

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
FEBRUARY 19, 2014 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

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

WELCOME: Mayor Norton 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 Dave Everett.

APPROVAL OF CITY COUNCIL MINUTES OF FEBRUARY 5, 2014: The Council asked for a follow-up report of the request from the American Legion to waive the building permit fees for the addition to their building. Ken Bassett reported that the City has received some donations to pay the fee rather than amending the fee schedule to allow waiving the fees for non-profit organizations. Allen Parker explained that the setbacks for corner lots will be addressed by the Planning Commission at the next meeting. *Councilmember Clark moved to approve the minutes of February 5, 2014. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott and Clark voting in favor for a unanimous vote.*

APPOINTMENT OF 2014 CHAIR FOR PLANNING COMMISSION: Allen Parker explained that at the last Planning Commission meeting, the Board voted to recommend Mike Dreschel as the Chairman and Anders Fillerup as the Vice-Chair. *Councilmember Bert Clark moved to appoint Mike Dreschel and Anders Fillerup as the Chair and Vice-Chair of the Planning Commission as recommended. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Clark, Everett, Scott, Munford and Cowan voting in favor for a unanimous vote.*

APPOINTMENT OF ALTERNATE MEMBER FOR PLANNING COMMISSION: Allen Parker stated that Mr. Kimball Glazier has expressed interest in serving as an alternate member of the Planning Commission to complete the roster for that Board. *Councilmember Dave Everett moved to appoint Mr. Kimball Glazier to the Planning Commission as an alternate for a four-year term. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Everett, Scott, Cowan, Munford and Clark voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL CODE– CHAPTER 9.44 - PARKING REGULATIONS, 9.48 - IMPOUNDING AND 12.08 – SNOW REMOVAL – FIRST DISCUSSION ORDINANCE NO. 2014-06: Ken Bassett explained that this ordinance addresses snow removal and punitive measures for property owners that create problems during snow plowing or who do not remove the snow from their sidewalks. The first section of the ordinance changes parking on the street so vehicles do not interfere with snowplowing or snow removal. If vehicles are left on the street during a bad snow storm, they can be cited. Councilmember Ted Munford asked if a vehicle is

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simply parked is it considered to be interfering with the snow plowing. Ken Bassett stated that would be up to the snow plow driver. Mayor Norton suggested the police department start with warnings and if the vehicle is not moved, to cite the owner. Councilmember Clark stated there are some vehicles that are not moved the entire winter such as a truck on 100 North that has four feet of snow pushed around it. Councilmember Cowan stated that other departments of the City should be tagging vehicles to be moved and notify the police department when a ticket needs to be issued. Ken Bassett explained that the second section of the ordinance adds the prevention of snow plowing as a nuisance and moves the language explaining what will happen if a nuisance occurs to the beginning so it is better understood. Councilmember Clark stated residents also leave their garbage cans by the curb which hinders snow plowing. Ken Bassett stated that the code does require residents to take their cans off the street after they have been emptied. Councilmember Clark stated there is a residence at 425 East 100 North that has not moved its garbage cans for at least 3 months. Mayor Norton suggested the staff use public announcements and notify residents what streets are going to be plowed and what they need to do. Councilmember Munford noted that many times residents do not have the ability or time to move things out of the way, and the staff needs to be mindful of this. Ken Bassett stated that the last section of the ordinance requires residents to remove the snow from their sidewalks within 24 hours. The enforcement officer places notices on homes where this is not happening, and many times they will call saying they are not able to do it. There are volunteer groups that will help, and the staff puts them in touch with these organizations. Councilmember Cowan stated that the Sheriff's office will also bring a crew from the jail for seniors who are not physically able to clear the snow. Mayor Norton asked that this information be placed on the City's website. Ken Bassett stated that this section of the ordinance also makes it unlawful to push, pile, or place ice or snow across any street that obstructs or blocks driveways. An example of this is a business that does not have enough room in their parking lot to pile snow so they push it across the street to an empty lot. That scenario can happen as long as the street is not obstructed. In some areas people with good intentions, plow a neighborhood, piling the snow at the end of the road which causes a problem with traffic. Councilmember Munford stated that many times residents shovel their driveways and sidewalks in the morning, then while they are at work, the snow plow comes by and puts snow back in their driveway and on the sidewalk and they are cited. Many times the snow becomes frozen and cannot be moved. Ken Bassett noted that the plows do have to clear the streets. After further discussion, *Councilmember JoAnn Cowan moved to adopt Ordinance No. 2014-06 as written. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan.....aye.
Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

CONFLICT OF PROSECUTION CASES - CONTRACT WITH JUDD / PALMER: Ken Bassett explained that he received a letter from Mike Harrington, City prosecuting attorney, that from time to time he has conflict issues with defendants and is unable to prosecute those cases. In the past he referred those cases to the County prosecutor. The County is no longer able to add those cases due to their workload so a contract with another attorney is needed to handle those

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cases. The City received a proposal from Dennis Judd’s office, with Michelle Palmer handling those cases, at a cost of \$100 an hour. He noted that it is difficult to find attorneys that can prosecute as they are defending clients. *Councilmember Samantha Scott moved to approve the contract with Dennis Judd’s office. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan.....nay;
Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

**PUBLIC HEARING: REQUEST FOR RECOMMENDATION TO CONSIDER
AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE –
SECTION 16.56.410 – ADDITIONAL REGULATIONS FOR MANUFACTURED HOMES
– ORDINANCE NO. 2014-01:**

Mayor Norton opened the public hearing. Allen Parker explained that this ordinance was drafted to consider changing the setback requirements for travel trailers. The current code only allows travel trailers to be placed on a lot using the same setback requirements as a structure in each particular zone. For example, if a home owner has a trailer pad on the side of the house, there must be enough clearance from the front setback as the home and the side setback of ten feet. If they place the trailer in the backyard, it must be at least 30 feet from the rear fence. Councilmember Bert Clark asked what the requirements are for a corner lot. Allen Parker stated it must be placed thirty feet back from the front of the lot and twenty feet from the side lot in a residential zone. The Planning Commission decided this regulation could prohibit homeowners from using the cement pad to the side of their home. The recommendation from the Planning Commission is to change the setback for travel trailers to twenty feet. Ken Bassett questioned the wording for a corner lot which would have two right-of-way edges. Allen Parker stated the Planning Commission did not address corner lots. He suggested the set back on the side yard for a corner lot be ten feet. Councilmember Clark asked what is considered the right-of-way. Allen Parker stated it is the area where the City activity starts and the private activity ends. Ken Bassett asked if the Planning Commission’s intent for the side yard was ten feet. Allen Parker stated it is zero. Councilmember Clark stated that for corner lots, part of the side yard is actually considered the back yard. Allen Parker agreed that for the placement of permanent structures the backyard setback is considered all the way out to the edge of the road. Mayor Norton suggested there be different guidelines than an inner lot taking into account the clear view triangle at the corner so the trailers do not block the view for traffic. Councilmember Cowan stated that possibly the footage should be taken out and simply say it cannot obstruct the view of traffic. Ken Bassett stated that the only reason to have a specific footage is for uniformity and aesthetics. Allen Parker suggested there be an interior side and exterior side for corner lots with the exterior side having a deeper setback. There being no further comments, the public hearing was closed. *Councilmember Ted Munford moved to table Ordinance No. 2014-01 until the corner lot setback issue has been discussed by the Planning Commission. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan.....aye;

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Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

PUBLIC HEARING: REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – ADDING SECTION 16.04.122 – CLEAR VISION TRIANGLE AND AMENDING SECTION 16.24.170 – CLEAR VIEW OF INTERSECTING STREETS – ORDINANCE NO. 2014-02: Allen Parker explained that this ordinance adds the definition of a clear vision triangle into the definition section of the code. Mayor Norton opened the public hearing. Councilmember JoAnn Cowan clarified that this applies to new development. Mayor Norton explained that this is already part of the code. There being no further comments, the public hearing was closed. *Councilmember Ted Munford moved to approve Ordinance No. 2014-02. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan.....aye;
Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

PUBLIC HEARING: REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.58.065 – MINIMUM NUMBER OF ACCESSES – ORDINANCE NO. 2014-03: Allen Parker explained that this draft ordinance increases the number of dwelling units platted in a development from twenty-five to thirty before requiring the developer to include two accesses to the subdivision. The main reason for two accesses is for public safety vehicles. The number of “over thirty dwelling units” will harmonize with the fire code. Councilmember Munford asked what is considered a dwelling unit. Allen Parker answered that it is lodging that includes sleeping, cooking and sanitation facilities. Ken Bassett noted that the fire code has exceptions such as if the units have a sprinkler system then access from two directions is not required. The reason for 25 or more units is also the access for appropriate ingress and egress so the residents can get in and out of their subdivision which would be more convenient for the motorists and not creating a bottleneck. Mayor Norton asked what the County’s regulation is for this issue. Allen Parker stated they are less restrictive. Mayor Norton opened the public hearing. Ken Bassett stated that there does need to be adequate ingress and egress for good flow of traffic. Mayor Norton agreed that two accesses are needed in case an entrance becomes blocked. There being no further public comments, the public hearing was closed. *Councilmember Bert Clark moved to approve Ordinance No. 2014-03 with the number of dwelling units being 25 and clarify that the reason for this number is to provide appropriate ingress and egress into a subdivision. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan.....aye;
Councilmember Everettaye;

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Councilmember Scott.....aye;
Councilmember Clark.....aye.

ADMINISTRATIVE REPORTS:

Conference Schedule:

Ken Bassett reminded the Council of the upcoming conferences for this year including the spring and fall conference for the Utah League of Cities and Towns and the Rural Water Association. He asked the Council to mark their calendars for these events.

Garbage Pick-Up:

Councilmember Dave Everett mentioned that he observed the RDT garbage truck driver stop, pick-up an overturned garbage can, pick up any contents that had spilled and then empty the can. He noted that they are doing an excellent job.

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

Mayor Sonja Norton

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)