

T A B L E O F C O N T E N T S
Vernal City Council Meeting
October 21, 2015

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MEMO..... 2

MINUTES:
 October 7, 2015 Regular Meeting 3

PUBLIC BUSINESS:
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PUBLIC HEARING
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NOTICE OF PUBLIC MEETING

TO THE PUBLIC AND RESIDENTS OF VERNAL CITY: Notice is hereby given that the **VERNAL CITY COUNCIL** will hold a regular meeting on **Wednesday, October 21, 2015 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main St, Vernal, Utah.

A G E N D A

7:00 p.m.

OPENING CEREMONY

1. Selection of Mayor Pro Tempore
2. Invocation or Uplifting Thought
3. Pledge of Allegiance

STANDING BUSINESS

1. Approval of the Minutes of October 7, 2015 Regular Meeting

PUBLIC BUSINESS

1. Utah National Guard Family Assistance Center Program Presentation - Amber Everly
2. Request for Funding Participation for Hospitality Channel - Uintah County Travel and Tourism - Leshia Coltharp

7:15 pm

PUBLIC HEARINGS

1. Request for Approval of Rezone Request at 379 North 500 West, Vernal, Utah from Trevor Carter / Randall & Lori Mills from R-1 residential to R-4 residential - Ordinance No. 2015-24

REPORTS

- | | |
|--------------------------|---------------------------|
| 1. Impact Mitigation SSD | 4. Sewer Management Board |
| 2. Youth City Council | 5. Uintah Health SSD |
| 3. Public Safety | |

ADJOURN

NOTE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Ken Bassett, 374 East Main, Vernal, Utah 84078 or phone (435) 789-2255 at least three days before the meeting.

MEMORANDUM

TO: Mayor & City Council

FROM: Ken Bassett, City Manager

RE: *Agenda Items of October 21, 2015 Council Meeting.*

PUBLIC BUSINESS

- 1. Utah National Guard Family Assistance Center Program Presentation - Amber Everly:**
During the last several years the City has partnered with the Utah National Guard Family Assistance program in sending off and receiving those National Guard soldiers that have been deployed. Much of the work at the Utah National Guard Family Assistance center is for the families of these soldiers in different forms. Ms. Everly will be at the City Council meeting to explain the nature of the program and ways that she is suggesting that the City provide support for these family members.
- 2. Request for Funding Participation for Hospitality Channel - Uintah County Travel and Tourism - Lesha Coltharp:** Lesha will be at the Council meeting to discuss a tourism information channel which the Travel and Tourism department of the County has jointly developed with Strata. In your packet, is a memo from Ms. Coltharp indicating the purpose of the channel and requesting funding assistance from the City Council of \$5600 per year. I would remind the Council that the City has made several commitments already this year to different events, and because we are finding revenues considerably lower than what we have projected, we have been discouraging additional projects. If Ms. Coltharp wants to include her request for the next year's budget, that would be more appropriate than making a decision at this point to fund this request in a time when revenues are short.

7:15 pm

PUBLIC HEARINGS

- 1. Request for Approval of Rezone Request at 379 North 500 West, Vernal, Utah from Trevor Carter / Randall & Lori Mills from R-1 residential to R-4 residential - Ordinance No. 2015-24:** This request was heard by the Planning Commission and tabled without a recommendation to the City Council. I have included in your packet a copy of the minutes from the public hearing for this rezone at the Planning Commission level. As you will see, there was considerable discussion, which encouraged the members of the Planning Commission to withhold any decision until they had opportunity to review previous rezones in this particular area first. Therefore, it would not be appropriate for the Council to act on this rezone until a Planning Commission recommendation is made. However, a public hearing has been advertised and scheduled, and I suspect there will be individuals at the hearing to make their comments regarding this rezone. Mr. Parker will be out of town involved with his military obligations. Nevertheless, the information that the Planning Commission reviewed is being made available for you as well in your packets. I suggest that individuals at the City Council wishing to make comment be allowed to as part of the public hearing. However, I would also suggest that the public hearing be continued until the Planning Commission makes a formal recommendation to the City Council.

1 **M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
2 **OCTOBER 7, 2015** at 7:00 p.m. in the Vernal City Council room, 374 East Main,
3 Vernal, Utah 84078.
4

5 **PRESENT:** Councilmembers Ted Munford, Dave Everett, Samantha Scott, Bert Clark, JoAnn
6 Cowan, and Mayor Sonja Norton.

7
8 **WELCOME:** Mayor Sonja Norton welcomed everyone to the meeting.
9

10 **UPLIFTING THOUGHT:** An uplifting thought was given by Councilmember JoAnn Cowan.
11

12 **PLEDGE OF ALLEGIANCE:** The pledge of Allegiance was led by Councilmember Dave
13 Everett.
14

15 **APPROVAL OF MINUTES OF SEPTEMBER 2, 2015 REGULAR MEETING:**
16 *Councilmember JoAnn Cowan moved to approve the minutes of September 2, 2015 with the*
17 *correction of one name. Councilmember Bert Clark seconded the motion. The motion passed*
18 *with Councilmembers Munford, Cowan, Everett, Scott, and Clark voting in favor for a*
19 *unanimous vote.*
20

21 **RED CANYON OVERLOOK FUNDRAISING – RICHARD MILLETT:** Mayor Norton
22 noted that Mr. Millett was not able to attend the meeting and this item would be tabled.
23

24 **REQUEST FOR APPROVAL OF COURT RECERTIFICATION – RESOLUTION NO.**
25 **2015-13:**-Ken Bassett explained that the Court Administrator’s Office of the State of Utah
26 requires that the Justice Court be recertified every four years. The recertification process
27 requires the court to comply with specific rules, and the City Attorney must write a letter
28 indicating his opinion if Vernal City can comply. After that review is complete, the Council
29 reviews the resolution and requests recertification. Mr. Bassett brought the Council’s attention to
30 the recertification review completed by Judge Ray Richards which shows the court as a Class 2
31 court based on the number of filings. The court does meet all the requirements for this level of
32 court, and the City Attorney agrees that the City is able to maintain the standards of a Class 2
33 court. Councilmember JoAnn Cowan explained to the students present that the Council
34 chambers are where the justice court meets. She read several of the items needed, such as a
35 flag, desk and chair, that are required to be in the room. Councilmember Clark asked if the City
36 was required to provide a separate entrance for the judge. Ken Bassett stated that is a
37 requirement for a Class 1 court, however, the City can meet that requirement as well.
38 *Councilmember Bert Clark moved to approve Resolution No. 2015-13 for the justice court*
39 *recertification. Councilmember Dave Everett seconded the motion. The motion passed with the*
40 *following roll call vote:*

- 41 *Councilmember Munford.....aye;*
- 42 *Councilmember Cowan.....aye;*
- 43 *Councilmember Everettaye;*
- 44 *Councilmember Scottaye;*
- 45 *Councilmember Clark.....aye.*

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49 **REQUEST FOR APPROVAL OF ROCKY MOUNTAIN POWER RIGHT-OF-WAY**
50 **AGREEMENT FOR LIGHT AT GOLF COURSE:** Mayor Norton explained that Rocky
51 Mountain Power is asking for an easement to move the street light because Naples City is
52 widening the road. Ken Bassett explained that this light will be close to the entrance to the golf
53 course off 2000 East Street, and the City is the owner of the property. The light will be placed
54 off the roadway so it is not in the way of traffic. Councilmember Cowan expressed her
55 frustration that the utility companies are not asking for permission before doing this type of
56 work. Ken Bassett stated he has made them aware that they must ask for the easements or
57 right-of-ways in the future before any work is completed. Councilmember JoAnn Cowan
58 moved to approve the right-of-way easement for Rocky Mountain Power for the street light on
59 2000 East. Councilmember Samantha Scott seconded the motion. The motion assed with
60 Councilmembers Cowan, Scott, Everett, Clark and Munford voting in favor for a unanimous
61 vote.

62
63 **REQUEST FOR APPROVAL OF LEASE AGREEMENT WITH ZIONS BANK FOR**
64 **POLICE DEPARTMENT VEHICLES - RESOLUTION NO. 2015-14:** Ken Bassett
65 reminded the Council that the City has been leasing police vehicles from Ken Garff for many
66 years. The police fleet is split into two groups of approximately 12 vehicles. At the end of the
67 two-year lease, Ken Garff buys back the vehicles and sells them to another police entity in Utah.
68 The cost to replace 12 older vehicles with new vehicles will be taken out of the Equipment Fund.
69 Zion's Bank handles the financing for Ken Garff so the lease agreement for these 12 vehicles is
70 with the bank. Councilmember Clark asked how long it will be before the new vehicles are on
71 the street. Keith Campbell, assistant Chief of Police, stated it will take approximately one-week
72 to get the vehicles marked and fully equipped. Councilmember Clark stated that this lease
73 option saves the City money in the long run. Keith Campbell stated that the police department
74 puts 100,000 to 120,000 miles on these vehicles in that two-year span and they are under
75 warranty so any major issues are taken care of by the dealership. Councilmember Cowan noted
76 that even former Mayor Showalter was impressed with this option, and his conclusion was this
77 was the best way to maintain the police fleet. *Councilmember JoAnn Cowan moved to approve*
78 *Resolution No. 2015-14 approving the lease agreement with Zion's Bank to lease police vehicles.*
79 *Councilmember Ted Munford seconded the motion. The motion passed with the following roll*
80 *call vote:*

81 *Councilmember Munford.....aye;*
82 *Councilmember Cowan.....aye;*
83 *Councilmember Everettaye;*
84 *Councilmember Scott.....aye;*
85 *Councilmember Clark.....aye.*

86
87 **PUBLIC HEARING: REQUEST FOR RE-ADOPTION OF ORDINANCE NO. 2015-20**
88 **FOR REZONE FOR NICK RICHINS FOR THE PROPERTIES LOCATED AT 509**
89 **SOUTH 500 WEST AND 589 SOUTH 500 WEST, VERNAL, UTAH:** Allen Parker
90 explained that the City received a request from Nick Richins to rezone a portion of two parcels of
91 property from RA-1 residential to C-2 commercial. The City Council took action on this request
92 before and approved the request. However, there was some confusion regarding the south
93 property line so when notices of the public hearing were sent out to neighboring property owners,
94 not all of the addresses within 300 feet of this property were included. Because not all the

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95 neighboring properties were notified, that public hearing did not meet the requirements of State
96 law so this issue needs to be revisited. The Planning Commission also reconsidered this rezone
97 request at a special meeting. Mayor Norton noted that this property is located on 500 South and
98 500 West. Allen Parker displayed a map of the area. The surrounding zoning shows R-2
99 residential to the north and RA-1 agricultural/residential to the south, and west. The general plan
100 land use map shows this corner as commercial with low density and medium density housing out
101 from the corner. The proposal to change this property to commercial brought up the question of
102 spot zoning, however, even though this parcel is not contiguous to other commercial property, it is
103 consistent with the general plan so is not considered spot zoning. At the public hearing held by
104 the Planning Commission, there was some concern raised related to pedestrian traffic. The
105 Planning Commission is forwarding a positive recommendation of this item. Mayor Norton
106 asked if they are recommending a development agreement which will put restrictions on the type
107 of development. If the developer does not adhere to those restrictions, the zoning reverts back to
108 the previous zoning. Allen Parker answered yes, that is the recommendation of the Planning
109 Commission especially not to allow access off 400 West Street. Mayor Norton opened the
110 public hearing and asked that all comments or questions be directed to the City Council.
111

112 Mr. John Stearmer, resident at 625 South 400 West, stated that he did receive notification for this
113 hearing. He explained that he works for Uintah County and understands that rezones give land
114 owners the ability to have full value of their investment. At the same time, zoning is set up to
115 protect neighboring properties as well. Mr. Stearmer voiced his concern that a development
116 agreement introduces another layer that can be challenged in the future. He noted that the zoning
117 of property is protected by a lot of case law and is considered a legislative action with a very short
118 review period while the development agreement is more of an executive action, and is subject to
119 longer challenges. If the agreement is struck down, the neighborhood is left with the threat of a C-2
120 zone with permitted uses such as dance halls, circuses, apartments, etc. Mr. Stearmer stated that a
121 R-3 residential zone allows professional office buildings under a conditional use permit and is a
122 legislative action rather than an executive action to move in a more gradual direction while
123 protecting the health, safety and welfare of the community. Councilmember Munford thought
124 Mr. Stearmer made a good point as he was not opposed to office space without allowing heavier
125 commercial uses.
126

127 Pat Bingham, resident at 464 West 650 South, stated she is opposed to this rezone from the
128 standpoint of safety for the children in the neighborhood. This area requires the children to walk
129 to Discovery Elementary, and adding three to four professional office buildings will compound the
130 traffic. The corner on 500 West and 500 South is very busy with the elementary school and the
131 middle school nearby. Also, the recreation center is close by, and there are plans for another
132 school next to the recreation center. Once again, Mrs. Bingham expressed her concern for the
133 kids in this area. Councilmember Cowan asked if the City has a traffic count on that intersection.
134 Ken Bassett stated that a traffic count was done before the 4-way stop was installed.
135 Councilmember Munford asked if a residential development was built, what would be the
136 estimated number of cars that would impact the roadway, and would it be more of an impact than
137 an office complex. Allen Parker stated he did not have the numbers, but the staff could do that
138 analysis. Councilmember Dave Everett asked what times the children are actually going to
139 school. Councilmember Munford stated his kids go to school at 8 a.m., kindergarteners go
140 around 11 a.m. and school is dismissed around 3 p.m. Mayor Norton mentioned that Uintah School

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141 District made the decision to reduce bussing of students in the Discovery Elementary area, and the
142 City and the School employees are continually looking at ways to help students traveling to school
143 stay safe. There is a cross walk with crossing guards by the school on 1100 South.
144

145 Councilmember JoAnn Cowan stated she read through the development agreement and did not see
146 any specific language for the texture of the building, type of roofing, fencing or access off 400
147 West. She suggested the agreement add those types of items that were promised during the first
148 presentation of this rezone request. Allen Parker stated those items can be added to the exhibits.
149 Councilmember Cowan asked if all the items listed could be accomplished in a R-3 zone. Allen
150 Parker stated there could not be any retail sales. Councilmember Clark asked what the height
151 restriction is in a R-3 residential zone. Allen Parker answered 50 feet. Councilmember Everett
152 stated the school traffic does not happen at the same time as business traffic. Allen Parker
153 reminded the Council that the general plan shows commercial on this corner not medium density
154 housing so an R-3 zone does not comply with the general plan.
155

156 There was some discussion regarding the safety sidewalk program. Ken Bassett noted that if
157 this area keeps growing, a stop light may be needed. Councilmember Cowan asked what the cost
158 would be for a stop light. Ken Bassett stated it would cost between \$200,000 to \$300,000 dollars.
159 He explained that a traffic light has a different impact than a 4-way stop sign, and left hand turns
160 become an issue. The major reason for a light is safety which allows multiple cars through an
161 intersection at the same time. Councilmember Everett asked about a crossing guard on 500 West
162 and 500 South. Ken Bassett stated that the School District would need to present a walking plan,
163 then a traffic count would have to be completed to see if it meets State requirements for a crossing
164 guard.
165

166 Mr. John Stearmer stated that the idea of retail sales never came up during the Planning
167 Commission meeting. He stated he is opposed to any retail as the previous discussion focused on
168 professional office buildings.
169

170 Mr. Nick Richins, developer, explained that his plan for this piece of property reduces the amount
171 of units allowed. If homes were platted he could fit 20 homes on this parcel. The plan is to have
172 larger lots on 400 West for homes that will be a buffer zone between the current subdivision and
173 the professional office complex. All traffic for the office buildings will be from 500 West and
174 500 South into parking lots for doctor offices, lawyers etc. Further, Mr. Richens stated that when
175 he approached the City with this idea, the staff directed him to request a C-2 zone to adequately
176 allow this development. The development agreement was also drafted by the City Attorney, said
177 Mr. Richens. As to the retail, those sales also pertain to professional offices such as a doctor that
178 sells items through his practice. Councilmember Cowan stated there is a difference between retail
179 sales of eye glasses and a convenience store. Councilmember Munford stated the concern is any
180 development beyond this agreement in this C-2 zone. Mr. Richins stated he did not want to wait
181 another year to redo the general plan again. Allen Parker stated he would check with the City
182 Attorney if the provisions of the rezone can be extended beyond the current owner.
183 Councilmember Munford asked what would happen with an R-3 residential zone. Allen Parker
184 stated he would have to apply for a conditional use permit and the Planning Commission could
185 only impose conditions that would mitigate impacts on the adjoining property. Mr. Richens again
186 stated that when he started this process the City staff told him this zoning is what would facilitate

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187 this development, and it is difficult to please everyone. Councilmember Munford stated he liked
188 the idea of a medium density residential zone. Councilmember Cowan stated the neighbors
189 would not be happy with tri-plexes, and higher density housing would be more detrimental than an
190 office building. She stated that she respects the concerns of the neighbors, but there has not been a
191 zoning change without these same concerns, and it is hard to predict the future.

192
193 Veronica Stearmer, resident at 264 West 300 South, referred to the statements made by John
194 Stearmer who asked how the R-3 and R-4 zones are different. Allen Parker stated that the R-3
195 zone is more restrictive allowing up to four-plexes while the R-4 zone allows multi-housing units
196 up to 30 units or more with a conditional use permit. Mr. Stearmer again stated he is in favor of
197 the R-3 zone.

198
199 There were no further public comments and Mayor Norton closed the public hearing.
200 Councilmember JoAnn Cowan moved to approve Ordinance No. 2015-20 rezoning property at
201 509 South 500 West and 589 South 500 West to C-2 commercial zone with the approval of a
202 development agreement. Councilmember Bert Clark seconded the motion. The motion passed
203 with the following roll call vote:

- 204 *Councilmember Munford*.....*nay*;
- 205 *Councilmember Cowan*.....*aye*;
- 206 *Councilmember Everett**aye*;
- 207 *Councilmember Scott*.....*aye*;
- 208 *Councilmember Clark*.....*aye*.

209
210 **PUBLIC HEARING: REQUEST FOR APPROVAL OF A REZONE REQUEST FROM**
211 **VERNAL CITY FOR THE PROPERTY LOCATED AT 1265 WEST 500 SOUTH,**
212 **VERNAL, UTAH FROM RA-1 RESIDENTIAL ZONE TO CP-2 COMMERCIAL ZONE**

213 – **ORDINANCE NO. 2015-23:** Allen Parker explained that this piece of property is the back
214 portion of the Heaton Tire lot on 500 South next to Highway 40 that the City Council noticed
215 was not zoned commercial and requested that the property owner be approached. The land
216 owner was not opposed to the request so Vernal City is actually acting as the applicant to rezone
217 this small parcel from residential to commercial to eliminate an island. The Planning
218 Commission held a public hearing and is forwarding a positive recommendation.
219 Councilmember Clark stated he spoke with the property owner, and he did not have any concerns
220 with this rezone. Mayor Norton opened the public hearing for this rezone request. There were
221 no public comments, and the hearing was closed. Councilmember Ted Munford moved to
222 approve Ordinance No. 2015-23 to rezone the property at 1265 West 500 South that is being
223 used commercially to CP-2 commercial zone. Councilmember Dave Everett seconded the
224 motion. The motion passed with the following roll call vote:

- 225 *Councilmember Munford*.....*aye*;
- 226 *Councilmember Cowan*.....*aye*;
- 227 *Councilmember Everett**aye*;
- 228 *Councilmember Scott*.....*aye*;
- 229 *Councilmember Clark*.....*aye*.

230
231 **PUBLIC HEARING: REQUEST FROM CHAMBER OF COMMERCE FOR A**
232 **DONATION FOR ITS ONGOING OPERATION AND MAINTENANCE EXPENSES AND**

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233 **APPROVAL OF MEMORANDUM OF UNDERSTANDING:** Ken Bassett explained that there
234 has been discussion to help fund the Vernal Area Chamber of Commerce in conjunction with Uintah
235 County. In order to use funds for this purpose, the City is required to hold a public hearing according
236 to State law. The Memorandum of Understanding outlines the benefit to Vernal City for this \$50,000
237 contribution as shown in the required impact study. Councilmember Clark asked that the Chamber
238 continue to try to increase membership so these funds can either be reduced or discontinued in the
239 future. Mayor Norton noted that they have reduced the reliance on governmental funding already.
240 Mayor Norton opened the public hearing for this contribution. Joel Brown, director of the Vernal
241 Area Chamber of Commerce, stated that the Chamber meets with new businesses by sending the good
242 will ambassadors and are actively working on getting more members. He thanked the City for all their
243 help for a vibrant business community. Councilmember Munford and Scott and Mayor Norton all
244 mentioned that they are members of the Chamber. There being no further comments, the public
245 hearing was closed. *Councilmember Bert Clark moved to approve the Memorandum of*
246 *Understanding with the Vernal Area Chamber of Commerce. Councilmember Ted Munford seconded*
247 *the motion. The motion passed with the following roll call vote:*

- 248 *Councilmember Munford.....aye;*
- 249 *Councilmember Cowan.....aye;*
- 250 *Councilmember Everettaye;*
- 251 *Councilmember Scott.....aye;*
- 252 *Councilmember Clark.....aye.*

253
254 **REQUEST FOR APPROVAL OF DEVELOPMENT AGREEMENT WITH NICK**
255 **RICHENS FOR PROPERTY LOCATED AT 509 SOUTH 500 WEST AND 589 SOUTH**
256 **500 WEST, VERNAL, UTAH:** Allen Parker, referring to the earlier discussion, stated that there
257 were questions raised about the impact of this development agreement that he would need to ask
258 the City Attorney. Councilmember Cowan asked that language be placed in the agreement for
259 specific building materials. Allen Parker answered that the site plan that is submitted will need to
260 indicate the type of material. Ken Bassett stated that the rezone for this property is contingent on
261 the development agreement approval, and he encouraged the Council to identify specific issues
262 such as the type of building materials. Another concern is not to allow an entrance to the
263 commercial lot from 400 West. Councilmember Cowan asked if there are any plans for fencing.
264 Nick Richens stated they has been some discussion, but there has not been any decision if it should
265 be a fence or landscaping barriers for the two lots furthest north on 400 West. Councilmember
266 Cowan stated she would like to see building materials, roof slope, landscaping etc. that will mesh
267 with the neighborhood. Councilmember Dave Everett agreed, stating that the original rendition for
268 this development was complimentary and fit the community. Councilmember Scott and Clark
269 stated their items have been covered. Ken Bassett stated the staff will work with the developer to
270 come up with a draft agreement for the next meeting. *Councilmember Ted Munford moved to*
271 *table this item until the next meeting. Councilmember Samantha Scott seconded the motion. The*
272 *motion passed with Councilmembers Munford, Scott, Clark, Cowan and Everett voting in favor.*

273
274 Ken Bassett encourages the property owners to also be involved in this process and let the staff
275 know their concerns and items they would like included in the development agreement.

276
277 **REQUEST FOR APPROVAL OF EXTENSION OF RESIDENTIAL GARBAGE**
278 **CONTRACT WITH RDT:** Ken Bassett reminded the Council that presently the residential

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279 garbage contract for the City residents is with RDT. That contract is set to expire at the end of
280 the year. However, there is a provision to extend the contract for another two-years with the
281 same terms. The City Treasurer, Mary Brickler, deals with any issues or concerns that come up
282 from residents and feels that RDT has done an excellent job and is recommending the contract be
283 extended. *Councilmember Dave Everett moved to extend the contract with RDT for two years.*
284 *Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers*
285 *Everett, Munford, Scott, Clark and Cowan voting in favor for a unanimous vote.*
286

287 **REQUEST FOR APPROVAL OF INTERLOCAL AGREEMENT WITH Uintah**
288 **COUNTY FOR ELECTION SERVICES - RESOLUTION NO. 2015-15:** Ken Bassett
289 explained to the Council that this Resolution and agreement is for the purpose of having Uintah
290 County provide election services for the upcoming municipal election. There are two other
291 issues being considered by voters that the County has a stake in, making this a County-wide
292 election. The cost to the City is \$5,315.22 which is considerably less than the last election.
293 *Councilmember Ted Munford moved to approve Resolution No. 2015-15. Councilmember*
294 *Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

- 295 *Councilmember Munford.....aye;*
- 296 *Councilmember Cowan.....aye;*
- 297 *Councilmember Everett.....aye;*
- 298 *Councilmember Scott.....aye;*
- 299 *Councilmember Clark.....aye.*

301 **REQUEST FOR APPROVAL OF AMENDMENT #4 FOR GDA ENGINEER**
302 **AGREEMENT:** Ken Bassett explained that this agreement is for the pre-design work by the
303 engineers for the new airport terminal building. This project is eligible for FAA funding.
304 Further, Mr. Bassett stated that the County approved an agreement with the Transportation
305 Special Service District to manage the airport, however, there were some minor changes needed
306 so the County will review that agreement again before it is presented to the City. After further
307 discussion. *Councilmember Samantha Scott moved to approve Amendment #4 for the GDA*
308 *engineering agreement. Councilmember Bert Clark seconded the motion. The motion passed*
309 *with Scott, Clark, Everett, Cowan and Munford voting in favor for a unanimous vote.*
310

311 Ken Bassett informed the Council that the FAA is now soliciting, again, proposals from airlines
312 for essential airline service to Vernal City and Moab. Great Lakes Airlines was awarded this
313 service contract back in May, but has not been able to provide the service. Proposals are due by
314 October 28th.

315
316 **REQUEST FOR APPOINTMENT TO MOSQUITO ABATEMENT BOARD:** Ken
317 Bassett explained that every four years the City Council needs to appoint someone to the
318 Mosquito Abatement Board to represent the City. The City appointed Terry Anderson to serve
319 on this Board and he is willing to continue to serve. Mr. Bassett recommended Mr. Anderson
320 be re-appointed. *Councilmember Bert Clark moved to reappoint Terry Anderson to the Mosquito*
321 *Abatement Board. Councilmember Ted Munford seconded the motion. The motion passed with*
322 *Councilmembers Clark, Munford, Cowan, Clark and Scott voting in favor.*
323

324 **FINANCIAL UPDATE:** Mike Davis, Finance Director, updated the Council on the budget.

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325 He explained that he keeps track of economic indicators to help predict revenues and compares
326 prior years. The current sales tax figures, from February and March 2015, reflect a major drop
327 in sales tax compared to last year. The sales tax amount has a redistribution formula for point of
328 sale and population, while the transportation tax does not have that formula and reflects a truer
329 drop of 32%. If the sales continue at the same rate, the City will see a loss of \$985,000 for both
330 taxes. Councilmember Cowan asked what percentage of the budget goes toward personnel
331 costs. Mike Davis stated that the majority of the budget, approximately 80%, is for personnel
332 as the City is in the business of service. Ken Bassett reminded the Council of the opportunity to
333 pass a tax which helps correct what the State Legislature passed and must be approved before
334 April of next year. Councilmember Cowan asked what that tax would be. Ken Bassett stated
335 it would add another 1/5th of a cent to the sales tax formula and would generate around \$1
336 million dollars. There was some discussion regarding the transportation tax that is on the
337 ballot. Mayor Norton thanked Mr. Davis for the update.
338

339 **ADMINISTRATIVE REPORT**

340
341 Code Enforcement:

342 Councilmember JoAnn Cowan thanked the code enforcement officer for her quick response to a
343 neighbor who lost their electricity and were using a generator instead. The electricity was
344 reinstated within two days and the noise from the generator stopped.
345

346 Questar:

347 Councilmember Dave Everett stated that Questar will be suspending their project until spring
348 so if there are any concerns they need to be brought to their attention quickly.
349

350 Ruck Run:

351 Ken Bassett explained that Uintah Basin Applied Technology College will be hosting a ruck run
352 to honor veterans on November 7th. The pack, called a ruck, weighs 60 pounds, similar to
353 military training.
354

355 **ADJOURN:** There being no further business, Councilmember Ted Munford moved to adjourn.
356 Councilmember Dave Everett seconded the motion. The motion passed with a unanimous vote
357 and the meeting was declared adjourned.
358

359
360 _____
361 Mayor Sonja Norton

362 ATTEST:

363 _____
364 Roxanne Behunin, Deputy Recorder
365
366
367
368

(S E A L)

Uintah County Travel and Tourism

Request for support and funding for Hospitality Channel

In partnership with V-TV Channel 6 and Strata Networks we have created a Hospitality Channel that airs on local cable and satellite channels. The channel shows video footage of all 12 local day trips, a 15 minute area video, a local events video, area museums, and a local restaurant segment. The primary purpose for the Hospitality Channel is to give hotel guests a sample of what there is to see and do in Uintah County, Vernal and Naples City, and the surrounding areas. It is a proven fact that visitors will spend more days and more money if they know of additional activities in an area that they may not have planned on visiting. The Hospitality Channel gives visitors just enough information and beautiful scenery that they want to go explore the area on their own. It also showcases local restaurants and events.

All local hotels have the Hospitality Channel and most have it programmed to the channel when guests first turn on the TV. We are also working on cards that will be placed with room access cards with the Hospitality Channel listed and a welcome to the area message from our office.

The Monthly cost for the Hospitality Channel is \$1400, with a year total of \$16,800. We also update the restaurant and local events segment and day trips as needed. This also has an additional cost. We are working with Dale Allred to have a live feed of the channel on the vtvchannel6 website. Cities, counties, and local businesses would be able to link to stream from their website.

We are coming to Vernal City to ask for monetary support to keep the channel going. The city receives a portion of the Transit Room Tax from hotel night stays and we are hoping you feel this project could benefit from some of those dollars and help increase tourism and night stays in the area. We plan on presenting this to Naples City also. Uintah County will pay for updates and 1/3 of the yearly cost. We hope Vernal City will consider \$5,600 for an additional 1/3 of the cost. With your support the City log will loop on the channel as a program supporter.

1 **MINUTES of the Vernal City PLANNING COMMISSION**

2 Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

3 September 8, 2015

4 7:00 pm

5
6 **Members Present:** Vice-Chair Samantha Scott, Ken Latham, Kimball Glazier, Scott
7 Gessell

8
9 **Members Excused:** Chair Mike Drechsel, Rory Taylor and Kathleen Gray

10
11 **Alternates Present:** Adam Ray

12
13 **Alternates Excused:** Kam Pope

14
15 **Staff Present:** Allen Parker, Assistant City Manager; Jeff Shaffer, Building
16 Inspector and Gay Lee Jeffs, Administrative Clerk.

17
18 **WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Vice-Chair Samantha
19 Scott welcomed everyone present to the meeting.

20
21 **APPROVAL OF MINUTES FROM AUGUST 11, 2015:** Vice-Chair Samantha Scott asked if
22 there were any changes to the minutes from August 11, 2015. There being no corrections,
23 *Kimball Glazier moved to approve the minutes of August 11, 2015 as presented. Ken Latham*
24 *seconded the motion. The motion passed with Samantha Scott, Ken Latham, Kimball Glazier,*
25 *Adam Ray and Scott Gessell voting in favor.*

26
27 **REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE FOR TREVOR**
28 **CARTER FOR THE PROPERTY LOCATED AT 379 NORTH 500 WEST, VERNAL,**
29 **UTAH – APPLICATION NO. 2015-015-REZ – ALLEN PARKER:** Allen Parker explained
30 that Trevor Carter would like to rezone the property from the current R-1 residential zone to R-4
31 residential zone. The property will be going from a low density zone for residential purposes to
32 high density zone for residential purposes. The property is surrounded by several different
33 zones, but is currently contiguous with R-1 zone. The parcel is 2.6 acres. The parcel to the west
34 is zoned R-2, and the parcels to the East are zoned R-3. To the north is zoned CP-2. The CP-2
35 parcel is owned by Uintah Basin Medical Center. There are residential zones in all other areas
36 that surround the parcel that are not vacant. The General Plan map shows the parcel is in a
37 commercial area and some mixed use area. Mixed use indicates that we want to see a mixture of
38 uses in the area. The staff has reviewed this application and found that it complies with the
39 requirements of the General Plan and is an approvable application. Mr. Parker stated that this is
40 a public hearing as a recommendation to the City Council.

41
42 Adam Ray asked where the access would be to the property. Trevor Carter explained that the
43 two parcels to the East, Mr. Schaefermeyer owning the lower parcel and Mr. Shane Mayberry
44 owning the Northern parcel, the line that separates the property has as easement just south of the
45 property. Kimball Glazier asked how the land would be developed. Mr. Carter stated he had
46 considered residential lots as well as multi-family lots. Mr. Carter mentioned that he had built

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47 something similar in Maeser and felt that the only viable option would be the multi-family lots.
48 Mr. Carter handed out a visual concept, and indicated that it was not a concrete concept, as there
49 has not been any engineering completed on the project. It shows twenty-four units which would
50 be four buildings of six units to each building. Mr. Glazier confirmed that one access was
51 allowed for twenty-four units within the Code and asked about a private driveway being allowed.
52 Mr. Parker stated that one access was allowed for twenty-four units within the Code, but
53 anything more than twenty-four units would require more than one access. Mr. Parker also
54 stated that a private driveway would be allowed on the flag lot, but would still need the minimum
55 frontage. Mr. Parker explained that they are still discussing options to make sure Mr. Carter can
56 comply with the Code. Mr. Carter stated that all issues have not been resolved at this time,
57 because he wanted to get the rezone request approved before proceeding. Vice-Chair Samantha
58 Scott opened the public hearing for the rezone request.

59
60 Norman Pease, located at 295 North 500 West, stated that he lives over the fence from the
61 development. Mr. Pease stated that he noticed that everything surrounding the parcel is private
62 property. There is no access for children to go to the schools, except out the driveway. The R-1
63 zones are slowly changing, and Mr. Pease indicated that he is up against a big development. Mr.
64 Pease stated that he would like the property to stay a R-1 zone, and added that the rezone will
65 directly impact his property as his backyard would be next to the developed area. Mr. Pease
66 stated that he would like a high private fence between the two properties if the rezone is
67 approved.

68
69 Brent Hales, a representative for the Uintah Basin Medical Center, stated that the Uintah Basin
70 Medical Center and Urgent Care facilities are on the adjoining property. These facilities are
71 concerned about the potential development for high density housing on this property. Mr. Hales
72 explained that when the medical center purchased approximately eight acres of land for the
73 medical center, they had future plans of developing the property into a medical plaza. There are
74 no current plans to expand, but they would like to move the dialysis center to the medical plaza
75 at some point. The medical center would like the surrounding properties to stay single family
76 dwellings or continue to expand into a professional plaza. The concern is having high density
77 housing becoming low income housing, because residents that are typically found in low income
78 housing would not be conducive with the clientele that would be surrounding a medical facility
79 where there are pharmaceutical drugs that are accessible that would be impactful to the
80 businesses. One real concern was from an economic perspective. There are a lot of multi-family
81 dwellings and single family dwellings within the Basin. Mr. Hales voiced his concern that Mr.
82 Carter's project might get started and then only get partially completed due to funding issues or
83 lack of sales. Then the project would deteriorate and would become an eye sore reducing the
84 property values in the surrounding area. Mr. Hales stated that he does not feel like the high
85 density, low income housing will be conducive to Uintah Basin Medical Center's plans to
86 develop their commercial property.

87
88 Katie Grubau, located at 318 North 700 West, stated that she is concerned about privacy issues
89 and the low income housing issues if this property is rezoned to high density and developed as
90 such. Ms. Grubau stated that she bought her home to have the peaceful surroundings without
91 having to worry about her child's safety.

92

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93 Mike Schaefermeyer, located at 721 South 500 West, stated that he owns property just west of
94 the proposed rezone property. Mr. Schaefermeyer explained that approximately 10 years ago, he
95 requested a rezone from R-1 to R-3 of his property located at 345 North 500 West. The request
96 was granted with a conditional use permit to build an office building. Mr. Schaefermeyer
97 indicated that according to his memory, Councilmember JoAnn Cowan motioned to make the
98 change with the condition that the property, owned by Marilyn Oscarson at that time, would
99 never be addressed to change again and the approved request made permanent. Mr.
100 Schaefermeyer suggested that the Commission research and read the paste meeting minutes,
101 before making a recommendation to the City Council.

102
103 Shane Mayberry, located at 949 South 2000 East, stated that he has property just northwest of the
104 proposed rezone property at 369 North 500 West. Mr. Mayberry mentioned that he bought his
105 property for the same purpose as Mike Schaefermeyer. Mr. Mayberry stated that he is
106 completely against the property being rezoned. Mr. Mayberry explained that he along with Brent
107 Hales looked at the other property Mr. Carter developed in the Maeser area, and both agreed that
108 it is not the kind of property that they want in the proposed rezone area. Mr. Mayberry stated
109 that he talked to Steve Jones, who owns three acres located at 661 West 500 North, and he
110 indicated that the property values had dropped enough and did not want them to drop further.
111 Mr. Mayberry stated that Mr. Jones was also opposed to the development. Mr. Mayberry stated
112 that he spoke to Lorri Pitchford, who owns a twin home at 400 North 700 West, and she had
113 indicated that she had problems with people speeding through her area. When it was reported to
114 the City Police Department, she was told to collect the license plate numbers, and they would get
115 back to her, which they did not. Mr. Mayberry reported that he had Ms. Pitchford's signature
116 stating that she was also against the development. Mr. Mayberry stated that he also talked to
117 Robert Crisswell, Ann Yates, Lori Swister, and a retired school teacher from Spanish Fork who
118 all live in the twin home development, and they are all opposed to the development. Mr.
119 Mayberry mentioned that he has a legal right-of-way on the southern border of his property, and
120 only pavement is allowed to go on that property; therefore, it would be up in the air as to what
121 will be needed for an easement. Mr. Mayberry stated that whether low income or not, when you
122 squash people shoulder to shoulder, the more problems there are as a result. Mr. Mayberry
123 stated that when he was a clergyman, there drug problems and shootings in another high density
124 area. Mr. Mayberry stated that over time, whether in new or old units, high density housing still
125 brings great distress and concern to himself and others. Mr. Mayberry stated that he feels that the
126 proposed development would be a liability for the surrounding businesses. Mr. Mayberry stated
127 that there is a natural evolution for the plaza in that area and would like to keep it a professional
128 area. Mr. Mayberry stated that he had completed a search for high density homes, and there
129 were forty-one homes listed with a REALTOR® on the market in high density zones. That did
130 not include the high density homes not listed with a REALTOR®. Mr. Mayberry explained that
131 this number will continue to increase as jobs are lost in the area. Mr. Mayberry stated that he
132 does not feel there is a need for more high density housing in the current economy.

133
134 Lindsay Karren, located at 278 North 700 West, stated that she moved to her current location
135 from high density housing, because of the openness of the area. Ms. Karren indicated that when
136 she received notification from the City about the rezone, she was concerned that she would have
137 to list her home, because she does not like having high density homes close to her. Ms. Karren
138 mentioned that she has rental property that she is wondering if she will be able to rent out,

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139 because there are already a lot of rental properties available. Ms. Karren also stated that she does
140 not like all the trash and debris that comes with construction sites.

141
142 Trevor Carter, owner of the requested rezone property, stated that he listened to the concerns that
143 were shared. Mr. Carter explained that he looked for a location in the City that could
144 accommodate his project within the General Plan. He stated that housing in Vernal City can be
145 unaffordable and too expensive to purchase for some people, and they end up in an apartment.
146 Mr. Carter explained that his homes come at a price point below \$200,000, and he tried to make
147 homes or twin homes work on the property, but was unable to make it work financially. Mr.
148 Carter stated that he understands that he will not be able to satisfy everyone, but feels there is a
149 need for the project. Mr. Carter encouraged anyone to look at his project in Maeser. That
150 project sold quickly to police officers, teachers, forest service workers and others. Mr. Carter
151 indicated that there are some rentals in the project, but it is a Home Owners Association
152 community run by the home owners and very well taken care of. Adam Ray asked how quickly
153 the units sold and if they were built all at once or one at a time. Mr. Carter explained it was a
154 two phase project. The first phase was slower and selling about three units per month in a good
155 market. All four buildings were built at the same time for the second phase. There were two
156 buildings that were not sold due to a slower market. Mr. Carter stated a developer looks at a
157 market and sometimes it takes years to develop a product depending on the market. It is in the
158 best interest of the developer to wait until the market is good before proceeding. Mr. Carter
159 stated that the market is slow right now, but feels the demand will return. Mr. Carter said he has
160 seen developers come in and develop very fast when the market turns and some will have half-
161 finished products. Mr. Carter explained that he would have some staying power and wait for the
162 market to be ready. Scott Gessell asked Mr. Carter if he intended to wait to develop. Mr. Carter
163 explained that is a possibility with the slow market. Mr. Carter explained that he intends to take
164 his time to prepare and not speed through engineering. Mr. Carter stated he feels it could be
165 another eighteen to twenty-four months before seeing the demand return.

166
167 Norman Pease, located at 295 North 500 West, asked Trevor Carter if the property would
168 become an investment property that he could possibly sell someday. Mr. Carter explained that it
169 was not in his plans, but could not say that he wouldn't in the future.

170
171 Lindsay Karren, located at 278 North 700 West, stated that she agreed with Shane Mayberry's
172 comments. Ms. Karren added that when she lived in high density housing, people lived there
173 because they could not afford to purchase a home, but they moved as soon as they could afford
174 to do so. Ms. Karren stated that people with addictions do not try to move out of high density
175 housing. Ms. Karren indicated that she moved from high density housing, because of the
176 criminal behavior of the people in the area. Ms. Karren stated that she does not wish to have that
177 again in her backyard.

178
179 Shane Mayberry, 949 South 2000 East, stated that a little over a year ago, the Utah State
180 University made a request on eight acres of property to have it rezoned for high density housing.
181 The City Council did not pass the rezone. Mr. Mayberry stated he had talked to Jake Phillips,
182 owner of the funeral home, and he is against the rezone. Mr. Mayberry stated that of the forty-
183 one high density homes he researched on the market, the highest value was \$188,000 with homes
184 starting at \$120,000. Mr. Mayberry stated he feels that the low economy in Vernal City will be

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185 long term and is not of the same nature as in years past. Mr. Mayberry stated he thinks the
186 demand will be very low when or if the economy returns. Mr. Mayberry stated he does not think
187 it is just to press zoning on a community that is undesirable; granted the higher the density, the
188 higher the profit margin for a developer. Mr. Mayberry stated that he was not opposed to twin
189 homes, but he is opposed to high density. Mr. Mayberry stated that he is worried about
190 overbuilding as it makes life not very enjoyable, and he plead with the Commission to not put the
191 City in a situation where there was overbuilding. Mr. Mayberry asked if he could call Steve
192 Jones for a conference call to get his comments. Allen Parker stated that he did not know the law
193 about telephonic comments in a public hearing. Samantha Scott stated that Mr. Mayberry
194 expressed Mr. Jones comments, and that should be suffice.
195

196 Samantha Scott closed the public hearing. Kimball Glazier stated that he appreciated all those
197 who expressed their concerns and encouraged them to go to the City Council and express their
198 concerns there as well. Mr. Glazier explained the task of the Planning Commission, which was
199 to look and see if the request meets the viability of what the citizens and City want in the
200 community, if it meets the General Plan, and whether or not it can be approved based on that.
201 The General Plan shows that there is a buffer zone to high density in that area. Mr. Glazier's
202 opinion was that it would be suitable for the way the General Plan is stated. Mr. Glazier
203 explained that Mr. Carter has a personal property right, and if he wants to build something he has
204 the right to take that risk. Scott Gessell stated that he would be interested in reading the minutes
205 from Mr. Schaefermeyer's comments. Mr. Parker stated that those minutes could be presented at
206 another meeting or to the City Council. Mr. Parker stated that there is a rule that states a Council
207 cannot bind the hands of a future Council. Mr. Gessell stated he would like to look at that other
208 property Mr. Carter developed. Adam Ray mentioned that he had seen Mr. Carter's other
209 property and knows some of the officers that live there. Mr. Ray added that they are affordable
210 new town homes that have a backyard area and a big common area and are nice and well-kept
211 areas from what he had seen. *Kimball Glazier moved to table the rezone request for Trevor
212 Carter for the property located at 379 North 500 West, Vernal, Utah – Application No. 2015-
213 015-REZ until the next Planning Commission meeting to give members time to look at Mr.
214 Carter's other property and read the meeting minutes from the previous rezone request on the
215 property. Scott Gessell seconded the motion. The motion passed with Samantha Scott,
216 Kimball Glazier, Scott Gessell, Ken Latham, and Adam Ray voting in favor.* Ms. Scott invited
217 the public to attend the next Planning Commission meeting, as well as the City Council meeting
218 on this issue. Shane Mayberry asked if the rezone would be considered spot zoning and how
219 much weight would the City Council put on the public comments. Mr. Parker stated that
220 according to the General Plan, where the property is located, is not considered spot zoning. Mr.
221 Parker added that it is up to each individual on the City Council as to how much weight would be
222 put toward public comments.
223

224 **REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM**
225 **VERNAL CITY FOR THE PROPERTY LOCATED AT 1265 WEST 500 SOUTH,**
226 **VERNAL, UTAH FROM RA-1 RESIDENTIAL ZONE TO CP-2 COMMERCIAL ZONE**
227 **– ALLEN PARKER:** Allen Parker explained that Vernal City, not the property owner, is
228 recommending the rezone request for the property located at 1265 West 500 South. Mr. Parker
229 stated that there was not a staff report, because there was no applicant; however, there was a
230 memo prepared. Mr. Parker explained that in a previous meeting, the property located at 1109



VERNAL PLANNING COMMISSION STAFF REPORT

ITEM: B1

DATE: 3 September 2015

| | | | |
|-------------------|------------------------------|----------|-----------|
| APPLICATION: | 2015-015-REZ (Trevor Carter) | | |
| APPLICANT: | Trevor Carter | | |
| LOCATION: | 379 North 500 West | | |
| PARCEL NUMBER(S): | 05:001:0049 | ZONE: | R-1 |
| | | ACREAGE: | 2.6 Acres |

ANALYSIS:

Trevor Carter is requesting that the zoning map be amended changing parcel 05:001:0049 located at 379 North 500 West, from its current designation of **R-1** to **R-4**. The area of the request is currently vacant. The adjoining parcel to the north is zoned CP-2. The parcel to the west is zoned R-2 and the parcels to the east are zoned R-3. The remaining parcels to the south are zoned R-1. Surrounding land uses include residential and institutional/medical (Urgent Care Center). The Vernal City General Plan indicates future land use for the area of the request to be "commercial", with a slim portion of the lot on the west shown as "low density residential". Aside from the slim portion on the west edge, the area is also included in the "mixed use" area. The "mixed use" designation is compatible with the request and prevents this request from being considered "spot zoning."

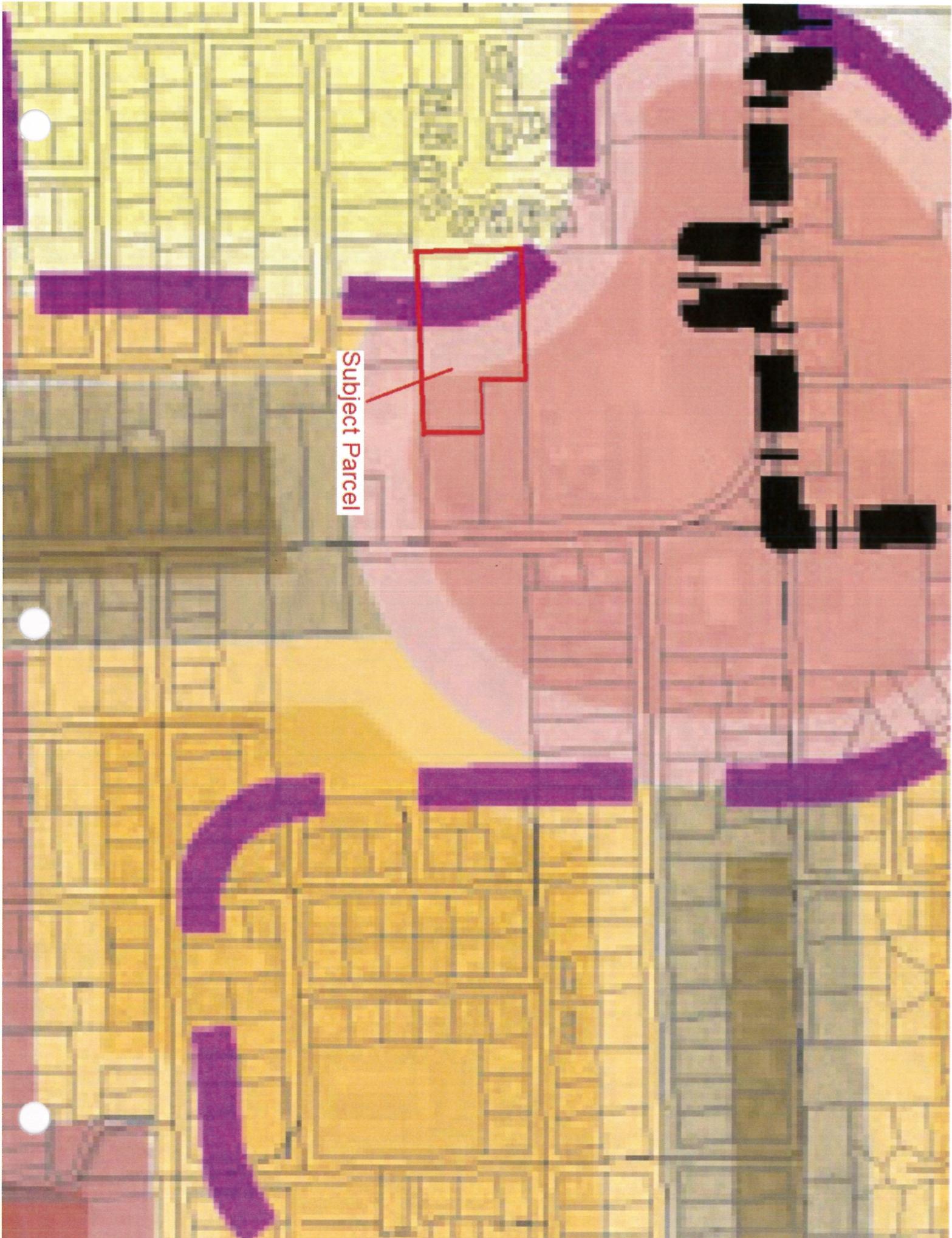
STAFF RECOMMENDATIONS:

The application has been made in accordance with the requirements Vernal City Code and is approvable.

A handwritten signature in blue ink, appearing to read "Allen Parker".

Allen Parker
Assistant City Manager

Subject Parcel





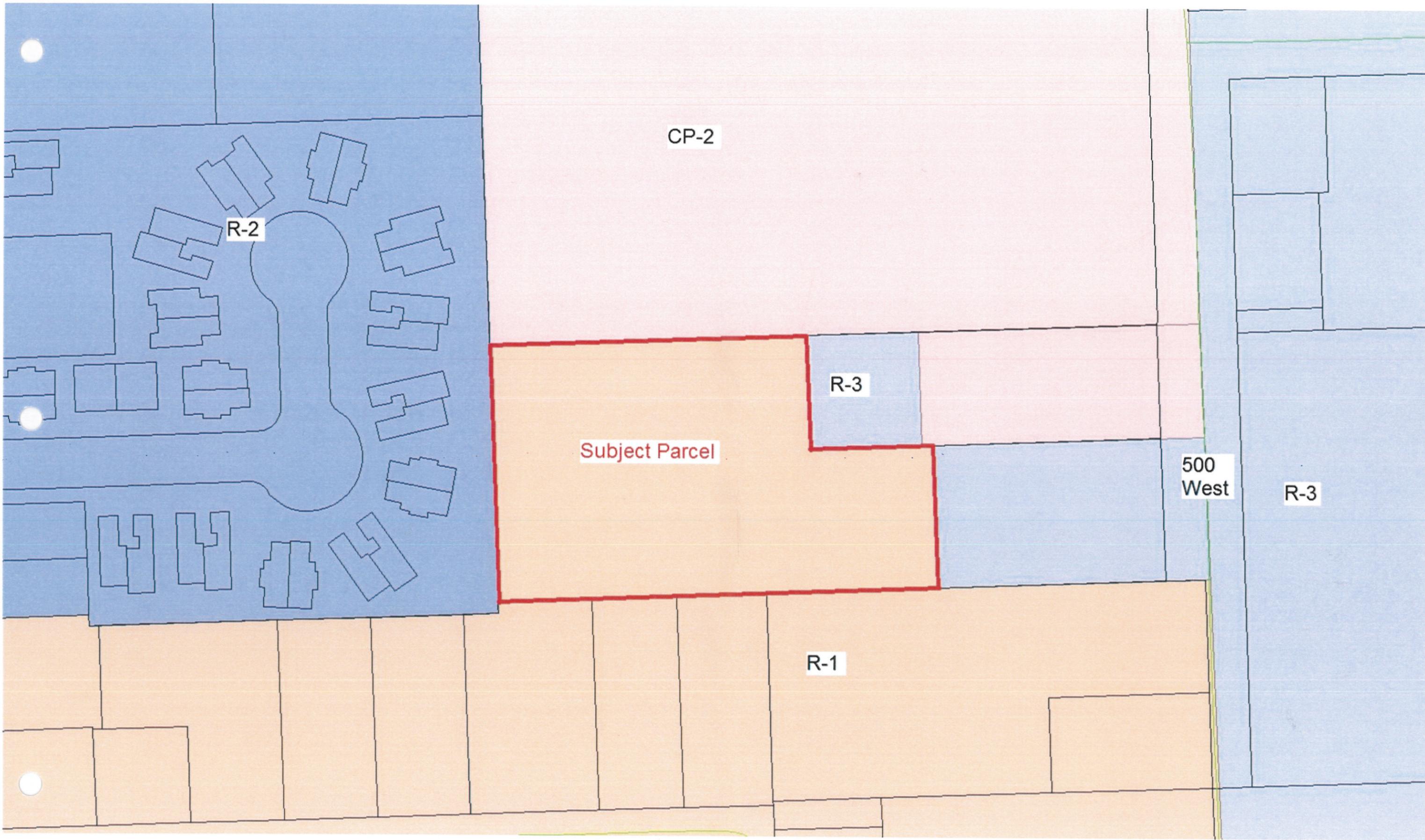
Subject Parcel

W 400 N

500 West

© 2015 Google

Click to see historical imagery from 1997
1997
Tour Guide
Imagery Date: 6/21/2015 40°27'36.51" N, 109°32'29.53" W elev. 5384 ft eye alt. 6598 ft
Google earth



CP-2

R-2

R-3

Subject Parcel

500 West

R-3

R-1