

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
MAY 6, 2015 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

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

WELCOME: Mayor Norton welcomed all visitors and students to the meeting.

INVOCATION OR UPLIFTING THOUGHT: An uplifting thought was given by Councilmember JoAnn Cowan.

PLEDGE OF ALLEGIANCE: The pledge of Allegiance was led by Councilmember Dave Everett.

APPROVAL OF CITY COUNCIL MINUTES OF APRIL 15, 2015: *Councilmember Bert Clark moved to approve the minutes of April 15, 2015. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Cowan, Everett, Scott and Clark voting in favor.*

UINTAH HIGH SCHOOL GRADUATION NIGHT ACTIVITIES SPONSORSHIP REQUEST – ROBIN MCCLELLAN: Robin McClellan explained that she, along with Mary Sprouse, are co-chairing the committee to host this year’s graduation night activities. The City has sponsored this event in the past, and Mrs. McClellan asked the Council to help again this year. The main purpose is to hold an alcohol and drug free celebration for the graduates. The activities will start at 9 pm and continue to 5 am. If the student leaves the high school, their parents are contacted, and they are not allowed back in. *Councilmember Dave Everett moved to approve \$2500 for this event, and congratulated the seniors for their accomplishment. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Cowan.....aye;*
- Councilmember Everettaye;*
- Councilmember Scottaye;*
- Councilmember Clark.....aye.*

Councilmember Cowan noted that the City has been supportive of community events such as this, and as sales tax decreases with the downturn in oil and gas sales, there may not be funding available in the future. She thanked Mrs. Robin McClellan for her dedicated work and recognition that she brings to the community with the High School Drill Team.

REQUEST FOR APPROVAL OF ROAD STRIPING BID AWARD: Ken Bassett explained that the City usually has the roads striped twice a year, and bids were requested for three striping’s, one more this year, and two next year. CRS Engineering prepared the specifications and reviewed the bids received. The low bidder was Peck Striping who has done work for the City in the past. Councilmember Clark asked that road overlay or chipping work be done prior to striping. Ken Bassett stated that anytime chip and seal work is done, the striping of that roadway

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is included in the chip and seal contract. Mayor Norton noted that the City used oil base paint in the past and it seemed to last longer. Ken Bassett agreed, and answered that with environmental issues, water based paint is required now. *Councilmember Bert Clark moved to accept the bid of Peck Striping in the amount of \$164,164.00. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL OF PEHP DENTAL/LIFE CONTRACT: Ken Bassett explained that the current employee dental and life insurance carrier is Public Employee Health Plan (PEHP). The proposal to provide dental insurance to the City employees this upcoming fiscal year includes a 3.5% increase over last year. This increase is minimal compared to the rest of the insurance industry. Mr. Bassett recommended the Council approve staying with PEHP for dental and life insurance for this next fiscal year. *Councilmember JoAnn Cowan moved to approve the contract with PEHP for dental and life insurance. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

- 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 16.04.145 CONDOMINIUM PROJECTS, SECTION 16.57.020 DEFINITIONS, AND SECTION 16.57.050 OWNER OCCUPANCY – ORDINANCE NO. 2015-10: Ken Bassett explained that the next few items on the agenda deal with planning and zoning which is one of most important elements of the City to make sure structures are built right and in the right places. Most residents do not want hog farms next to their house, so ordinances are set to make sure that does not happen. This first ordinance being presented for consideration deals with condominiums. Allen Parker explained that this ordinance changes the definition of condominium to match State statute. Councilmember Clark noted that there are several more definitions in State code. Allen Parker stated those were provided for the Council’s information only. Mayor Norton opened the public hearing. There were no public comments and the hearing was closed. *Councilmember Dave Everett moved to approve Ordinance No. 2015-10 as presented. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

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PUBLIC HEARING: REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.06 – ADMINISTRATION AND PROCEDURES AND ADDING CHAPTER 16.60 – MASTER SITE PLAN – ORDINANCE NO. 2015-09:

Allen Parker explained that if someone wants to build a commercial building, such as a Walgreens, they have to submit a master site plan showing where the structure will be, how much parking, landscaping, lights, where storm water will go etc. The City will have the plans reviewed to make sure they comply with City code. If it does comply, the application has to be approved. The reason for this ordinance is to change the requirement to have the site plan reviewed by the Planning Commission, and instead it will be approved by City staff. The Planning Commission has asked for this change. There is a provision for an appeal if someone disagrees with the approval of the site plan, conditional use permits or other planning decisions. The ordinance defines the process and appeal procedure with timelines for each step. Councilmember Clark asked if the business is allowed to occupy the building before all the work is completed. Allen Parker explained that in certain cases the developer is allowed to put the cost of the improvements, such as the landscaping, into an escrow account, guaranteeing the work will be done and a certificate of occupancy is issued. Many times the weather will interfere with the installation of the landscaping. Ken Bassett commented that this is a big change how site plans are dealt with. If a developer meets the requirements the site plan has to be approved so there is not a lot of reason for the Planning Commission to review it. He suggested that the Planning Commission and Council be made aware of development projects that occur and are approved by the staff so they are aware of what is happening. Councilmember Everett stated that would be very beneficial. Councilmember Cowan asked how involved the Planning Commission is now with site plans. Allen Parker responded that they rely on the staff reports. One downside is that neighbors who attend the meeting have the impression there is a choice whether or not the site plan is approved. If the development meets all the requirements, it has to be approved by the City. Councilmember Cowan stated that people who are impacted still need to be able to voice their concerns. Allen Parker stated that the Planning Commission would rather focus on reviewing ordinances to make sure the community grows in a specific direction. Ken Bassett stated that the Council receives a report on what building permits have been issued, however, that report needs to include more information so the Council is aware of what is happening at a certain location. Mayor Norton opened the public hearing for Ordinance No. 2015-09. Councilmember Cowan asked if other cities handle site plans in this way. Allen Parker answered yes, the larger cities use staff to approve site plans. Councilmember Clark asked if a sign has to be on property they own. Allen Parker stated yes, except on North Vernal Avenue where they can place an off-premise sign. However there is also a federal law against that. Councilmember Clark asked the staff to look into the sign next to Nu-View Glass that is advertising another business. There were no further public comments and the public hearing was closed. *Councilmember JoAnn Cowan moved to approve Ordinance No. 2015-09. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

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

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

PUBLIC HEARING: REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.14 – CONDITIONAL USES – ORDINANCE NO. 2015-08:

Allen Parker explained that this ordinance changes the conditional use provisions in the municipal code. Each zone in the City has what is considered permitted or allowed uses, or conditional uses which may be allowed with specific requirements. For example, in residential zones, you may have a house and a barn. If you want to have a business in your home, it may be allowed if you have specific parking so there is no negative impact on your neighbors, and you have the necessary permit from the City. If a business has a drive through window and it is loud with bright lights, the Planning Commission may restrict the sound, lighting or even the hours of operation so as not to create a negative impact to neighboring homes. Councilmember Bert Clark mentioned that the conditional use (CUP) remains with the property, rather than a specific owner. If they violate the provisions of the conditional use permit, it can be revoked. Allen Parker explained that the City code conflicted with State code, which allows a conditional use unless there is no way to mitigate the impacts. This ordinance tries to address those conflicts and would no longer require a public hearing. Mayor Norton stated that a public hearing may bring out an impact that the Planning Commission is not aware of. Allen Parker noted that the impact would have to be listed in the code to be considered. Those items are generalized so more health and safety items can be considered. Mayor Norton opened the public hearing for Ordinance No. 2015-08. Kyler Clarkson, Uintah High student, asked if someone would need a permit if they plan on having a party that could get loud. Allen Parker explained that conditional use permits only apply to permanent uses. Ken Bassett stated they may need to obtain a noise permit. Councilmember Cowan gave an example of a chicken farm in the middle of a subdivision which may require a conditional use permit. Harley Pitsenbarger, Uintah High student, asked if there is a conditional use permit for a drive through restaurant, someone else moves in and the business becomes a problem, what happens. Allen Parker answered that if the use creates a conflict with the residents, they can complain and the Planning Commission can revoke the permit. However, they do have to violate the conditions that have been placed on them to operate. Councilmember Cowan explained that if there is a farm in the middle of a subdivision that was there before any homes were built, they are allowed to keep the horses as they are considered to be grandfathered in. This situation is the same with airplanes or other uses that were there before a residential neighborhood. They are allowed to continue unless they stop for an entire year. Lucas Winder, Uintah High student, asked if the permit has to be renewed every year. Allen Parker stated there is no renewal. Once the permit is obtained, it remains in place. Lucas Winder asked if the permit is revoked, can it be obtained again. Allen stated they can reapply. Ken Bassett stated the City code lists in each zone what needs to get a conditional use permit. Mayor Sonja Norton explained that some uses are not allowed. Councilmember Cowan agreed, stating that if you want a welding shop, there are some areas where it would be allowed in your garage as a home business, while in other zones it would not be allowed. Ms. Pitsenbarger asked if horses are allowed and the law changes, does that mean they have to get rid of the horses. Mayor Norton answered that the horse

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would be grandfathered in and would stay. Kyler Clarkson asked what would happen if you have two horses that are grandfathered and then you have a colt - what happens. Allen Parker stated that after the animal is old enough, one of the horses would have to go. Gus Brown, Uintah High student, asked who enforces these rules. Allen Parker explained that there is a code enforcement employee who would start with a notice. If the property owner does not comply, they may be issued a citation. Bridger Christensen, Uintah High student, asked if a conditional use permit is needed to weld a fence. Ken Bassett stated if you are building a fence and receiving payment for your work, you only need a business license, not a conditional use permit. Councilmember Everett stated the property owner or contractor will need a building permit for the fence. Kyler Clarkson asked if you need a permit if you are digging underground. Councilmember Bert Clark answered the first thing you want to do is call 811 for Blue Stakes to make sure there are no utilities in the way. Kyler Clarkson stated they are going to redo their septic system, and asked what is needed. Ken Bassett stated they will need to contact the health department for approval. Harley Pitsenbarger asked if someone living in a home for years and has a new fast food restaurant with flashing lights move in next door, what can be done. Ken Bassett explained that there are residential zones next to commercial zones where a fast food establishment would be permitted. The City cannot deny the building permit if they comply with all the codes. The family living next door needs to know that they are next to a commercial zone. Mayor Norton stated that in most cases a sight obscuring fence would be required. There being no further public comments, the public hearing was closed. *Councilmember JoAnn Cowan moved to approve Ordinance No. 2015-08. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

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

PUBLIC HEARING: REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY GENERAL PLAN & FUTURE LAND USE MAP – ORDINANCE NO. 2015-04:

Allen Parker explained that the general plan has a future land use map that directs how the community should grow. This ordinance changes the future land use map which will have a sweeping effect on the City. The general plan and map give long range guidance, and the Planning Commission has been working on revising it for the past nine months. A copy of the revised map was presented to the Council. Allen Parker explained that the transition areas are shown on the map as faded coloring which indicates those areas can be a blended mixture of contiguous zones that are in those areas. Councilmember JoAnn Cowan voiced her concern about the commercial dot on the corner of 500 West and 500 South which would allow commercial use adjacent to the Care Center and a nice housing development. Her concern was that commercial use on that corner could hurt property values. Allen Parker agreed. Councilmember Cowan stated there is also a lot of traffic in that area, and commercial activity could increase the traffic. Allen Parker explained this area is currently zoned R-1 low density residential, and this new map could allow an office building or other appropriate commercial uses on the corner. If a commercial request came in to the City, the Council can consider the request

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and require a development agreement before approving any rezone. Mayor Norton stated that the Council needs time to review this map before approving it. Councilmember Cowan stated that with the construction of the conference center, there is a push to have commercial development in that area along with downtown. Mayor Norton opened the public hearing. Councilmember Clark asked if the institutional area had been expanded. Allen Parker explained that the area around the University is considered institutional, although much of the property is outside the City limits. Kyler Clarkson stated that the High School principal indicated that restaurants are not allowed near the school because of the traffic so the campus remains closed. He asked if the property can be rezoned for restaurants. Mayor Norton explained that the City limits do not extend to the high school. Councilmember Cowan noted that it is hard for a restaurant to invest in an area where they would only have customers 180 days out of the year. Ken Bassett stated the concern of additional traffic is not the reason. Councilmember Dave Everett stated the restaurants enjoy and encourage the students to eat there. Lucas Winder asked if the red dot to the left of the high school was where Wimpies Drive Inn is. Allen Parker explained that is part of the County's general plan. Lucas Winder asked if food establishments could be built there. Mayor Norton showed the students where 7-11 is located on the map and explained it is a central commercial area. She explained that restaurant franchises have certain requirements such as a certain population before they will consider building in an area. They also need to be able to hire staff. There were no further discussion so the public hearing was closed. *Councilmember JoAnn Cowan moved to table Ordinance No. 2015-04 until the next meeting. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL OF CRS ENGINEERING CONTRACT FOR CITY PARKING LOT PROJECT: Ken Bassett explained that CRS Engineering submitted a proposal to do the design work associated with the sealing of the parking lots for the City including the walking park, old city office building, and downtown parking lot behind the Sage Motel. The proposal includes three items - design, bidding and construction management. The engineering firm will only be used for the design work, and will only bill for any work completed. Councilmember Cowan asked about improving the parking lot on 100 North and 500 East. Mike Davis stated that project is in the budget. Councilmember Clark asked if there has been any reduction in costs for petroleum products with the downturn in the economy. Keith Despain with CRS Engineering, stated he has not seen any reduction even though the cost of crude has gone down, other markets using petroleum are slow to bring prices down. *Councilmember JoAnn Cowan moved to approve the contract with CRS Engineering for the parking lot projects. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Cowan.....aye;*
- Councilmember Everettaye;*
- Councilmember Scott.....aye;*

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Councilmember Clark.....aye.

REQUEST FOR APPROVAL OF EIGHTH DISTRICT COURT EMPLOYMENT AGREEMENT: Ken Bassett explained that this agreement allows youth that have been adjudicated through the Youth Court to do work on City property with the City paying \$700 a month for their services to the Court. The youth are supervised while they clean up landscaped areas for the City. *Councilmember JoAnn Cowan moved to approve the contract with 8th District Court. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Clark, Scott, Cowan and Everett voting in favor.*

PRESENTATION OF FY2016 BUDGET & SCHEDULING OF PUBLIC HEARING: Ken Bassett presented the FY2016 tentative budget and read the budget message for the Council. He suggested the public hearing be set for next month after the budget workshops are held next week. *Councilmember JoAnn Cowan moved to hold the FY2016 budget public hearing on June 3rd. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Cowan, Scott, Everett and Clark voting in favor.*

ADMINISTRATIVE REPORTS:

Budget Workshops:

After discussion, the consensus of the Council was to hold the budget workshops on Tuesday, May 12th, Thursday May 14th and Wednesday May 20th at 3:00 p.m.

Update on Building Projects:

Councilmember Bert Clark stated there is a large garage being built by Ashley School. Allen Parker stated they have a building permit and will need permission from the power company. Councilmember Clark stated the run off will land on the neighbor’s property. Also, there is a metal building going up to the west of it. Allen Parker stated he would check with the building official to see if that project is permitted.

Distinguished Alumni Award:

Councilmember Cowan notified the Council that Gary Showalter would be receiving the Distinguished Alumni Award for Uintah High School on Monday at 8:45 am.

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.*

ATTEST:

Mayor Sonja Norton

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2015**

Roxanne Behunin, Deputy Recorder

(S E A L)