

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
NOVEMBER 2, 2016 at 7:00 p.m. in the Vernal City Council room, 374 East Main,  
Vernal, Utah 84078.

**PRESENT:** Councilmembers Ted Munford, Dave Everett, Samantha Scott, Bert Clark, Travis Allan and Mayor Sonja Norton.

**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 Ted Munford.

**APPROVAL OF MINUTES OF SPECIAL MEETING ON OCTOBER 26, 2016:**  
*Councilmember Bert Clark moved to approve the minutes of October 26, 2016 with corrections. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Allan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

**VERNAL AREA CHAMBER OF COMMERCE ANNUAL UPDATE – JOEL BROWN & BEN CLUFF:** Joel Brown, Director of the Chamber of Commerce, explained that he would like to give an annual report to the City for this last year. He noted that the Chamber held the first annual education summit, and the Governor attended that event. The Chamber also participates in the annual Holly Days event, Trees for Charity, and the summer passport program. Councilmember Bert Clark asked if they are actively marketing for new members. Mr. Brown stated they are always actively involved in recruiting, and if someone is interested, he asked the City to have them contact him. Ben Cluff, Chairperson of the Chamber of Commerce, expressed his appreciation to the City for their sponsorship of the Chamber. The Chamber is currently sponsoring a program development workshop to help struggling businesses. Councilmember Clark stated that individuals can also join the Chamber of Commerce and suggested the Chamber look at the agricultural businesses as this area has a lot of small farmers who may want to be a part of the Chamber. Ben Cluff stated he liked that suggestion as they do participate with the farmers market. Mayor Norton thanked the Chamber of Commerce for all they do for the community.

**REQUEST FOR APPROVAL TO AMEND ALCOHOL LICENSING PROVISIONS FOR DINING CLUBS – ORDINANCE NO. 2016-15:** Ken Bassett explained that the State of Utah sets the directives for businesses that sell alcoholic beverages, and there are many different types of licenses. If a store wants to sell beer they need a certain license, or if there is a one-day event they need a different license. The City has received a request for a specific license for a restaurant to allow them to sell both beer and alcoholic beverages which has different restrictions than a normal restaurant license. The business must obtain a license from the City, then obtain a license from the State Alcoholic Beverage Control Commission before they are able to sell alcoholic beverages. The type of license being requested is for a dining club which allows a restaurant to have 40% of their sales be in alcoholic beverages instead of 30% and does not allow

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minors inside without an adult. The City does not currently offer this type of license, so Ordinance No. 2016-15 would amend the City’s business license code to allow dining clubs. Mayor Sonja Norton asked if the State sets the regulations for the Ordinance. Ken Bassett stated yes, the wording is from State law. Ginger Bowden, Vernal Brewing Company, stated she opened the restaurant three years ago and has noticed that the laws are cumbersome for tourists who are used to walking around with their drink. Under the restaurant license, the server has to move their drink to another table, and they are not allowed to take the drink out on the patio. The reasoning is that it creates a bar-like atmosphere. The dining club license would alleviate a lot of those issues as well as allowing a patron to simply purchase a beer without ordering food. The risk with this license is if there are two 18 year olds who come in to eat, they cannot do that. Councilmember Dave Everett asked if she would risk eliminating clientele under 21. Ginger Bowden answered no, the restaurant will still be family friendly, and just anyone under 21 must be accompanied by someone over 21. Councilmember Everett stated he likes any change that helps promote business and make the regulations less complicated to tourists. Councilmember Ted Munford agreed that he is in favor of allowing small businesses to grow. Ken Bassett stated that one item he left out of the ordinance was the fee. He suggested the fee be \$200 a year which is the same as a restaurant license. Mayor Norton asked if they have already paid the restaurant license fee, would this fee be on top of that. Ken Bassett answered no, the restaurant fee would be applied to this license. Councilmember Travis Allan clarified if a group of 20 year olds wanted to come in they would not be allowed on the premises. Ginger Bowden answered yes, that would be a change for her business. After further discussion, *Councilmember Dave Everett moved to approve Ordinance No. 2016-15 with the addition of the \$200 fee for the license. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Allan .....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Scott.....aye;*  
*Councilmember Clark.....aye.*

**PUBLIC HEARING: REQUEST FOR APPROVAL TO AMEND THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTER 16.04 DEFINITIONS, CHAPTER 16.06 ADMINISTRATION AND PROCEDURES, CHAPTER 16.14 CONDITIONAL USES, CHAPTER 16.16 PLANNED RESIDENTIAL UNIT DEVELOPMENT, CHAPTER 16.22 HOME OCCUPATIONS, CHAPTER 16.24 SUPPLEMENTARY REGULATIONS, CHAPTER 16.26 OFF-STREET PARKING AND VEHICLE ACCESS STANDARDS, CHAPTER 16.27 LANDSCAPING REQUIREMENTS, CHAPTER 16.36 R-1 RESIDENTIAL ZONE, CHAPTER 16.38 RA-1 RESIDENTIAL-AGRICULTURAL, CHAPTER 16.40 R-2 RESIDENTIAL ZONE, CHAPTER 16.42 R-3 RESIDENTIAL ZONE, CHAPTER 16.48 C-2 AND CC-1 COMMERCIAL ZONES, CHAPTER 16.50 CP-2 AND CCP-1 PLANNED COMMERCIAL ZONES, CHAPTER 16.52 I-1 INDUSTRIAL ZONES, CHAPTER 16.54**

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**F-1 AND P-1 FAIRGROUNDS AND PARK ZONES, CHAPTER 16.55 HC-1 HEALTH CARE ZONE, 16.56 MANUFACTURED HOME PARK AND TRAVEL TRAILER COURT REGULATIONS, CHAPTER 16.58 SUBDIVISION CODE, AND CHAPTER 16.60 MASTER SITE PLAN – ORDINANCE NO. 2016-13:** Ken Bassett explained that this Ordinance is dealing with the Planning and Zoning code of the City, which is the section that deals with land use, so it requires a public hearing. The majority of the ordinance is simply to provide clarity, and maybe in a few cases change, requirements based on what the Council wants to do. Mayor Sonja Norton asked if the Building Official duties are being moved to Title 15. Ken Bassett answered yes, all of those responsibilities are being moved to that title, but it needs to refer to the definition which is in Chapter 16.04. Also, the definition is adding an authorized designee so if the building official is ill or unavailable, someone else that is authorized can take care of those responsibilities. Councilmember Munford stated the ordinance needs to specify how that person is authorized so it is clear. Ken Bassett stated it is usually authorized by the City Manager or Mayor. The ordinance refers to the planning director also in many areas to show what he is in charge of. Also, there was no definition for setbacks which is referred to in the code and only refers to property with a structure. Section 16.22 refers to home occupations, but the licensing needs to be in Title 5 with other business licenses. One item from the discussion at the last meeting was dealing with urban farming which is very common which will be addressed later by the Planning Commission. Ken indicated that the Planning Commission reviewed this ordinance before the Council tonight and do not want to be reviewing items that should be an administrative function dealing with architects, engineers etc.

Ken Bassett explained that some time ago language was added regarding what buildings should look like when they were built, with this ordinance that language has been deleted in two zones. He stated that the language could be considered arbitrary or capricious and the Planning Commission felt it was not needed as they can waive this requirement. Councilmember Bert Clark stated the intent when that was added was to make sure the façade of a building was attractive and pleasing for that area. He noted that metal buildings deteriorate over time with the paint fading or chipping off, and the intent was to keep commercial areas aesthetically pleasing. Councilmember Munford did not think the Council should be involved in what a business looks like, only the maintenance. Councilmember Samantha Scott agreed that the City cannot determine what looks nice, or list potential outside materials of a structure. There was some discussion regarding poor landlords or no upkeep of a commercial business. Mayor Norton suggested the staff research other communities to see how they keep their downtown area looking nice. She stated that a minimum standard is needed for buildings and parking lots. Councilmember Clark stated that the industrial area is slowly deteriorating. Councilmember Travis Allan stated that some communities are very restrictive such as Park City, and areas of Vernal such as the Vernal Towne Center would look a lot different if they could simply put up clapboard painted buildings. The code needs to have something in there so there are not problems in the future. Mayor Norton suggested the Council schedule a work session to discuss this issue and decide on at least a minimum level of aesthetics.

Gil Lamb, resident, stated he would like to see the City maintain the integrity along Highway 40

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so there are no metal buildings that become an eye sore. He asked the Council to consider some regulations to keep the community looking nice. Councilmember Munford stated there are different cultures that have different ideas of beauty that will have to be considered.

Mayor Sonja Norton opened the public hearing. There were no further public comments and the public hearing was closed. *Councilmember Ted Munford moved to approve Ordinance No. 2016-13 excluding the deletion of the type of building and adding authorized designee as noted. Councilmember Travis Allan seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember Allan .....aye;*
- Councilmember Everett .....aye;*
- Councilmember Scott.....aye;*
- Councilmember Clark.....not present for the vote.*

**REQUEST FOR APPROVAL TO AMEND THE VERNAL CITY MUNICIPAL CODE – ORDINANCE NO. 2016-14, TITLE 5 – BUSINESS LICENSES & REGULATIONS, TITLE 9 – PUBLIC SAFETY, TITLE 13 – PUBLIC UTILITIES, TITLE 15 – BUILDINGS & CONSTRUCTION:** Ken Bassett explained that this Ordinance provides clarity for the sections dealing with building and construction and home occupations which have been moved out of the planning and zoning code. The home occupation license can be revoked if the business is not in compliance with local, state or federal rules. Also, there are a couple of issues dealing with the water superintendent as it is his call regarding how he reviews water systems for the City. The code enforcement duties have been moved to Title 15 and the authorized designee for the building official will be added by appointment of the City Manager or Mayor. Also, there may be a situation where a contractor appeals the decision of the building inspector and that appeal will be handled by the Appeals Officer of the City. After further discussion, *Councilmember Bert Clark moved to approve Ordinance No. 2016-14 with the corrections noted. Councilmember Travis Allan seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember Allan .....aye;*
- Councilmember Everett .....aye;*
- Councilmember Scott.....aye;*
- Councilmember Clark.....aye.*

**ADMINISTRATIVE REPORTS:**

Flood Control:

Councilmember Bert Clark stated that sewer treatment plant has been working on water infiltration and have found several places that they hope with repair will make a big difference. Mayor Norton asked if the three sewer entities were going to meet with the County to see what

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could be done. Councilmember Clark answered yes.

Interfaith Counsel:

Mayor Norton explained that she met with several people regarding setting up an Interfaith Counsel to address issues in the community. Councilmember Dave Everett has been asked to spearhead that program, and he has accepted that appointment.

Holiday dinner:

Ken Bassett asked the Council to look at their calendars and set a date for their annual Christmas dinner. After discussion, the consensus was to plan on Thursday, December 22<sup>nd</sup>.

**ADJOURN:** There being no further business, Councilmember Samantha Scott moved to adjourn. Councilmember Dave Everett 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

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