses for this development, three will enter onto her street with one across from her driveway. She asked how much money is being paid for the land. Kim Datwyler stated that she did not know if she could disclose the sale price or the appraisal. Ann Hunting commented that she was told that the money from this property would be set aside for scholarships for the high school and college. Mayor Showalter stated that Vonetta Searle donated the property to USU and may have required the proceeds go to the scholarship fund. Ann Hunting stated that at one time this property was zoned for single family homes, and asked when that zoning designation changed. Councilmember Norton stated they would have to research the records for that information. Ann Hunting asked if the property was for sale, or did the Neighborhood Non-profit approach USU. Kim Datwyler stated that USU was in process the of putting this property on the market which is how they became aware of it. Ann Hunting noted that the site plan being shown is not a firm rendition and asked what the maximum number of units are that could be built there. Kim Datwyler answered 164 units. Ann Hunting stated that with that many bedrooms, the area will be congested, and the traffic is already horrible in this area. She asked the Council to take into consideration how saturated this area is with multiple housing.

Mayor Showalter called for a five minute recess. Mayor Showalter called the meeting back in session and continued the public hearing.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD SEPTEMBER 18, 2013

Douglas Bryant stated that his family is working at Wal-Mart and makes too much money to live in this complex. In 2010 the City updated the general plan and decided this property should not be high density.

Greg Cochran stated that he attended the Planning Commission meeting, and the question was asked if they did not allow the 3-story option, would that affect the project. The answer was that it would not kill it, but it would affect how this project will be financed through the non-profit group with investors. He asked for public disclosure on how the investors fit, what is their rate of return and do they receive reduced development fees. Also, on the Vernal Gardens project, were CIB funds used. Ken Bassett clarified that the City received Community Development Block Grant funds to purchase the Vernal Gardens property which are funds set aside specifically for the purpose of affordable housing. Greg Cochran stated that it is hard for private citizens to compete. Councilmember JoAnn Cowan stated that these kinds of housing projects are not new to Vernal City with senior projects, disabled housing and low-income housing run by the housing authority. This project being proposed is an upgrade of that type of housing that will be locally managed. The County also has a full-time employee to help people find a place to live. Greg Cochran commented that 43% of Americans are no longer paying federal income tax which is frustrating when subsidized projects are now competing against private industry.

Allie Watson stated that she is new to the Vernal area, and this has been the most difficult place for her to find housing. She stated that she is currently renting a room in a house with other women and feels blessed to have a place to stay. After attending the Planning Commission meeting, she stated she investigated the Vernal Gardens complex and found that they do have a huge waiting list. Allie stated that she went to Vernal Gardens on several occasions and there is never a large amount of cars parked there. Most of the residents cannot afford a car, and are mostly women with children. She suggested that many of the comments made are against this housing project because it affects their desire to make their own profit. However, thousands of people over the years would benefit from this housing.

Eric Hunting presented a petition to the Mayor with 126 signatures opposing the change to the general plan. There being no further public comments, Mayor Showalter closed the public hearing on item #3 on the agenda.

Councilmember Sonja Norton stated that some very valid concerns have been voiced, and it is important to get all the information before a decision is made. The job of the Council is to weigh both sides and vote for what is best for the community as a whole. Although there is no guarantee that this development will remain in good shape, for the first 50 years it has to be maintained and the tenants are screened. If the housing funds through the State are not used here, they will be allocated to a project in another community, and the housing is still needed. She stated that life changes a lot and change is not easy, but it will always happen. This area has a lot of uses that do not seem to be consistent with the general plan, and the map needs to be addressed. Workshops will be held to review the plan. As for this property, development will happen, and it may be

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 18, 2013**

better to have this development rather than an unknown. In the end this project will help people in the community – people that need this kind of help. She concluded that from her viewpoint, this development is a great opportunity to bring in high quality, clean and monitored housing.

Councilmember JoAnn Cowan stated that a few years ago, she was assigned to represent Vernal City on the affordable housing committee. There are a lot of issues that need to be addressed, and it is hard to find appropriate housing for everyone. The rents in the community rose from \$1000 to \$2500 in six months making it hard for families to pay. The people that do not have a lot of money have not lost their pride and should not lose their dignity or self-worth because they are poor. She noted that she understood this area already has enough multi-family housing units. However, it is hard to hire a new police officer to only have him leave shortly after because of housing issues, and no agency wants to raise taxes to pay higher wages.

Mayor Showalter asked the Council to consider the two items that will be incorporated into this development: elimination of three-story units and an 8-foot sound barrier fencing. Those two things are significant concessions being made to the project.

Councilmember Bert Clark stated that he understand the position of the residents and empathize with them. When the economy went down, the City changed the utility billing for apartment complexes down to 80% occupancy. When the economy improved, the utility bills were raised to 100%. It is hard for people on low incomes to come up with the first and last month rent, and although the landlords present at this meeting offer affordable rent, there are people working more than one job to make ends meet. Also, in order to bring more retail, they have to find employees, and this area does not have college kids to fill those jobs. With the other complex having a 150 person waiting list, it is apparent that this type of development is needed in the community. The Council has to look at a broad view of the whole community.

Councilmember Dave Everett stated that he agreed with Councilmember Bert Clark that affordable housing is needed. He explained his own situation where his rent increased as the economy improved, making it necessary to move. He thought that a lot of the problem is attitude of landlords with a greed factor when expenses have not increased that much to justify the rent increases. He sympathized with the residents in the audience, and voiced concern about congestion of this type of housing in this area. *Councilmember JoAnn Cowan moved to approve Ordinance No. 2013-23 amending the general plan. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

<i>Councilmember JoAnn Cowan</i>	<i>aye;</i>
<i>Councilmember Dave Everett</i>	<i>nay;</i>
<i>Councilmember Sonja Norton</i>	<i>aye;</i>
<i>Councilmember Bert Clark</i>	<i>aye.</i>

**PUBLIC HEARING: REQUEST TO REZONE PROPERTY LOCATED AT 350 NORTH
500 WEST FROM R-3 RESIDENTIAL TO R-4 RESIDENTIAL FOR NEIGHBORHOOD**

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 18, 2013**

NON-PROFIT HOUSING CORPORATION - ORDINANCE NO. 2013-24: Mayor Showalter opened the public hearing.

Shane Mayberry stated that he was concerned that the access to this development will directly impact his property's access, and cooperation will be needed with UDOT. Kim Datwyler stated that UDOT has said that they cannot go directly onto 500 West and will meet with Mr. Mayberry to work on the access.

Eric Hunting asked the Council to consider leaving the property zoned an R-3 to prevent three-story apartment buildings.

Russ Pearson asked what the Planning Commission recommendation was for this rezone. Allen Parker answered that the Planning Commission tabled this item and did not make a recommendation. He noted that this is simply the time for the public hearing. Mayor Showalter agreed that this item will be referred back to the Planning Commission. Russ Pearson argued that the public hearing before the Planning Commission was not closed and they must allow further public comment. Ken Bassett stated that the Planning Commission had a legitimate reason to table this issue. However, now that the Council has addressed the general plan, the Planning Commission can consider the rezone. If the Planning Commission did not have a legitimate reason to table this issue, the Council could act on it. There was some discussion whether this item was tabled by the Planning Commission. The Planning Commission can hold a special meeting to address the rezone and send a recommendation to the Council for their next meeting. There being no further comments, the public hearing was closed. *Councilmember Sonja Norton moved to send the rezone request back to the Planning Commission for their recommendation. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

<i>Councilmember JoAnn Cowan</i>	<i>aye;</i>
<i>Councilmember Dave Everett</i>	<i>aye;</i>
<i>Councilmember Sonja Norton</i>	<i>aye;</i>
<i>Councilmember Bert Clark</i>	<i>aye.</i>

PUBLIC HEARING: REQUEST FOR APPROVAL OF THE SALE OF PROPERTY FOR AFFORDABLE HOUSING: Mayor Showalter opened the public hearing on this item which he noted was not contingent on the property being rezoned. Ken Bassett explained that the property located at 350 North 500 West is owned by Utah State University. The actual sale of this property would be to Vernal City who will immediately transfer the property to Neighborhood Non-Profit Housing. The purpose of Vernal City's involvement is to receive extra consideration from the Olene Walker Housing fund. Approval of the transfer of the property is needed regardless of the zoning or master plan. Also, State law requires a public hearing anytime a government entity is going to sell property. Councilmember Cowan asked if any Vernal City funds would be involved. Ken Bassett answered no. He stated that if Neighborhood Non-Profit still wants to buy the property for this housing project, this process has to be completed. Mr. Scott Gross asked if the property would be purchased immediately. Kim Datwyler stated that is the intention. There

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 18, 2013**

being no further public comments, the public hearing was closed. *Councilmember JoAnn Cowan moved to approve the sale of property to Neighborhood Non-Profit if, in fact, there is a sale of property using Vernal City as an intermediary. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL OF PURCHASE AGREEMENT TO PURCHASE PROPERTY FROM USU AND REQUEST FOR APPROVAL OF PROPERTY SALE AGREEMENT WITH NEIGHBORHOOD NON-PROFIT HOUSING: Ken Bassett explained that the agreements outline the terms of USU selling the property on 500 West to Vernal City and then selling it to Neighborhood Non-Profit Housing. The City Attorney has reviewed the agreement and has made slight changes that need to be incorporated. This agreement also needs to make sure that there are no financial obligations to the City. *Councilmember Bert Clark moved to approve the purchase agreements for the purchase of property from USU and the sale of the same property to Neighborhood Non-Profit housing contingent on the City Attorney's comments. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

REVIEW OF BIDS AND AWARD OF CONTRACT FOR CITY HALL PARKING LOT PROJECT: Ken Bassett explained that Uintah County deeded a strip of property located next to City Hall to the City. The property will be used as additional parking. Bids were received to build the parking lot with egress and ingress onto 100 South Street. Angus Construction is the low bidder at a cost of \$165,299. The funding will come from the funds for the City Hall building. *Councilmember JoAnn Cowan moved to approve the bid from Angus Construction and award the contract for the parking lot project to them. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL OF ROOFING PROJECT AT OLD CITY HALL BUILDING: Danny Anderson explained that a few years ago they started noticing a section of roof on the old office building was lifting up. The roof is tin and the screws were not holding it down even though several attempts have been made to tighten them. A professional roofing contractor inspected the roof and concluded that additional underlayment is needed, and the

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 18, 2013**

metal is the wrong type for the slope of the roof. Councilmember Clark asked what the slope is for that roof. Danny Anderson answered 12. He presented three different options to the Council to consider repairing the roof. After discussion, *Council JoAnn Cowan moved to accept option #2 with the City crew removing the old roof and installing a new roof at a cost of \$8500. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL OF INTERLOCAL AGREEMENT WITH UINTAH COUNTY FOR ELECTION SERVICES - RESOLUTION NO. 2013-21:

Ken Bassett explained that this interlocal agreement is with Uintah County to use their optical scanning device to count the ballots. The cost is \$1600 which is cheaper than renting a machine. The ballots will all be scanned on election day. *Councilmember JoAnn Cowan moved to approve Resolution No. 2013- 21, the Interlocal Agreement with Uintah County to process the election ballots. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

ADMINISTRATIVE REPORTS:

Airport Land Acquisition:

Ken Bassett explained that the FAA has approved a grant of \$6 million dollars for the acquisition of 103 acres of land for the airport. The contracts for the grant need to be returned to the FAA within 24 hours. The FAA will be paying 95% of the cost leaving \$300,000 for the County and City to pay. The cost to Vernal City will be \$75,000. The consensus of the Council was to allow the Mayor to sign the grant agreement and ratify the approval at the next meeting.

ADJOURN: There being no further business, *Councilmember Sonja Norton 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)