

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
JANUARY 2, 2019 at 7:00 p.m. in the Vernal City Council room, 374 East Main,  
Vernal, Utah 84078.

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

**WELCOME:** Mayor Hammond welcomed everyone to the meeting.

**INVOCATION OR UPLIFTING THOUGHT:** The invocation was given by Councilmember Travis Allan.

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

**APPROVAL OF THE VERNAL CITY COUNCIL MINUTES OF DECEMBER 5, 2018:**  
*Councilmember Ted Munford moved to approve the minutes of December 5, 2018. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Allan, Everett, Scott and Clark voting in favor.*

**REQUEST TO APPROVE THE 2018 COMMUNITY WILDFIRE PREPAREDNESS PLAN FOR VERNAL CITY:** Allen Parker explained that the Uintah Fire Suppression Special Service District with the help of a consultant, preparing a wildness preparedness plan for Vernal. The final plan is being presented to the Council. Mr. Corey Auger, representing Forestry, Fires and State Lands, explained that this plan is required by the agreement between the State and municipalities and serves as an insurance policy if a large wildland fire were to happen. He noted that the fires in California show how devastating a fire can be to a community and this plan will guide how to mitigate this type of fire within the City limits. The District took care of the cost for this plan. Mr. Auger stated that each entity had representatives on the committee to develop this plan and a risk assessment was completed. The fire chiefs were then asked to prioritize their areas of concern and any goals to mitigate fire hazards. Some of the goals need to be accomplished by the City and some by the District. Residents can also go to the website and put in their address to see the fire hazards that could potentially affect their property. Allen Parker stated that this plan does not obligate the City to follow a time line, simply be aware of these issues and make progress. Corey Auger agreed that there is no binding deadline. This plan is informative to be more fire wise and be a fire adaptive community. Allen Parker stated that the Planning Commission will also look at this plan as ordinances or zoning is updated to help with problem areas. Councilmember Ted Munford asked if any fees or permits would be required. Corey Auger answered an inspection would be required and would be completed by the District at no charge to the property owner. Quinn Bennion stated that as he read this plan he did not see anything regarding fireworks. Corey Auger stated that the plan only addresses education for the use of fireworks. After further discussion, *Councilmember Dave Everett moved to approve the Wildland Fire Plan as presented. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Everett, Munford, Clark, Scott and Allan voting in favor for a unanimous vote.*

**PUBLIC HEARING: REQUEST TO REZONE PROPERTY AT 955 WEST 500 SOUTH AND 975 WEST 500 SOUTH FROM R-2 AND RA-1 RESIDENTIAL ZONES TO R-4**

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
JANUARY 2, 2019**

**AND R-3 RESIDENTIAL ZONES - ORDINANCE NO. 2019-02 - GENE ANFINSON:**

Allen Parker explained that the City received an application from Gene Anfinson requesting to rezone 4 parcels of land along 500 South. These properties are currently zoned RA-1 and R-2. The request is to rezone a large portion to an R-3 zone with the remaining 150 feet along the top edge next to the street to an R-4 zone. The R-4 zone allows higher density for residential with apartments and some commercial excluding retail. The R-3 zone allows medium density such as four-plexes with a frontage requirement and the current parcel layout would prevent some development. The property owners have provided a few concepts of how the property could be developed with the proposed rezone. The current zoning surrounding this property is MH – manufactured housing to the west, a commercial area to the west, but not contiguous, R-2 along the east and R-4 to the north and south. The general plan supports the proposal as presented with light commercial along 500 South extending 150 feet north and south off that roadway, then medium density housing. The property is along the McNaughten Gulch so any development must follow FEMA requirements for a flood plain. Councilmember Bert Clark expressed his concern about the rights of the water users and the right-of-way for the irrigation water. Allen Parker stated if there is an easement they will have to develop around it and not infringe on the rights of other people. Councilmember Ted Munford asked why the property owner is requesting this rezone if there is no clear direction for development. Allen Parker stated the applicant will be discussing that. The Planning Commission held a public hearing and had a lengthy discussion before forwarding a positive recommendation. They would like the Council to consider a development agreement with a 6 foot privacy fence for all adjoining properties. Mr. Cable Murray, with Timberline Engineering, stated that three of the four properties are already zones R-2 with one parcel being zoned RA-1. The best way to develop this property is to have uniformity with all 4 lots zoned the same. The concept plans being presented are simply ideas, not the final plan, however, the rezone will give the developer more options to work with. He noted that if at least the one parcel is changed from RA-1 to R-2 and the frontage is zoned R-4 that will give them better opportunities for development. Mr. Murray brought the Council's attention to the senior living housing across the street which has been very successful and this property could be developed in the same manner. The R-4 zone along the frontage lines up with the master plan and would allow offices for accountant's, attorney's etc. He noted that the parcel would be too small for high density housing. Councilmember Clark asked if he could request that the frontage be zoned commercial. Allen Parker answered no, that it would not fit with the general plan. Councilmember Dave Everett asked if the one parcel could be rezoned R-2 and the frontage R-4 and forgo the R-3 zone. Allen Parker answered that the applicant would need to modify his request. Councilmember Travis Allan asked if a stipulation can be added to only allow light commercial and no high density housing. Allen Parker stated a development agreement would be needed. If the applicant does not follow that agreement, the zoning reverts back to the previous zone. He explained that with only 150 feet of depth and 131 feet of frontage there would only be room for a 4-plex there anyway if developed for residential use. Also, with the high ground water, that property would be unstable for heavier structures.

Cable Murray stated that the concept plans that were submitted show 28 living spaces which is not allowed in a cul-de-sac. Allen Parker agreed only 25 residential spaces are allowed with two parking spaces for each space. Cable Murray stated the only place they can request an R-4

## **MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD JANUARY 2, 2019**

zone is the frontage. Councilmember Ted Munford asked who owns the property at the end of Escalante Drive which could connect to this property. Allen Parker stated it is owned by a church. Cable Murray stated it is owned by New World Church and is zoned R-4. Councilmember Ted Munford stated if those streets are connected there would no longer be a cul-de-sac restriction. Allen Parker agreed and reminded the Council that the City took ownership of the roadway along Escalante Drive so it is a public street. Councilmember Travis Allan asked what it would take for the Church to want to connect to that street. Allen Parker declared his conflict with that issue as his home is on Escalante Drive. Cable Murray stated that they have had discussions with the Church and they would be in favor of connecting to Escalante Drive and are considering selling the property to the east of their building to give them working capital. Councilmember Clark asked how large that parcel of property is. Cable Murray stated it is 8 to 9 acres.

Mayor Doug Hammond opened the public hearing and invited public comment.

Pam Klinch, whose family owns 25 acres to the east of this property, stated that her first concern was that the Planning Commission only had 4 of 7 members present at the public hearing and there was no clear consensus of their view on this issue. She noted that Gene Anfinson wants to sell this property and it will impact the neighbors. Also, the property is being used for agriculture and if it is rezoned they will need to move the animals. She asked why this rezone is being requested and speculated that it is to affect the sale price of the property. The owner will not install a fence so any development will affect the neighbors. In her opinion, there is no reason to rezone the property right now with no concept for development. Further, Pam Klinch stated she is not totally against this rezone as she understands there will be commercial along the street eventually. Councilmember Ted Munford clarified that Mr. Anfinson wants to sell the property. Pam Klinch stated that he no longer lives here.

Jeff Williams, youngest son of Gene Anfinson, stated that they do want to develop this parcel and the best plan is to have the property next to 500 South zoned R-4. He stated he has 15 years' experience developing property and they want to build a roadway connecting to the church which is also zoned R-4. He stated the reason for an R-3 is to allow home occupations. Allen Parker stated that an R-3 allows a wider variety of development than an R-2 such as a 4-plex or more creative design for patio homes. Councilmember Munford questioned the commercial uses. Allen Parker stated they could develop a professional office with a conditional use permit that would not be allowed in the R-2 zone.

Eric Hunting, owner of property next to this parcel and serving on the Planning Commission, stated that this parcel has been for sale for quite a while and now they want to develop it. He asked the staff to display code section 16.32.010 - Classification of Zoning - to clarify this issue. He agreed that the one parcel should be rezoned to R-2 and the frontage to R-4, as there must be reasonable consideration. Also, the horses would have to be moved. Allen Parker clarified that if a piece of property is being used for a legal use prior to the rezone, it becomes a legal non-conforming use and as long as that use continues without being discontinued for one year. Eric Hunting stated he recommends zoning the property R-2 and R-4 with a fence between the development and neighboring properties.

## MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD JANUARY 2, 2019

Allen Parker explained that there was discussion regarding a site obscured fence and the code does not require a fence between moderate density and single family dwellings. Councilmember Ted Munford stated this issue can be covered in the details of the rezone and he would also like to know what happens if the fence is not installed between commercial and residential. Allen Parker stated if this requirement is listed in the development agreement the property reverts back to the previous zone. The agreement is a detail oriented document that can require an escrow or penalty and can get complicated.

Mr. Alex Steback, 995 West 500 South, stated if he was purchasing the property he would request the current owners rezone it first before the purchase. He stated that if the R-2 zone accomplishes what the owner wants to do, and they work out an agreement with the Church, the property should be zoned R-2.

Cable Murray stated he understands why they want a privacy fence, however, it is not needed between similar uses.

There being no further public comments, Mayor Doug Hammond closed the public hearing.

Allen Parker explained that the Planning Commission recommended approval of an R-3 and R-4 zone, however, the Council can decide to go in a different direction. If the applicant is interested in amending their request from R-3 to R-2 that direction would still be within the scope of the public hearing. Also, Mr. Parker pointed out that there is no legal description splitting the zones on the parcels that would be needed before final action is taken. After discussion, the consensus was that an R-3 zone is not necessary at this point with no comment from Councilmember Bert Clark. *Councilmember Ted Munford moved to table this item until the next meeting. Councilmember Travis Allan seconded the motion. The motion passed with Councilmembers Munford, Allan, Everett and Scott voting in favor and Councilmember Bert Clark voting nay.*

*Mayor Hammond declared the meeting recessed. After a short time, Mayor Hammond reconvened the meeting.*

### **REQUEST FOR APPROVAL OF CIB CAPITAL IMPROVEMENT LISTS - ONE YEAR PRIORITIZED PROJECT LIST AND FIVE YEAR PLANNING PROCESS - QUINN**

**BENNION:** Quinn Bennion explained that the Council needs to review and approve this list annually. If an application for funds is submitted to the Community Impact Board, it must be listed on the one-year list. There are currently 9 potential projects on the list. Councilmember Dave Everett asked about the street sweeper. Quinn Bennion explained that the City's street sweepers are 19 years old and 14 years and only have a life expectancy of 5 to 7 years. It was thought that the City may be able to approach the CIB Board for funding, although they do not usually finance equipment. He stated that there are more significant projects for CIB funding although the need for a street sweeper will have to be addressed in 2019. *Councilmember Samantha Scott moved to approve the list as submitted. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Scott, Everett, Clark, Allan and Munford voting in favor.*

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
JANUARY 2, 2019**

**UPDATE OF CDBG GRANT APPLICATION AND PREFERRED PROJECTS:** Quinn Bennion reminded the Council that the CDBG grant application from the City is due soon to UBAG and initially four projects were discussed. There are two remaining projects that can be submitted – the concrete work at the women’s shelter, and safety and security at the water intake location. A productive meeting was held with the Uintah Water Conservancy District and Ashley Valley Water to protect the water source and they may be willing to partner with the City for this project. Councilmember Ted Munford stated the protection of the water source is very important for the community. Quinn Bennion agreed. The scoring for CDBG projects may not score that project as high as the women’s shelter. The Council suggested both projects be submitted without a priority.

**COUNCIL COMMITTEE ASSIGNMENTS - MAYOR DOUG HAMMOND:** Mayor Hammond stated he spoke with members of the Council and decided to keep the Committee assignments the same as this is an election year. Councilmember Bert Clark stated it is hard for him to attend the meetings for the Recycling Committee and asked the Mayor to assign another Councilmember unless the meetings have been changed. Councilmember Scott stated she can attend those meetings if they are after 8:15 am. Quinn Bennion stated he would contact the Chamber to see when these meetings are held and let Councilmember Scott know.

**2019 CITY COUNCIL MEETING SCHEDULE - ORDINANCE NO. 2019-01 - QUINN BENNION:** *Councilmember Ted Munford moved to approve Ordinance No. 2019-01 setting the Council meeting schedule for 2019 the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month at 7 pm. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Ted Munford.....aye;*
- Councilmember Travis Allan.....aye;*
- Councilmember Dave Everett.....aye;*
- Councilmember Samantha Scott.....aye;*
- Councilmember Bert Clark.....aye.*

**ADMINISTRATIVE REPORTS**

Council Work Session:

Quinn Bennion asked the Council to look at dates for a special meeting to go over upcoming projects.

**ADJOURN:** There being no further business, *Councilmember Ted Munford 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 Doug Hammond

ATTEST:

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Roxanne Behunin, Deputy Recorder

( S E A L )