

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
AUGUST 19, 2015 at 7:00 p.m. in the Vernal City Council room, 374 East Main,  
Vernal, Utah 84078.

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

**WELCOME:** Mayor Sonja Norton welcomed everyone to the meeting.

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

**PLEDGE OF ALLEGIANCE:** The pledge of Allegiance was led by Councilmember Samantha Scott.

**APPROVAL OF MINUTES OF AUGUST 5, 2015 REGULAR MEETING:**  
*Councilmember Dave Everett moved to approve the minutes of August 5, 2015. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Cowan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

Councilmember Bert Clark questioned if the contractor performing the crack sealing was required to clean up the debris as he has received a complaint that it is being blown onto the roadway. Ken Bassett stated the staff would look into it.

**INTRODUCTION OF JOEL BROWN, VERNAL AREA CHAMBER OF COMMERCE EXECUTIVE DIRECTOR:** Mr. Joel Brown, new director of the Vernal Area Chamber of Commerce, explained that he has lived in Vernal since 2008 and has been working in the oil and gas industry for Baker Hughes. He stated he is excited to take on his new role. Councilmember Cowan asked if he has any specific goals planned. Mr. Brown stated that they have partnered with Google in a campaign to get Vernal City on the map, with a focus on small businesses. Councilmember Cowan mentioned that in the past the City has tried to revitalize downtown, and thought maybe the Chamber would have more success by establishing a committee of small business owners and contacting other communities that have revitalized their down towns. She suggested he contact the Utah League of Cities and Towns and set up a small business committee. Joel Brown agreed and stated that the Chamber is working on revitalizing downtown, working with business owners to fix up their buildings, especially those with a 2<sup>nd</sup> story, to make it a place where people want to come. Also the Chamber does have a Conservation Committee and is re-establishing the Trails Committee. Councilmember Clark stated with the opening of the new conference center, it is important to attract walking traffic for the downtown merchants. Mayor Norton stated that the Vernal Excitement Association is also working on partnering with downtown businesses to get people to come in and shop. There was some discussion regarding agricultural, industrial and other commercial ventures and the benefits of being a Chamber member. The Mayor and Council welcomed Mr. Brown to the Chamber.

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**PUBLIC HEARING: REQUEST FOR APPROVAL OF A REZONE FOR NICK RICHINS FOR THE PROPERTIES LOCATED AT 509 SOUTH 500 WEST AND 589 SOUTH 500 WEST, VERNAL, UTAH – ORDINANCE NO. 2015-20:** Allen Parker explained to the Council that the City received an application from Nick Richens to rezone property on the southeast corner of 500 West and 500 South from a RA-1 (residential-agricultural) zone to a C-2 (commercial) zone. The request includes 2.5 acres and will take in sections of two different parcels. A plat was presented showing the proposal to divide the land and create a new L-shaped lot. The property to the east and south is zoned residential, and the land to the west houses the care center. In the general plan, there is a commercial corridor on the corner of 500 West and 500 South which supports a commercial zone in this area. The Planning Commission held a public hearing for this rezone request and is forwarding a positive recommendation with the hope that the Council will look closely at using a development agreement for the rezone. Councilmember JoAnn Cowan asked if there was any input from the neighbors at the Planning Commission meeting. Allen Parker stated there were a few neighbors there, but no comments were made. Mayor Norton commented that she liked the idea of a development agreement, otherwise the property owner can build whatever is allowed in the code on this corner. She asked what is allowed in the C-2 zone. Allen Parker stated the type of businesses seen along Highway 40 including semi-industrial and retail. He stated that a development agreement will tie the property to a specific plan presented by the developer which becomes a contract between the property owner and the City. Mayor Norton asked how the rezone can be approved without having the development agreement presented tonight. Allen Parker stated the Council can table the rezone until the development agreement is presented, or look at the use table for the C-2 zone and eliminate uses they do not want to see on this corner. The current proposal is to build a professional office complex on this property. Mayor Norton opened the public hearing for the rezone request.

Mr. Nick Richens, resident at 2763 South 1500 West, explained that he is planning on developing professional office buildings, although it is not known how many units will be built until he has specific tenants. The idea is to lease to insurance agents, real estate brokers, doctors, dentists, lawyers, etc. Mr. Richens presented a concept plan showing a single story, residential looking office building. He stated the building will have a craftsman look which will coordinate with neighboring residential housing which he will develop to the east and south. Councilmember Cowan stated she would be comfortable with this type of development as long as there are no big neon type signs. Mr. Richens explained he plans on building nice homes with large garages in the back to house recreational vehicles. Councilmember Cowan suggested the staff meet with Mr. Richens and draft an agreement for an office building, possibly two stories high that fit the area. Councilmember Clark asked how this development will impact the irrigation line. Nick Richens stated they are aware of the location of the utilities in this area and plan on avoiding digging on 500 South. Ken Bassett suggested procedurally, if the Council wants to have a development agreement tied to this rezone approval, the motion needs to indicate the rezone is subject to the agreement. Once the development agreement is drafted, this issue will come back before the Council for approval. There being no further public comments, the hearing was closed.

*Councilmember JoAnn Cowan moved to provide tentative approval of Ordinance No. 2015-20 rezoning a portion of property at 509 South & 589 South 500 West from residential to commercial*

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*subject to completing a development agreement. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Cowan.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Scott.....aye;*  
*Councilmember Clark.....aye.*

**PUBLIC HEARING: REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.04 – DEFINITIONS – ORDINANCE NO. 2015-19:**

Allen Parker explained that this Ordinance will update the definitions of side, rear and front yards for property which will help determine the setbacks, especially when the lot is not a traditional square lot. The definition of frontage is currently too complex, and will be amended to a simpler definition used by larger municipalities throughout the State. Councilmember Clark asked about utility easements. He explained that in the past a development was allowed on 500 East, and the irrigation line is no longer usable. Allen Parker explained that this Ordinance is only to update the definition of frontage to be a property line along either a public or private right-of-way. Ken Bassett explained that there are many prescriptive easements in the valley where the use of the property for a water way was not recorded, however, that easement still remains as long as the land is being used for that purpose. The developers are required to respect those prescriptive easements. Mayor Norton opened the public hearing for Ordinance No. 2015-19. There were no public comments, and the hearing was closed. Councilmember Clark asked for clarification on the rear yard definition. Allen Parker explained that the rear yard is directly opposite the front yard and the setback does not need to include steps or architectural projections that is not occupied space. The setbacks are normally measured from the foundation to the lot line. For example, if there is a porch that is not enclosed that would be considered an architectural projection, similar to a back deck. *Councilmember Samantha Scott moved to approve Ordinance No. 2015-19. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Cowan.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Scott.....aye;*  
*Councilmember Clark.....aye.*

**AIRPORT TERMINAL PROJECT – KELLY HARVEY:** Mr. Kelly Harvey, Vernal Regional Airport manager, explained that the County has applied for funding to build a new terminal building, and the FAA is looking at the scope of work to see if it qualifies for reimbursement in the future. A basic concept plan is being reviewed by the FAA to make sure it fits their standards, as well as TSA and potential airlines. The building will be approximately 12,000 square feet and is estimated to cost \$3.8 million dollars for the building alone. Councilmember Dave Everett asked what the size is of the current building. Kelly Harvey answered 4000 square feet. Ken Bassett stated he understood the Community Impact Board approved funding for this building and asked what that funding consisted of. Kelly Harvey stated they approved a \$9.8 million dollar half grant / half loan financing which will include the building and necessary infrastructure around the building which drives the cost up. The new

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terminal will handle the CRJ jets. Councilmember Clark asked if this new construction will include airplane approaches up to the terminal. Kelly Harvey stated the concept is to have two gates to service two jets at the same time, however there will not be a ramp. Ken Bassett asked if the FAA will reimburse 95% of the cost. Kelly Harvey stated the funding for the terminal is tricky as the FAA will only reimburse for public use areas. Councilmember Cowan asked what is included in the exterior construction. Kelly Harvey stated the ramps, sewer, water, power, parking lots etc. Ken Bassett asked what the timeline is for this project. Kelly Harvey answered that the bids will go out next spring and construction is estimated to be finished mid-summer of 2017.

**REQUEST FOR APPROVAL OF FAA GRANT DRAFT CONTRACT PHASE III RUNWAY CONSTRUCTION:** Ken Bassett explained the City approved the work of the engineer for this phase of the airport which is the earth work and drainage. This draft contract is for the funding portion of phase III with the FAA. There are no dollar amounts yet, however, this is the procedural way the FAA completes the funding. Once the final contract is ready, the Council will be asked to approve the dollar amount. Mr. Kelly Harvey explained the reason this draft is being presented is there is a short period of time to turn around the contract to the FAA. *Councilmember Bert Clark moved to approve the format of the draft grant agreement with the FAA for phase III of the airport expansion. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote.*

- Councilmember Cowan.....aye;*
- Councilmember Everett .....aye;*
- Councilmember Scott .....aye;*
- Councilmember Clark.....aye.*

Kelly Harvey asked the Council to also authorize the Mayor’s signature with this approval. *Councilmember Bert Clark amended his motion to approve the format of the draft grant agreement with the FAA for phase III of the airport expansion and authorize the Mayor to sign the final agreement not to exceed \$6.5 million dollars. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Cowan.....aye;*
- Councilmember Everett .....aye;*
- Councilmember Scott .....aye;*
- Councilmember Clark.....aye.*

**REQUEST FOR REMOVAL OF PLANNING COMMISSION ALTERNATE MEMBER:** Allen Parker explained that Planning Commission alternate member, Mr. Isaac Francisco, has been working out of town and has not been able attend many meetings. He did not think his attendance would improve. Mayor Norton stated she is aware of another member moving. Allen Parker agreed. *Councilmember JoAnn Cowan moved to remove Isaac Francisco from the Planning Commission and encourage Mr. Parker to replace him quickly. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Cowan, Clark, Scott and Everett voting in favor.*

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**ADMINISTRATIVE REPORTS:**

Sales tax.

Ken Bassett reported that the sales tax report for May was actually higher than expected at 82% of last year. Once the June report is received, the staff will have a final 2015 report for the Council.

Joint City / County meeting:

Mayor Norton reminded the Council that the joint City / County meeting is scheduled for August 24<sup>th</sup> at the County building.

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

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Mayor Sonja Norton

ATTEST:

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Roxanne Behunin, Deputy Recorder

( S E A L )