

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
April 17, 2019 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

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

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 APRIL 3, 2019: *Councilmember Bert Clark moved to approve the minutes of April 3, 2019. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Allan, Everett, Scott and Clark voting in favor for a unanimous vote.*

WALMART INVITATION TO GRAND RE-OPENING – BRAD COWGUR AND CASEY SMITH: Casey Smith, assistant manager of Wal-Mart, explained that the Vernal store was the 2nd Wal-Mart to be built in Utah as part of Sam Walton’s vision to take discount stores to rural areas. The decision was made to open a supercenter, and now that store has received a \$5.1 million dollar renovation. More services will be offered with the health and wellness room to provide immunizations and private discussions with the pharmacist along with an expanded pet department, and the pick-up tower. If you order on-line, you get an alert that your items are ready. He noted that Vernal is always in the top for sales and employs over 400 associates. Usually Wal-mart only markets out 20 miles, however, this store reaches a much larger area so they received permission to market out further to reach all their customers. On Friday a big grand re-opening event will be held to celebrate the renovation and new services. Brad Cowgur, manager, stated that they are excited about the renovation and that Vernal reminds him of home. Dave Everett asked what the hours are for the reopening celebration. Brad answered that they will start at 10:30 am. He stated that there are actually two apps for your smartphone that can be used to purchase items on line. The Mayor and Council thanked Mr. Cowgur and Mr. Smith for their presentation.

REQUEST FOR FUNDING FOR THE UINTAH BASIN JR. LIVESTOCK SHOW – JEFF LONG: Jeff Long, Uintah Basin Junior Livestock President, explained that this year the Junior Livestock Show will be held for four days beginning June 3rd. They have added a VIP goat show for children with special needs and a pee wee division for goats. The auction will be held on Thursday with an average 375 participants, and nearly half of those participants are from out of town. The sponsorship from the City is used for the awards banquet. Hunter Jensen, Livestock participant, stated that h has been showing for 9 years and is grateful and thankful for the support. This program has given him many opportunities and he has a full-ride scholarship at Casper college. *Councilmember Travis Allan stated this is a great event and opportunity to teach skills to the youth in the community. He moved to award a \$1025 sponsorship for the Junior Livestock Show. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;

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Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark.....aye.

PUBLIC HEARING: REQUEST FOR APPROVAL OF A REZONE REQUEST FROM VIA REAL ESTATE FOR THE PROPERTIES LOCATED AT 772 SOUTH 1500 WEST AND 784 SOUTH 1500 WEST, VERNAL, UTAH FROM A R-3 (RESIDENTIAL ZONE) TO A CP-2 (PLANNED COMMERCIAL ZONE) – ORDINANCE NO. 2019-05:

Allen Parker explained the City received an application from Bob West and Steve Heeps to change the zone for two parcels of property from R-3 to CP-2. He displayed the zoning map for the area which joins Uintah County to the east. The Uintah County zoning map shows all RA-1 zoning for this area except one parcel that is commercial. The other surrounding uses are residential to the east and south, and to the north and west is an auto wrecking yard and a used car lot to the east with an LDS chapel across the street. The land use map, which is the guiding document for the future growth of the City, shows this area is within the area designated for commercial. As part of the rezone request, the developer submitted a proposed design for a tunnel style car wash. The rezone request is only for the two parcels on 1500 West as the remainder of the property is already zoned commercial. The Planning Commission held a public hearing and there were a lot of comments from the neighbors. The issues that were brought up were the potential noise, additional traffic movement on 1500 West, the value of the neighboring property and light pollution. Also, the City received a letter from Kathy Worthen listing her concerns and questions. The Planning Commission voted 5 to 1 to recommend approval to the City Council. Since that meeting, the developer has changes the initial design of the project adding egress and ingress from Hwy 40 and a three foot block wall on the east boundary. The City does require a site obscuring fence between all commercial and residential developments. Mayor Hammond asked if these changes were made because of the comments at the Planning Commission meeting. Allen Parker answered yes, that they submitted this new concept a few days after that meeting. Councilmember Ted Munford stated he did have an opportunity to speak with Kathy Worthen and understands her concerns. He noted that there is never a rezone request of this size where there is no opposition and the reality is that the City wants to allow new developments as it is not helpful to the economy to shut them down. Next, Councilmember Munford stated that he is a big proponent of allowing residents to use their property for what they want to use it for if it complies with the general plan. He asked those at the meeting if they are against this rezone and have valid reasons he wants to hear from them to understand their concerns. Councilmember Samantha Scott asked what the proposed hours of operation are. Councilmember Bert Clark asked if a sewer impact study had been completed. Allen Parker answered that he did not know the hours they would be open, and the developers did meet with Mike Davis, sewer superintendent, on the sewer capacity and were told that it would handle it. Councilmember Travis Allan stated that the intersection of 1500 West and Highway 40 is kind of a nightmare and asked how this development will impact that intersection. Allen Parker stated that is a UDOT controlled intersection and the City has approached them in the past for a signal light. However it does not meet the criteria for a light. Councilmember Ted Munford suggested the City approach UDOT again to look at it. Councilmember Samantha Scott stated that the traffic pattern for the car wash could change greatly with the new design. Councilmember Dave Everett stated he observed the traffic flow at

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this intersection on Sunday. There were 17 cars that entered the church parking lot from 1500 West with 20 cars total on the west lot. To the north was another 40 cars that entered the parking lot off Hwy 40 so the majority of the traffic for the chapel came off Hwy 40. He stated he drove back an hour later and there were 100 cars in the parking lot and they usually all leave close to the same time. He wondered if that many cars from the chapel creates a problem for that neighborhood. Councilmember Travis Allan asked if there is any data for accidents at that intersection. Quinn Bennion stated he would look it up. There was some discussion regarding the traffic light by Lowes and how that developer met UDOT criteria. Mayor Doug Hammond opened the public hearing.

Mr. Steve Heeps with the Development Group stated that the owner asked him to select an ideal location for this car wash and they looked at this property for three reasons. Number one, it is far enough from the major traffic zones to the west, number two, it is very visible, and number three, it allows an additional exit onto 1500 West to help facilitate traffic flow. He stated that after the Planning Commission meeting, they took the suggestions and implemented a new design.

Mr. Bob West stated that they capture and recycle the majority of the water so the sewer system is not impacted .

Councilmember Ted Munford asked for clarification on the storm water system. Steve Heeps stated that they will have an infiltration system for the storm water. Councilmember Dave Everett stated that the original information for this rezone shows that two homes will be taken down and asked if that is where the storm drain will be. Steve Heeps stated they will take down the homes and the drain is in the dotted area of the design. Councilmember Dave Everett asked how far away from the development the one neighbor is. Quinn Bennion stated it is approximately 100 yards. Councilmember Ted Munford stated the noise and lights could be a problem if it is a 24 hour car wash. Steve Heeps stated their hours are 8 am to 7 pm. Councilmember Ted Munford asked about the amount of noise created by the car wash. Steve Heeps stated there is some noise especially the blowers as the cars exit. Councilmember Samantha Scott stated she lived by a car wash and did not notice any noise from it.

Quinn Bennion stated that he looked up the traffic data and it shows within the last two years there have been four accidents on 1500 West and Hwy 40, and two accidents from the church parking lot to Hwy 40.

Councilmember Bert Clark asked if they would be required to have curb and gutter. Allen Parker answered yes along 1500 West.

There being no further public comments, Mayor Doug Hammond closed the public hearing. Councilmember Ted Munford asked why the one Planning Commission member opposed the rezone. Corey Foley, Planning Commission member, stated that the biggest reason was the traffic flow. He stated that if you have ever tried to turn left onto Highway 40 it is very difficult and it was not known how many cars this would put onto 1500 West Street so he felt there was not enough information. Councilmember Ted Munford asked if the new design changed his mind. Corey Foley answered that it is a better design although the neighbors will still not be excited.

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Councilmember Travis Allan stated he has the same concern with traffic, although he likes the idea of bringing more business. After further discussion, Councilmember Ted Munford stated he did not see any reason to deny this request even though he agrees with the traffic issues. He noted that this development fits the master plan. *Councilmember Ted Munford moved to approve the rezone as presented, approving Ordinance No. 2019-05. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark.....aye.

The Council requested the staff ask UDOT to do another traffic study of the intersection of 1500 West and Highway 40.

PUBLIC HEARING: REQUEST FOR APPROVAL OF A SUBDIVISION AMENDMENT FROM CHRIS PETERSON FOR THE PROPERTY LOCATED AT 793 SOUTH 2100 WEST, VERNAL, UTAH :

Allen Parker explained that the City received a request to amend a subdivision plat for West Side Drive subdivision along 2100 West. The specific lot is quite large and does meet the requirements to be split into two lots. The Planning Commission is forwarding a positive recommendation to change lot 10 to lots 10a and 10b. Lot 10b does have a home on it and lot 10a is vacant. Councilmember Ted Munford asked if they are planning on developing the second lot. Allen Parker answered yes. Mayor Doug Hammond opened the public hearing.

Chris Peterson stated that he purchased the property and realized it is extra-long. He stated that he buys homes to fix and sell so he decided to split his lot and build a home on it. Councilmember Ted Munford clarified that they both have the required frontage. Allen Parker answered yes. There being no further public comments, the public hearing was closed.

Councilmember Samantha Scott moved to approve the subdivision amendment as presented. Councilmember Travis Allan seconded the motion. The motion passed with the following roll call vote:

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark.....aye.

REQUEST FOR APPROVAL OF PROCLAMATION FOR BUILDING SAFETY MONTH:

Mayor Hammond stated that building safety month is coming up and the City officially can proclaim May as building safety month. Allen Parker stated this is used to promote good building and safe design. *Councilmember Dave Everett moved to approve May as Building Safety Month. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark.....aye.

REQUEST FOR RECOMMENDATION TO CONSIDER A MINOR SUBDIVISION REQUEST FROM CHAD THOMPSON FOR THE PROPERTY LOCATED AT 166 EAST 200 SOUTH, VERNAL, UTAH: Allen Parker explained that this is a minor subdivision of property requested by Chad Thompson. He displayed the configuration of the lot and how the lot split will create one L shaped lot and a rectangular lot. One lot will front 200 South and the other on 200 East. The lot facing 200 East becomes a flag lot with a wide stem. The Planning Commission is forwarding a positive recommendation for this lot split. *Councilmember Ted Munford moved to approve the minor subdivision for the property at 166 East 200 South. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark.....aye.

REQUEST FOR APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE UTAH TRANSPORTATION SPECIAL SERVICE DISTRICT FOR HUMAN RESOURCE AND ACCOUNTING SERVICES CONTRACT – RESOLUTION NO. 2019-08: Quinn Bennion explained that Cheryl Meier, director of the Uintah Transportation District, asked the City to give her a proposal to provide human resource and accounting services for the District. The proposal was based on the cost of the checks per year and payroll. The District would like to have the City perform these services. Councilmember Dave Everett asked how many employees are expected. Quinn Bennion stated that will be a discussion at the next joint City / County meeting. Currently the Transportation District manages the airport and the discussion will be to have the airport go back to the County and the City. One item of concern is our staff level and work load and it is felt that the finance office can accommodate another District. The human resource office is stretched; however, a solution will be discussed during the budget meetings. Councilmember Clark asked about the liability. Quinn Bennion stated that the Trust knows the City manages the finances and each District has their own coverage. Cheryl Meier stated that the payroll has been done in-house in the past and that is not a logical solution. Councilmember Clark asked if their by-laws allow this agreement. Cheryl Meier answered that they are being redone anyway as they are quite old and she feels more comfortable with the City performing these duties. She noted that if the insurance goes up, the District will cover those costs. She stated that she spoke with the other Districts, and they agree the City is the place to be and appreciates the partnership. The Board will meet on the 25th to discuss their approval of the agreement. *After further discussion, Councilmember Bert Clark moved to approve Resolution No. 2019-08 and the Interlocal Agreement with the Uintah*

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Transportation Special Service District. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark..... aye.

REQUEST FOR APPROVAL OF CO-SPONSOR AGREEMENT WITH RUNTASTIC EVENTS FOR THE DINO HALF MARATHON: Quinn Bennion reminded the Council of the discussion to be a co-sponsor of the Dino Half Marathon by helping with transportation needs. This event brings in 1100 runners and is great for the Vernal area. Runtastic, who is the event sponsor, has used private bussing services in the past and that business no longer exists so they approached the City to request BTA or Uintah School District assistance. The Uintah School District is willing to work with the City. The agreement with Runtastic requires them to pay the City and the City then pays the School District. Councilmember Bert Clark asked if this arrangement could be used for other events such as the Paddlefest. Quinn Bennion stated he has not had any other requests. After further discussion, *Councilmember Ted Munford moved to approve the agreement with Runtastics as presented. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark..... aye.

REQUEST FOR APPROVAL OF A BUS USE INDEMNITY AGREEMENT WITH THE UTAH SCHOOL DISTRICT AND REQUEST FOR APPROVAL OF INTERLOCAL AGREEMENT WITH THE UTAH SCHOOL DISTRICT FOR USE OF SCHOOL BUSES FOR THE DINO HALF MARATHON – RESOLUTION NO. 2019-06: Quinn Bennion stated that this is the agreement with the School District to provide the transportation for the Dino Half Marathon which must be approved by Resolution. *Councilmember Samantha Scott moved to approve the Bus Use Indemnity Agreement and Resolution No. 2019-06 as presented. Councilmember Travis Allan seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark..... aye.

ADMINISTRATIVE REPORTS:

Vernal Excitement: Councilmember Ted Munford explained that the Vernal Excitement events will start May 30th and go every Thursday night until Alive After Five begins.

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Passport for Summer: Quinn Bennion stated one of the items to get a stamp from the City for the passport for summer program is to attend a Vernal Excitement event. Last year there were over 3000 youth and families participating in that program. The other stamp offered by the City requires them to contact an elected official.

Joint City /County Meeting: Quinn reminded the Council that the next joint City / County meetin will be held Monday April 29th at the County at 4:30 pm.

Safety Incentive Program: Quinn Bennion explained that the safety program is going well and the workers compensation rates continue to drop. The police department will be added into the program.

Dino Saur Days: Quinn noted that the permit for the balloon glow along Main Street has been approved by UDOT. The event will start Friday May 10th and the balloons will be placed from 5th to 5th along Main Street. The marathon is scheduled for the next day.

Election: Quinn reminded the Council that the upcoming Declaration of Candidacy will be June 3, 2019 through June 7, 2019.

CLOSED SESSION: *Councilmember Samantha Scott moved to convene into closed session to hold a strategy session to discuss the sale of real property including any form of water right or water shares, hold a strategy session to discuss pending or reasonably imminent litigation, and discuss the character, professional competence, or physical or mental health of an individual and return to open session once the discussion is concluded. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark.....aye.

RECONVENE INTO OPEN SESSION: The meeting reconvened into open session

ADJOURN: There being no further business, Councilmember Bert Clark moved to adjourn. Councilmember Ted Munford seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.

Mayor Doug Hammond

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)