

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

PRESENT: Councilmembers Bert Clark, Dave Everett, Samantha Scott and Ted Munford. Mayor Sonja Norton joined the meeting via telephone. Councilmember JoAnn Cowan was excused.

WELCOME: Mayor Sonja Norton 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 Samantha Scott.

APPROVAL OF CITY COUNCIL MINUTES OF MARCH 5, 2014: Councilmember Dave Everett requested his name be corrected. With that correction, Councilmember Bert Clark moved to approve the minutes of March 5, 2014. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Everett, Scott and Clark voting in favor.

DISCUSSION ON TAXI SERVICE REGULATIONS: Ken Bassett explained that the Administrative Committee discussed this item and would like the Council to consider adopting regulations for taxi services. He explained that the State of Utah used to regulate taxi services, but they did away with those regulations and left this issue to local governments. The Vernal Taxi Service voiced their concerns at the Committee meeting outlining the need for regulations. The concern is that customers of the taxi services, unlike other businesses, have a great reliance and trust on those providing the service and want to be in a safe situation. Mr. Bassett gave the Council a list of issues discussed during the Administrative Committee meeting, including background checks, necessary insurance coverage and vehicle safety. Some cities in the State have very extensive ordinances for taxi services while others have no regulations.

Ms. Jennifer Spruell, owner of Vernal Taxi Service residing at 675 South 1400 West, Vernal, expressed her concern with taxicabs that do not have the safety of the community members in mind when they pick up a customer. She asked that the City require insurance in an amount high enough to cover medical expenses and time off work for any customers who are injured in an accident. Also, background checks of drivers should be done as well as safety inspections to make sure the vehicle is in sound working condition. The drivers should display their identification that matches a number issued by the City

Ken Bassett stated that additional requirements could be a drug and alcohol fee workplace policy to make sure they are not engaging in illegal activity. Councilmember Munford stated that he is not in favor of government telling a business what to do. However, in this case, the City does have the responsibility of making sure taxicab companies are doing what is necessary to keep people safe. He asked the Council to be cautious as well as specific on any regulations.

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Mr. Jed Labrum, a local attorney, stated that he appreciated the Council considering regulating taxi services to address the concerns brought up by Ms. Spruell. He commented that other areas have a sticker program so patrons know that a taxi is in compliance with local laws. Councilmember Munford thanked Ms. Spruell for bringing this issue to their attention so they can address regulating taxis and limousine services. Mayor Norton agreed that the City needs to protect the citizens as they travel throughout the community. Councilmember Ted Munford moved to have the staff draft an ordinance for review at the next meeting regulating taxicabs as discussed. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Everett, Scott and Clark voting in favor for a unanimous vote.

PUBLIC HEARING: REQUEST FOR RECOMMENDATION TO AMEND THE VERNAL CITY GENERAL PLAN LAND USE MAP FOR THE PROPERTIES LOCATED BETWEEN 100 TO 200 SOUTH AND 200 TO 400 EAST, VERNAL, UTAH – ORDINANCE NO. 2014-04:

Allen Parker, who joined the meeting electronically, explained to the Council that he received a request from the County to amend the general plan map of the City for property located in front of the Western Park to allow commercial development in that area. He brought the Council’s attention to a small white section on the map sandwiched between the purple commercial and green institutional areas along 100 South. The white section is for medium density residential. The reason the County is requesting this change is to build the convention center, and residential zones do not allow convention centers. Councilmember Bert Clark asked if this will also incorporate future retail businesses that may want to locate by the convention center such as hotels and restaurants. Allen Parker answered yes if this request is approved. Councilmember Bert Clark asked if there will be enough room for parking. Allen Parker stated that will be reviewed with their site plan. The Planning Commission did review this request and is forwarding a positive recommendation. Ken Bassett clarified that Ordinance No. 2014-04 provides for the amendment to the general plan map of the City showing this area as potential commercial. Allen Parker agreed, specifically the area from 200 East to 400 East and 100 South to 200 South. Mayor Norton opened the public hearing. There were no public comments, and the hearing was closed. Councilmember Ted Munford moved to approve Ordinance No. 2014-04 as presented. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:

- Councilmember Munford.....aye;*
- Councilmember Everettaye;*
- Councilmember Scott.....aye.*
- Councilmember Clark.....aye.*

PUBLIC HEARING: REQUEST FOR RECOMMENDATION FROM UINTAH COUNTY / JOE AND JANNEA MAESTAS TO REZONE THE PROPERTIES LOCATED AT 210 EAST 100 SOUTH, 167 SOUTH 200 EAST, 171 SOUTH 200 EAST, 233 EAST 200 SOUTH, 243 EAST 200 SOUTH, 172 SOUTH 300 EAST, 289 EAST 200 SOUTH, 159 SOUTH 300 EAST, 179 SOUTH 300 EAST, 331 EAST 200 SOUTH, 365 EAST 200 SOUTH, 192, 194, 196, 198 SOUTH 400 EAST, 166 SOUTH 400 EAST, AND 154 SOUTH 400 EAST, VERNAL, UTAH FROM R-3 RESIDENTIAL ZONE AND F-1 FAIRGROUNDS ZONE TO C-2 COMMERCIAL ZONE – ORDINANCE NO. 2014-05:

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Uintah County is requesting that the property located next to the Western Park be rezoned from an R-3 residential zone to a C-2 commercial zone. Allen Parker stated this request is related to the previous item, changing the general plan map to allow commercial in this area. He asked the Council to look at the map attached to the rezone to see what parcels of property will be rezoned. Most of the parcels are currently zoned R-3 (residential) with one parcel being zoned F-1 (fairgrounds). He noted that the property to the south is zoned F-1 and the property to the west is zoned R-3. The Planning Commission reviewed this request and is forwarding a positive recommendation. Councilmember Clark asked if parcel #13 had been purchased by the County. Allen Parker explained that when the rezone application was submitted to the City, the County was still negotiating to purchase that property, and it is now under contract. Mayor Norton opened the public hearing. There being no public comments, the hearing was closed. Councilmember Dave Everett moved to approve Ordinance No. 2014-05. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

Councilmember Munford.....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 – CHAPTER 16.36 R-1 RESIDENTIAL ZONE, SECTION 16.04.755 YARD, FRONT, SECTION 16.04.760 YARD, REAR – ORDINANCE NO. 2014-07: Allen Parker explained that this Ordinance would change the setback requirement to ten feet for a side yard only in cases where there is an exterior side yard along an undeveloped section of right-of-way. The Planning Commission reviewed this ordinance and considered different options, and their final recommendation is to not change the code. Councilmember Munford asked why. Allen Parker stated that they looked at the long range potential for the undeveloped section of right-of-way. Ken Bassett clarified that the language in paragraph C of the Ordinance is exclusively for the side setback on the exterior lot line to allow an accessory building to be placed within ten feet of the right-of-way. Allen Parker agreed. Ken Bassett asked what would happen if the roadway were paved - would the property owner be required to move the accessory building. Allen Parker stated that the building would be grandfathered or considered a legal non-conforming use. Ken Bassett asked if realistically with a structure in the back yard of a home, would there be any visual site problems with the intersection. Allen Parker answered no because the structure would still have to provide enough clearance to protect the clear vision triangle at the intersection. Councilmember Munford asked how close a property owner can place a fence with a corner lot. Ken Bassett stated the fence can only be four feet high in the front, but can be placed within one foot. Councilmember Munford asked how tall the fence can be on the side. Ken Bassett stated six feet behind the building. Councilmember Munford stated he did not understand why buildings could not be placed the same as a fence. Ken Bassett stated that the intent of this ordinance is to allow structures within 10 feet of the right-of-way. Mayor Norton opened the public hearing.

LaDonna Zeller, property owner at 650 North 326 West, explained that they want to build a garage

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which would extend to 15 feet of the right-of-way. There are other structures in the City that are closer than 20 feet or a fence that extends to the road. She argued that her garage would not block the traffic any more than these structures. Ken Bassett asked Mrs. Zeller if this Ordinance would provide ample area for what the Zeller's want to do. LaDonna Zeller answered yes. Councilmember Clark asked how this would affect other property owners. Allen Parker stated that it would only apply to any property owner that has a corner lot next to an undeveloped right-of-way, and there are more property owners like this in the City. There being no further public comments, the public hearing was closed. Mayor Norton stated that this change would be beneficial to property owners so they can utilize their property better, as long as it does not interfere with the clear vision triangle at the intersections. Councilmember Ted Munford moved to approve Ordinance No. 2014-07. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:

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

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:

Allen Parker reminded the Council that this item was postponed until the side yard setback discussion could be held. This Ordinance affects the storage of travel trailers in residential zones which must comply with the setback requirements. Most of the zones require at least a 10 foot side setback and a 30 foot rear and front setback. This requirement makes it hard for the property owner to find a location that is legal to store their travel trailer. Mr. Parker suggested the Council approve this Ordinance which standardizes the setback requirements to 20 feet from the front right-of-way. Mayor Norton asked why this setback could not be 10 feet. Allen Parker stated the trailer needs to be back from the sidewalk to allow people walking and riding bikes to be seen by drivers backing out of their driveways. He noted that the previous item has bearing on this discussion for trailers that could be stored on corner lots and read additional language that may be beneficial to add to the Ordinance. Ken Bassett stated that the language needs to clarify that the setback is from the front edge of the front right-of-way. Allen Parker agreed. Ken Bassett suggested any additional language be incorporated into the Ordinance and reviewed again. Councilmember Bert Clark moved to table this item until the next meeting. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

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

REQUEST FOR APPROVAL OF ASHLEY PARK ESTATES AMENDED WATER BILL AGREEMENT:

Ken Bassett explained that back in 2008 the City entered into an agreement with Ashley Park Estates to establish the terms for them to pay their substantially delinquent water bill. The reason the City did not turn off the water at that time was because it would affect 48

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units. There were additional problems with the water lines during the construction project which changed the water from one master meter to individual meters, adding to the total amount owed to the City. An addendum to the original agreement has been refined by both attorneys requiring a monthly payment of \$1,491.53 every month for the next five years to pay the outstanding bill of \$89,491.97. If the payment is not made, the City has the option to declare the entire amount due and payable immediately. The City Attorney has indicated that the HOA has the payment ready for February and March. Councilmember Ted Munford moved to accept the addendum to the original agreement with Ashley Park Estates for their delinquent water bill. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:

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

REQUEST FOR APPROVAL OF INDIGENT DEFENSE SERVICES: Ken Bassett explained that the City recently approved an agreement with Gretchen Johns to provide indigent defense services for clients in the justice court. Within a few weeks of signing that agreement, Ms. Johns was appointed by the State as the Guardian ad litem for this area and could not fulfill her contract. Several other attorneys were contacted to see if they would be able to provide these services, but they had conflicts with the court scheduling. Mr. Dan Sam’s office was willing to provide indigent defense services at a cost \$2500 a month, and Mr. Lance Dean has indicated his interest at a cost of \$2250. The contract will run through the end of June, 2015. Councilmember Dave Everett moved to approve the proposal of Mr. Lance Dean for \$2250 per month. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

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

ADMINISTRATIVE REPORTS:

Budget Meetings:

Ken Bassett asked the Council to check their calendars to schedule Committee meetings to go over the FY2014 budget reopener. The meetings were scheduled for Thursday, March 27 at 1 pm for the Public Safety Committee, and 3 pm for the Public Works Committee, and Friday, March 28th at 1 pm for the Administrative Committee meeting.

Digital Sign:

Ken Bassett brought the Council’s attention to a letter from Uintah County Commission regarding the digital sign on Main Street. The letter indicates that the County is relinquishing ownership of the sign and will be removing it from the current location within the next 30 days. The Council and Commission have discussed moving and upgrading the sign at a cost of around \$50,000, with no final conclusion on where to locate the sign. With the most recent letter, the

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cost to relocate the sign would have to be paid by the City, if the City chooses to do so. Further, Mr. Bassett stated that Adam Massey with the Chamber of Commerce does have a concern regarding how the sign is used to let people know what is happening in the community. Adam Massey agreed that from the Chamber's point of view, the sign is needed along the main corridor and is very valuable to the community. However, with the deterioration of the sign quality, it was hard to decipher the wording. The Council voiced their opinion that the County could have communicated their intent better. Councilmember Clark suggested the Council communicate with the County to use the sign the best way possible. The consensus of the Council was to place this issue on the next joint City / County meeting agenda.

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