

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
AUGUST 21, 2019 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

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

WELCOME: Mayor Doug 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 CITY COUNCIL MINUTES OF AUGUST 7, 2019: *Councilmember Samantha Scott moved to approve the minutes of August 7, 2019. Councilmember Bert Clark asked staff to follow-up with the Tax Commission. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Allan, Everett, Munford, Scott and Clark voting in favor.*

REQUEST FOR APPROVAL OF COMMUNITY IMPACT FUND GRANTS for TRANSPORTATION & GENERAL PLAN UPDATE & WATER SYSTEM MASTER PLAN: Quinn Bennion reminded the Council that the City applied for two grants through the Community Impact Board (CIB) to update the transportation plan and the water system plan. The CIB has implemented a new process for planning grants and they are reviewed and approved by staff if they are less than \$50,000. The City was awarded the two grants and the City has to match the funding. The first grant is for the Transportation Plan in the amount of \$15,000. The City plans to use \$10,000 from the City budget and \$5,000 from the Active and Healthy lifestyle grant. The main components of this update will be the moderate income housing and design concepts for City streets. The second grant is for the water system master plan in the amount of \$40,000. The City has budgeted the matching funds from the water fund. Councilmember Bert Clark asked if there is any plan to update the sewer master plan. Quinn Bennion stated yes, but the City cannot apply for funds until these plans are completed. *Councilmember Bert Clark moved to approve and accept the contracts with the CIB for the planning grants. Councilmember Dave Everett 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 TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL CODE, SECTION 13.12.040 – BILLINGS FOR WATER USAGE ASSOCIATED WITH LEAKS – ORDINANCE NO. 2019-14: Quinn Bennion explained that this item deals with leaks on the customer’s side of the meter. Recently, there have been several customers that have been charged a large water bill for significant leaks on their service lines. If

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the leak is significant enough, it comes into the City system, and then staff can notify the property owner before the bill is sent. Normally, a door hanger is used that says they have unusual water usage. Mike Davis stated if the unusual usage is not caught, it is only for one month as the meters are read monthly. Quinn Bennion stated that what this Ordinance is proposing is to implement a forgiveness program by crediting the utility account for ½ of the overage cost for the time the property owner was unaware of the leak. Councilmember Bert Clark asked if this would be for occupied homes. Quinn Bennion stated all the residences would be treated the same. He noted it is easier for the City to absorb the cost than the individual home owner. Councilmember Ted Munford voiced his concern that the property owner may not fix the problem, or may not fix it correctly and there will be another significant loss. Quinn Bennion stated that other water systems only allow this “forgiveness program” once in 10 years. Also, the draft ordinance allows the City to still charge the average of the usage or the minimum billing, whatever is greater. If the utility customer is notified they have extreme usage of water and still wait two months to fix the problem, they only receive credit for the time they did not know a leak existed. Councilmember Dave Everett stated this ordinance will not help the residents with large bills now. Quinn Bennion stated those accounts have been placed on hold until this issue is resolved. Councilmember Travis Allan asked what protocols are used to let someone know there potentially could be a problem. Mike Davis stated that water usage normally goes up in the summer. If the water goes up to 100,000 gallons, that is a concern. The meter reader reviews the reading reports and if the water usage is, say, three times the normal amount, he will notify the billing supervisor. He noted that commercial accounts are handled differently. Quinn Bennion stated that the City has approximately 3800 water accounts so it is hard to watch all of them. Councilmember Ted Munford asked how the staff will know if it is a leak or they are just filling up their swimming pool. Councilmember Dave Everett stated there has to be some responsibility on the homeowner to show they fixed the problem. Quinn Bennion suggested this be the first reading for this ordinance and changes be made addressing the ten years, adding commercial, and only forgive up to three months. Also, this is just for the service line so if they have a leaky fridge or toilet the City will not share the cost. The consensus of the Council was to bring this item back to the Council after making the noted changes.

PUBLIC HEARING: REQUEST FOR APPROVAL TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE FOR MEDICAL CANNABIS – SECTIONS 16.04.095, 16.04.96, 16.04.097, 16.04.099, 16.04.312, 16.04.373, 16.20.190, 16.20.550, 16.34.020, 16.48.030, 16.50.020, AND 16.52.040 — ORDINANCE NO. 2019-12: Allen Parker explained that medical cannabis has been approved by Utah voters and certain obligations will be incurred by cities and counties to facilitate the growth, manufacturing or processing, and sale of it. Initially there was a manufacturer out of Chicago that wanted to locate a facility in Vernal, however, they were not granted a license by the State. The definitions in the ordinance are straight out of State code. The remainder of the ordinance allows for cannabis production in the industrial and agricultural zones with a few restrictions on production facilities which must be 200 feet from any residence. The State code also has a lot of regulations so the City code does not duplicate those requirements. The pharmacy for this product would be allowed within commercial zones. There are no other provisions than restricting the hours of

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operation. Councilmember Bert Clark asked if this would restrict the hospital. Councilmember Travis Allan asked why the City would worry about the hours if it is strictly for medicinal use. Allen Parker stated that language came from codes from other states. Quinn Bennion suggested the word “and” be added before “what is intended” to the definition. Mayor Doug Hammond opened the public hearing to receive public input. There were no public comments and the public hearing was closed. *Councilmember Dave Everett moved to approve Ordinance 2019-12 with the word “and” added to the definition. 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.

PUBLIC HEARING: REQUEST FOR APPROVAL TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE FOR ABANDONED SIGNS – SECTIONS 16.04.497, 16.28.095 – ORDINANCE NO. 2019-13:

Allen Parker explained that the Planning Commission is recommending approval of this ordinance. The current code does not regulate abandoned signs, so this ordinance was drafted to cover that issue. If a business no longer exists, and the building has been torn down, the pole sign also has to be removed. This ordinance only applies to projecting or a pole sign so if there is a mural on the side of a building it does not need to be removed. Councilmember Samantha Scott asked if this addresses banners such as what is on the fence by the schools. Allen Parker stated this does not address those banners. Under the regulatory side of the Ordinance, once it is deemed abandoned, it is the responsibility of the property owner to cause removal or make it structurally sound with a blank sign. Councilmember Ted Munford asked if the City will contact them to let them know the City is in the process of deeming the sign abandoned. Allen Parker stated it will be treated the same as any violation. Councilmember Munford stated if the sign is removed and the pole remains, is that a violation. Allen Parker stated the property owner is given the opportunity to preserve the pole if it is safe. Mayor Doug Hammond opened the public hearing. Councilmember Bert Clark asked what happens to signs that are for multiple businesses such as the old K-Mart center. Allen Parker stated that they are grandfathered so they will not have to remove the signs. There being no further public comments, the public hearing was closed. *Councilmember Ted Munford moved to approve Ordinance No. 2019-13 as presented. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

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ADMINISTRATIVE REPORTS

Former Council member:

Councilmember Travis Allan asked the Council to reflect on the passing of former Vernal City Councilmember Doyle Huber.

BTA Benches:

Councilmember Dave Everett asked the staff to thank all who were involved with building and installing the benches for the bus system. He noted they are really nice and fit the community.

Police canine:

Mayor Doug Hammond informed the Council that the police K-9 dog Roco was killed last Friday and a memorial will be held for him.

Cancel meeting:

Quinn Bennion informed the Council that so far there is only one item for the meeting the week of Labor Day so that meeting may be canceled.

Joint City / County Meeting.

Quinn Bennion stated that the next joint City / County meeting is scheduled for Monday at 4:30 pm at the City offices.

CONVENE INTO CLOSED SESSION: *Councilmember Bert Clark moved to convene into closed session to 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 reconvene into open session when the discussion is completed. 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.

RECONVENE INTO OPEN SESSION: The meeting reconvened into open session.

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ADJOURN: There being no further business; *Councilmember Dave Evertt 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)