

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
OCTOBER 2, 2013 at 7:30 p.m. in the Vernal City Council room, 374 East Main,  
Vernal, Utah 84078.

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

**WELCOME:** Mayor Showalter welcomed everyone to the meeting.

**INVOCATION OR UPLIFTING THOUGHT:** The invocation was given by Councilmember Ted Munford.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Councilmember Bert Clark.

**APPROVAL OF CITY COUNCIL MINUTES OF SEPTEMBER 18, 2013:**  
*Councilmember Sonja Norton moved to approve the minutes of September 18, 2013 as written. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton and Clark voting in favor.*

**FUNDING REQUEST FOR MAYOR'S HALLOWEEN WALK AND BREAKFAST WITH SANTA - UINTAH RECREATION DISTRICT - SHAUNA JO EVES:** Shauna Jo Eves stated that every year the City helps with the Mayor's Halloween walk and fall carnival. She presented a financial summary for the event and asked the Council to consider a \$1200 sponsorship. She noted that Mr. Jeff Winterton will be managing the Breakfast with Santa event this year, and usually the City contributes \$700 toward that event. Councilmember JoAnn Cowan asked why Uintah County is not contributing to these events. Shauna Jo Eves responded that they have a stipulation that an event must bring in so many people from outside the area. *Councilmember JoAnn Cowan stated that the community values these events and moved to extend sponsorship in the amount of \$1200 for the Halloween Walk and \$700 for Breakfast with Santa. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

<i>Councilmember Ted Munford</i>	<i>aye;</i>
<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>

**YOUTH CITY COUNCIL PRESENTATION AND APPOINTMENT OF OFFICERS:** Ken Bassett noted that the Youth Council members were not present and this item will be rescheduled.

**REQUEST FOR APPROVAL FOR AMENDMENT TO INTERLOCAL AGREEMENT WITH CENTRAL DISPATCH - RESOLUTION NO. 2013-22:** Chief Dylan Rooks explained that Naples City opted out of member status with Central Dispatch in November of 2012 which

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changes their status from a voting member to a contracted agency. This change to the contract will affect the manner in which the other status agencies are billed for dispatch services. In 2007 Naples City asked to be a member agency, and the by-laws only allow it if they paid contributions as a member agency which required them to pay an additional \$14,000 to have a vote that they no longer want to have. The cost for this change to the other voting agencies is around \$900 each per year. Councilmember Norton asked what Naples City's cost will be for dispatch services. Chief Rooks stated that they will be billed based on their percentage of use. Ken Bassett stated that they were paying \$35,000, and now pays \$24,000. If Vernal City changed it would increase the cost 22%. After further discussion, *Councilmember Bert Clark moved to approve the interlocal agreement with central dispatch in the amount of \$99,810 and Resolution No. 2013-22. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

<i>Councilmember Ted Munford</i>	<i>aye;</i>
<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>

**REQUEST TO REZONE PROPERTY FROM R-3 TO R-4 RESIDENTIAL LOCATED AT 350 NORTH 500 WEST - ORDINANCE NO. 2013-24:** Mayor Gary Showalter stated that this item is a carryover from last meeting – a request to rezone property from R-3 residential to R-4 residential for property located at 350 North 500 West. Although the public hearing has already been held, public comment will be taken for approximately twenty minutes. Allen Parker explained that Ben Farnsworth, representing Neighborhood Non-Profit was available via telephone to answer any questions concerning the proposed development. One point that Kim Datwyler made was that they would consider limiting the buildings to 2 levels. Neighborhood Non-profit has now indicated that they will need three-story buildings at least in the center of the development and along 500 West to make it affordable. One other item they have indicated is rather than a brick like fence, they will install one made of heavy poly material six feet high. That fence will not help with sound, but will be a sight restrictor from the neighboring properties. Councilmember Cowan asked if the income levels can be adjusted for workforce housing or is that set by HUD. Ben Farnsworth explained that the income levels for the whole project will be at 55% of the median income levels for this area. Marcy Buca, director of the Uintah Basin Assistance Council, agreed that in order to qualify for the low-income tax credit, the tenants will need to meet the 55% income criteria. Mayor Showalter mentioned that the median income for Uintah County is \$69,000 for a family of four. Marcy Buca stated that this is a great project, however, it is not addressing workforce housing. If a stipulation is placed on the program to provide units for those tenants the funding will not allow it. Ben Farnsworth agreed. He stated that in the first phase there will be 16 units set aside for vets, disabled tenants or domestic violence victims who need transitional housing. Also, there will be five units for tenants who only make 25% of the medium area income. Mayor Showalter asked if these units will be built in the first phase. Ben Farnsworth answered yes. Ken Bassett gave a reference of \$37,000 for the 55% of the median income for a family of four. Marcy Buca noted that many times school

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teachers make a few hundred dollars too much each month to qualify. Mayor Showalter stated that this information changed his opinion about this development since it will not be primarily workforce housing. Councilmember Norton asked what the starting wage is for a police officer. Ken Bassett answered \$38,000.

Sherry Russell, neighboring property owner, stated one of her complaints with this development was that even a single parent would make too much to live there, and if they are living there and increase their income, they have to move. The low-income residents will bring many problems to the neighborhood. Also, the other development still has vacant land, and she wondered how long before this entire development would be finished.

Councilmember JoAnn Cowan stated that she was bitterly disappointed in Vernal Gardens for not providing housing for the workforce, although that development is kept clean and neat and provides housing for a lot of people. Ben Farnsworth answered that this program does not solve all the housing needs in a community. However, it does provide for a significant need which is obvious with the 200 plus waiting list. If the area median income levels are increased, the competitiveness for funding is diminished. Also, the market studies show a high demand. Marcy Buca stated that she spoke with the Vernal Gardens manager and there is not really that long of a wait list because of the stringent requirements to qualify. Councilmember Sonja Norton asked if that complex has been full since it opened. Marcy Buca stated there are a few larger units available. Councilmember Cowan asked how many Marcy had on her waiting list that would qualify. Marcy answered around 35 to 40. Another criterion is that the housing cannot be more than 40% of their income. However, the units cannot remain vacant or the investors are not happy. Ben Farnsworth stated they are confident that they will fill the units if it is built. Mayor Showalter asked if the development agreement can dictate the type and size of fencing. Ben Farnsworth answered that the fencing materials for a cement type fence would add around another \$100,000 to the project which is not usually required. Councilmember Sonja Norton asked how often evaluate Area Median Income (AMI) is evaluated. Marcy Buca responded that the federal government adjusts the numbers annually.

Scott Gross, neighboring property owner, stated that he did a little bit of homework on Neighborhood Non-Profit. They indicated the property would be under a 50 year contract when, in fact, they only enter into 15 year contracts. Another project they were involved in could not be finished so they sold it. Further, the type of tenants are strictly low-income which brings in drug trade. Ben Farnsworth responded that there is an investor who receives tax credit for 15 years. However, there are always financing gaps so funding is sought through the Olene Walker fund which requires a longer period. Neighborhood Non-profit's role as the developer is to stay in the project for as long as it is under tax credits, but in Utah many agreements are written for 99 years due to the other funding obligations. Scott Gross asked for clarification that after 15 years the tax credits are gone. Ben Farnsworth answered yes, and noted that in 15 years a community changes drastically which is a good time frame to reevaluate a complex. Marcy Buca noted that there is an agreement with Vernal Gardens that if the property is sold, the stipulations stay the same so the tax credits stay in compliance.

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Tim Crow, business owner near this property, explained that all employers are looking for affordable workforce housing, and some smaller employers cannot afford to pay their employees what they need to pay the high rent. He stated that if this development puts in 164 units that places around 800 people living in that area who will each have vehicles entering the highway and neighborhood. More vehicles will cause more traffic problems in an area that is already struggling with a lot of multi-family units. Councilmember Everett stated it would be difficult to handle that large a complex next to your home. Tim Crow stated he would be willing to help if it were for workforce housing. Councilmember Cowan stated that bad neighbors are not isolated based on income. If this development is turned down, someone else could develop it into 4-plexes. This type of development is not new to the community as there are senior housing complexes etc. in different areas.

Ben Farnsworth agreed that this discussion is to decide whether to allow higher density housing on this property, which will not be much higher than what is already allowable. If it is developed by another party, the City will not have the opportunity to place restrictions on it. Councilmember Bert Clark asked if the density of the housing would change. Ben Farnsworth stated that is why the three-story buildings are necessary, to get enough units to make the project feasible. A study has not been done to see exactly how many more units can be placed on the property.

Ann Hunting, neighbor from across the street, asked the Council to allow input on how this complex is planned. Councilmember Norton stated that any developer has to submit a plan and that is reviewed in a public meeting. Ann Hunting stated that if this project does not happen all at once, the City should require them to keep the field clean. Also, since the master plan has been changed so many times, she suggested it be abandoned.

Eric Hunting, neighbor from across the street, stated that there are too many unanswered questions. The street next to this property houses an engineering firm and their employee's park on both side of the street turning it into a one lane intersection. He asked the Council to consider the concerns of the 126 citizens who signed the petition against this proposal.

Allen Parker stated that there were two concerns of the Planning Commission that have both been resolved. The first was the status of the general plan being changed which require the Council to remand this rezone request back to them. The Planning Commission considered this request and is forwarding a positive recommendation to change the zoning. The second item was a discussion regarding a development agreement and if the developer does not agree to the terms of the agreement, the zoning would revert back to an R-3 residential zone. Mayor Showalter stated that initially he wanted a higher and better quality fence, but because of the added cost, it does not seem that they would agree to it in a development agreement. He asked what can be specified that would hold any credibility since HUD specifies the terms. Allen Parker stated that some items would make it impossible to get funding, yet the Council could require certain design standards and fencing. Councilmember Bert Clark questioned the density - can the current

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zoning accommodate approximately the same number of units? Allen Parker stated approximately, if there are no height restrictions on the buildings. Neighborhood Non-profit needs a certain number of 3-story buildings to achieve the density for the funding. Councilmember Norton stated that the agreement needs to specify that the taller units would be on the interior of the property, not adjacent to existing homes. Councilmember Ted Munford stated that based on the minutes from the last meeting, the general plan needs to be kept as uniform as possible, although it is unrealistic to think it will not need to be changed. He noted that he would not want this development near his home, although he does not like government to tell him what he can and cannot do with his own property. There are several factors to look at to decide if this would be good for the community. First is the number of people who are against this complex, next is that the other complex, Vernal Gardens, is not finished, and lastly, this complex does not meet the targeted need for workforce housing. Councilmember Norton asked if this project would be phased. Ben Farnsworth stated that there would be phases as the Olene Walker fund maximum amount is only \$1 million dollars. Phase I would include 48 units. Allen Parker suggested the development agreement address how the vacant land is maintained. Ken Bassett mentioned that if the Council approves the rezone, in reality it will take time to come up with a development agreement that is acceptable to the City Council. *Councilmember JoAnn Cowan moved to approve rezoning the property at 350 North 500 West from R-3 to R-4 with a development agreement that includes addressing areas left vacant, a six-foot non-see thru fence, and placement of the three-story buildings to mitigate impact to the neighbors. The development agreement would need to come back to the Council for approval. Councilmember Sonja Norton seconded the motion. The motion failed with the following roll call vote:*

<i>Councilmember Ted Munford</i>	<i>nay;</i>
<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>nay.</i>

*Ordinance No. 2013-24 failed.*

**RATIFICATION OF AIRPORT GRANT AGREEMENT FOR LAND PURCHASE AND APPROVAL OF COST TO VERNAL CITY:** Ken Bassett reminded the Council that at the last meeting the Council heard the facts on the FAA grant for \$6 million dollars to purchase land to expand the airport. The actual grant has been increased to \$6,664,000 to purchase property, based on the sales contracts. The City's portion would be approximately \$83,309. The Council agreed to allow the Mayor to sign the agreement and now needs to be ratified. There was some discussion regarding the process used to purchase the property. Councilmember Bert Clark moved to ratify the land purchase grant agreement with the FAA in the amount of \$6,664,529 and the City's portion of \$83,306. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

<i>Councilmember Ted Munford</i>	<i>aye;</i>
<i>Councilmember JoAnn Cowan</i>	<i>aye;</i>
<i>Councilmember Dave Everett</i>	<i>aye;</i>

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

**REQUEST FOR APPROVAL TO THE VERNAL CITY MUNICIPAL CODE - NUISANCE ABATEMENT - ORDINANCE NO. 2013-28:** Ken Bassett explained that presently there are two separate codes for nuisance abatement. There are two ways to take care of nuisances, either criminal or civil. Currently, the code enforcement officer inspects property and if they have a nuisance, if they do not take care of the problem, eventually they are cited. The civil action is if there is a nuisance and the property owner refuses to take care of it, the City can go in and abate it and require the property owner to pay the cost. That payment can be done through the court or over a period of time by liening the property. The reason the staff is requesting this change to the code is a situation came up where the City is intending for the first time to go in and clean up a property. The owner has served time in jail and paid fines, and the Judge has said he cannot do anything more. The City Attorney drafted this ordinance based on current State legislation and is recommending approval. Councilmember Ted Munford asked if some properties would be grandfathered. Ken Bassett answered no as they have not been notified of the civil action yet. Councilmember Munford voiced his concern about government telling property owners what to do, especially if it is hidden behind a fence. Ken Bassett stated that in this case it is a health and safety issue, and even with the sight obscured, what you treasure can be a nuisance to others. After further discussion, *Councilmember Dave Everett moved to approve Ordinance No. 2013-28. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

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

**REQUEST TO VACATE PROPERTY FROM ROBERT ZELLER:** Ken Bassett presented a plat of the property being asked to be vacated at approximately 330 West 650 North Street. In the 1970's a street stub was platted assuming the road would be going to the north, which is currently a vacant field. Mr. Bassett stated the Planning Commission needs to look at this request before the Council proceeds. LaDonna Zeller explained that they have lived there since 1989 and would like to build a garage, but need ten more feet of property. She stated that they have been maintaining that property for the last twenty years. Allen Parker stated that it would be tough to grant a variance or a conditional use for the garage. LaDonna Zeller stated that there are two additional accesses in the County to the property to the north. Robert Zeller stated the property is owned by Seeleys and Winkler Trust. Allen Parker stated the access can be looked at during the Planning Commission meeting. Ken Bassett stated that Mr. Zeller understands if the property is vacated, it goes to each neighboring property owner. There are underground drains on 650 North that the City is maintaining to the west of this property. Councilmember Ted Munford moved to send this item to the Planning Commission for review

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and recommendation. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

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

**DISCUSSION ON THE SALE OF PROPERTY LOCATED AT 1350 WEST:** Ken Bassett reminded the Council that the City owns two lots on 1350 West and bids were solicited to sell them with a minimum price. A few people contacted the City inquiring about the lots, but no bids were received. He asked the Council if they wanted to reduce the price or take the lots off the market for now. The consensus of the Council was to wait a while before trying to sell them again. Mayor Showalter stated they need to be maintained.

**ADMINISTRATIVE REPORTS:**

Soup Kitchen:

Councilmember Sonja Norton stated that the Episcopal Church is opening a soup kitchen from 2 to 4 pm on October 6<sup>th</sup> and is inviting the Council to support their efforts. They are also encouraging other community members and organizations to take on a day to provide food for those in need.

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

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Mayor Gary Showalter

ATTEST:

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Roxanne Behunin, Deputy Recorder

( S E A L )