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October 26, 2016

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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 special meeting on **Wednesday, October 26, 2016 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main St, Vernal, Utah.

AGENDA

7:00 p.m.

OPENING CEREMONY

1. Invocation or Uplifting Thought
2. Pledge of Allegiance
3. Acknowledgement and Approval of Special Meeting

STANDING BUSINESS

1. Approval of the Minutes of October 5, 2016 Regular Meeting

POLICY & LEGISLATION

1. Basin Transit System Funding - Mayor Norton
2. Request to Amend the Vernal City Municipal Code - Planning & Zoning - Home Occupation Discussion – Utah 40 Farms – Ken Bassett
3. Request for Approval for Planning Commission Appointment & Move Alternate Member – Ken Bassett

CLOSED SESSION

1. Strategy Session to Discuss the Character, Professional Competence, or Mental or Physical Health of an Individual

ADMINISTRATIVE REPORTS

- | | |
|-----------------------------|---------------------------|
| 1. Economic Development SSD | 4. Sewer Management Board |
| 2. Youth City Council | 5. 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 26, 2016 Council Meeting.*

POLICY AND LEGISLATION

- 1. Basin Transit System Funding - Mayor Norton:** I believe all of you were in attendance at the last City / County meeting on October 17th. I was not. At that meeting, it is my understanding that there was, once again, considerable discussion regarding how the Vernal bus loop would be funded and from that discussion, it was concluded that Vernal City would continue to look for funding for our portion of that loop which is \$45,000. The Mayor asked, once again, that this item be placed on the agenda. I have also included in your binders a copy of the fund balances of the capital projects funds that we have considering the fact that if we were to participate in the funding of the Vernal loop, it would likely come from one of these funds.
- 2. Request to Amend the Vernal City Municipal Code - Planning & Zoning - Home Occupation Discussion – Utah 40 Farms – Ken Bassett:** I believe most of you have received information regarding the family here in Vernal City that has a business called the Utah 40 Farms seeking permission to sell produce, i.e. Pumpkins, etc. from their garden area. This would be a situation where people would come, choose their pumpkins from the field and then pay for them at the same time. Utah 40 Farms did make application for a business license. It was considered by the City under the home occupation licensing simply because the zone where this family lives is not a commercial zone and normally would not allow commercial activity. The requirements that we currently have for a home occupation, however, indicate that the business has to be carried on entirely in the home with only a certain percentage of the home being dedicated for the business. In addition, there are other provisions pertaining to the home occupation which have been included in the municipal code strictly for the purpose of maintaining the integrity of a residential zone in which, generally, home occupations occur that includes issues of signage, traffic, parking etc. The Mayor has had discussion with the individuals with Utah 40 Farms. My feeling is that to do what they are asking to do certainly is reasonable and, in fact, has kind of a “hot dog and apple pie” flair to it. Simply, we would just need to amend our current ordinances to allow for this type of activity if the Council feels it is desirable to do so. Also, because the home occupation requirements are outlined in the planning and zoning portion of our municipal code, that would require a review by the Planning Commission and noticing to the public of a public hearing prior to any ordinance being recommended by the Planning Commission and eventually approved by the City Council. I have provided for you some information from our municipal code regarding home occupation use. It is the intent of the Mayor, I believe, to further this discussion and determine what the City Council would like to do relative to this request of this business.

3. **Request for Approval for Planning Commission Appointment & Move Alternate Member – Ken Bassett:** At the last Council meeting the Council appointed Eric Hunting as an alternate member of the Planning Commission, and Eric did attend his first Planning Commission meeting this month. It is recommended that Brock Smith be appointed as a regular member of the Planning Commission. Brock is serving right now as an alternate member. We would then still have one more regular position to fill as well as two alternate member positions.

1 **M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
2 **OCTOBER 5, 2016** at 7:00 p.m. in the Vernal City Council room, 374 East Main,
3 Vernal, Utah 84078.
4

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

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

10
11 **INVOCATION OR UPLIFTING THOUGHT:** An invocation was given by Councilmember
12 Dave Everett.

13
14 **PLEDGE OF ALLEGIANCE:** The pledge of Allegiance was led by Councilmember Samantha
15 Scott.

16
17 **APPROVAL OF MINUTES OF SEPTEMBER 7, 2016 REGULAR MEETING:**
18 *Councilmember Bert Clark moved to approve the minutes of September 7, 2016.*
19 *Councilmember Samantha Scott seconded the motion. The motion passed with*
20 *Councilmembers Munford, Allan, Everett, Scott, and Clark voting in favor for a unanimous*
21 *vote.*

22
23 **SWEARING IN OF YOUTH CITY COUNCIL:** Councilmember Samantha Scott explained
24 that the Youth City Council members were present to be introduced to the Council and Mayor
25 and be sworn into office. She asked the members to come forward, state their names, and what
26 grade they are in.

27 The Youth Council introductions are as follows:

- 28 Jacob Abrams, senior – Youth Mayor;
- 29 Willian Eskleson, senior – Council and Parks & Recreation Coordinator;
- 30 Brant Johnson, senior, - Youth City Manager and Public Relations;
- 31 Molia Berger, senior, Mayor Pro Tempore;
- 32 Rachel Allred, junior, Youth Council & Police Chief;
- 33 Kylie Larsen, senior, - Council and Finance Director;
- 34 Katie Abrams, Youth Advisor.

35
36 Mayor Sonja Norton gave the Youth Council their oaths of office. Mayor Norton explained
37 that the Youth Council do community service projects and learn about government by attending
38 a legislative session in Salt Lake City. Councilmember Samantha Scott asked the students and
39 audience to let other students know about this program.

40
41 Mayor Norton reminded the Council and students that she is requesting stories of pioneers or
42 community members that did something great for this area. She gave an example of Uncle
43 Charlie Decker, who had a story published in the Vernal Express in 1931. He was the first
44 person in the Uintah Basin associated with the steam sawmill that helped change the community.

45
46 **REQUEST FOR APPROVAL OF COMMUNICATIONS AUTHORITY CONTRACT**
47 **WITH POLICE DEPARTMENT:** Detective Shaun Smith explained that in the past he had

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48 a radio loaned to him by the Uintah County Sheriff’s office that provided communication with
49 the US Marshalls office for task force operations. The Sherriff’s office, because of budget
50 constraints, will no longer provide this radio. The State is willing to enter into an agreement
51 with Vernal City for this radio at a cost of \$23.20 per month. A grant was received from the State
52 Attorney General’s office for equipment in the amount of \$12,000, so a portion of that grant can
53 be used to help pay for the radio. Councilmember Bert Clark asked if the radios have a specific
54 ID number. Shaun Smith stated all of these radios have a unique id with GPS embedded so the
55 communications authority is notified if there is a problem. Councilmember Dave Everett asked
56 if he would be the only officer carrying this type of radio. Shaun Smith answered yes.
57 Councilmember Travis Allan asked how often he is contacted. Shaun Smith stated around two
58 to three times a month. *Councilmember Dave Everett moved to approve the contract with the*
59 *State Communications Authority for this radio. Councilmember Bert Clark seconded the motion.*
60 *The motion passed with the following roll call vote:*

- 61 *Councilmember Munford..... aye;*
- 62 *Councilmember Allan..... aye;*
- 63 *Councilmember Everett..... aye;*
- 64 *Councilmember Scott..... aye;*
- 65 *Councilmember Clark..... aye.*

66
67 **BTA FUNDING REQUEST - MAYOR NORTON:** Mayor Norton reminded the Council of
68 meetings with the Uintah County Commission regarding the Basin Transit System. At the last
69 meeting the Uintah Basin Association of Governments indicated the cost for the Vernal loop for
70 the bus system was \$90,000 a year and the County would like the City to consider contributing
71 half that cost. The Uintah Transportation Special Service District would match the other half.
72 Ken Bassett presented to the Council a list of special project funds that the City has that could be
73 transferred to this project. He noted that many of these funds have project commitments and
74 can only be used for specific reasons. Further, the general fund has a balance of \$1.35 million
75 dollars. He reminded the Council that the City is required to keep a balance of up to 25% of
76 revenue with \$317,000 being used of the unappropriated funds to balance the budget for this
77 fiscal year. The Strike Force and Municipal Building Authority fund cannot be used for this
78 project. Mayor Norton asked what the annual payment is for the City Hall building. Ken
79 Bassett answered between \$400,000 and \$500,000. Mayor Norton asked if funds could be used
80 from the street construction fund. Ken Bassett stated the ADA project and sidewalk repair are
81 tied to that fund. Councilmember Ted Munford stated he would like to see more accurate
82 figures from UBAG for the Vernal loop and asked if there has been any further discussion about
83 taxi vouchers. Mayor Norton stated she would like to know the level of service being provided
84 for this amount of money. Councilmember Clark stated that UBAG does have the daily
85 ridership logs so possibly the City can give input on what stops or times the buses should be
86 running. Councilmember Ted Munford clarified that the City was short \$317,000 for this fiscal
87 year to balance the budget. Ken Bassett agreed that amount of money had to be budgeted out of
88 the unappropriated fund balance and funds have been taken out of the capital project funds for
89 the last two years to help balance the budget. In good times the City has placed funds into the
90 capital improvement funds. The price of oil has risen slightly, and for the month of July, the
91 sales tax revenue was even with July of 2015. Councilmember Munford stated the City has to
92 be very careful with available funds. Ken Bassett agreed, and he is cautiously optimistic.

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93 Councilmember Bert Clark stated the Council has the responsibility of providing essential
94 services to City residents including water, sewer, streets and police protection. When this bus
95 transit system was initially started, the City was told the cost would be covered by the federal
96 grant. Now they are asking the City to pay for the Vernal route. The Special Transportation
97 District has been covering the County's cost, and now the District is taking on more debt with a
98 project on the west side. Their reasoning is that it is free money, however, nothing is free as
99 that money comes from taxes collected from the oil and gas industry. Councilmember Ted
100 Munford agreed that when this project was originally presented, it was shown that the area would
101 lose federal funds if not implemented, although there was no complete data for routes yet.
102 There has been no further communication until now. Councilmember Bert Clark questioned
103 whether the riders of the bus would create \$45,000 in sales tax. Ken Bassett stated he
104 appreciates the comments and noted that the media has asked how much does the Vernal loop
105 benefit the City. There is no way to knowing that figure, however, residents do ride the bus for
106 employment. or doctor or hospital visits so the need is there. Councilmember Samantha Scott
107 asked if the businesses that benefit from the transit system may be willing to contribute. Mayor
108 Sonja Norton stated she spoke with the School District, and they do not have any funds. The
109 hospital is willing to contribute, and she will speak with Terra Academy and a few more
110 businesses as well as the college. She asked the Council to be prepared to make a decision at
111 the next joint meeting with Uintah County. Mayor Norton explained to the Youth City Council
112 what happened with Proposition 1 that was on the ballot last year and was defeated by 21 votes.
113

114 Brant Johnson, student, asked if the proposition would raise taxes. Mayor Norton answered
115 yes; it would add 25 cents on every \$100 that is spend on on non-food items. He asked when
116 that tax would be passed. Mayor Norton explained that the City can ask the County to consider
117 putting that tax proposition on the ballot again next year. If the tax passes, the bus system could
118 be funded with that money. Councilmember Travis Allan stated his concern is the City is now
119 being bullied to fund a program that was not initiated by the Council. Funds are being depleted,
120 and the City will need to be careful over the next five years. Councilmember Dave Everett
121 agreed that the Council has been put in the position as the bad guy although the City is doing
122 what it can to keep this program running. Ken Bassett stated he will place this item on the
123 agenda for the joint City / County meeting scheduled for October 17th and will ask UBAG for
124 more detailed information, including if they eliminate stops, or adjust times, what options are
125 available. Mayor Norton stated she rode the bus, spoke with the riders and driver and discussed
126 how the service could be cut back. She asked the Council to be prepared for the October 17th
127 meeting.
128

129 **RATIFICATION OF AIRPORT GRANT AGREEMENT AND AMENDMENT #9 TO**
130 **THE AIRPORT ENGINEERING CONTRACT WITH GDA:** Ken Bassett explained he
131 spoke with most of the Council regarding this item. The grant from the FAA had to be
132 approved and sent back quickly, so approval was received over the phone - now ratification of
133 that approval is needed. The grant is for \$16 million dollars to fund improvements at the
134 airport, especially expanding the runway. The other contract is with the engineers for the
135 airport, GDA Engineers, to perform the work necessary for the grant. This is amendment #9 to
136 that contract. Councilmember Clark asked how the matching funds would be paid. Ken
137 Bassett stated the Transportation Special Service Project will pay the 5% local match. Valerie

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138 Gamble, student, asked if the airport is asking for \$16 million dollars. Ken Bassett answered
139 that they are receiving a grant from the FAA in the amount of \$16 million dollars. The FAA
140 pays 95% of the funds and the local governments are required to pay 5%. Mayor Sonja Norton
141 explained that the City owns 25% of the airport so anytime something is done there, the City has
142 to approve it.

143
144 *Councilmember Bert Clark moved to ratify the approval of the grant with the FAA.*
145 *Councilmember Ted Munford seconded the motion. The motion passed with the following roll call*
146 *vote:*

147 *Councilmember Munford..... aye;*
148 *Councilmember Allan aye;*
149 *Councilmember Everett..... aye;*
150 *Councilmember Scott..... aye;*
151 *Councilmember Clark..... aye.*

152
153 *Councilmember Bert Clark moved to ratify the approval of Amendment #9 with GDA Engineering.*
154 *Councilmember Ted Munford seconded the motion. The motion passed with the following roll*
155 *call vote:*

156 *Councilmember Munford..... aye;*
157 *Councilmember Allan aye;*
158 *Councilmember Everett..... aye;*
159 *Councilmember Scott..... aye;*
160 *Councilmember Clark..... aye.*

161
162 **REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE:**
163 **CHAPTERS 5.04 – BUSINESS LICENSES GENERALLY, 9.76 - JUNKED MOTOR**
164 **VEHICLES, 13.20 - PREVENTION OF CROSS CONNECTION TO WATER SYSTEM,**
165 **13.36 – MAINTENANCE OF USERS’ UTILITY SERVICE LINES AND TITLE 15 -**
166 **BUILDING AND CONSTRUCTION - ORDINANCE NO. 2016-14 :** Ken Bassett explained

167 that the reason these changes are being presented to the Council is to move these sections out of
168 Title 16 - Planning & Zoning, to clarify issuing business licenses and building permits. The
169 building official also reviewed these suggested changes to expand Title 15 - Building and
170 Construction, to deal with the permitting processes. There are still clarifications needed or may
171 be items that are duplicated, so this Ordinance is for review only at this point. Also, the
172 Planning Commission is reviewing another ordinance that will also help clarify these issues,
173 which requires a public hearing. Mayor Norton asked the Council to review the Ordinance and
174 give their comments or suggestions to the staff before the next meeting. *Councilmember*
175 *Samantha Scott moved to table Ordinance No. 2016-14 until the next meeting. Councilmember*
176 *Travis Allan seconded the motion. The motion passed with the following roll call vote:*

177 *Councilmember Munford..... aye;*
178 *Councilmember Allan aye;*
179 *Councilmember Everett..... aye;*
180 *Councilmember Scott..... aye;*
181 *Councilmember Clark..... aye.*

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**REQUEST FOR APPOINTMENT OF NEW MEMBER TO PLANNING COMMISSION -
KEN BASSETT:** Ken Bassett explained that at the last Planning Commission meeting, Eric Hunting came to listen to the hospital expansion project and indicated his desire to serve on the Planning Commission. The Planning Commission is in need of alternate members. After further discussion, *Councilmember Travis Allan moved to appoint Eric Hunting to the Planning Commission as an alternate member. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Allan, Munford, Clark, Scott and Everett voting in favor for a unanimous vote.*

REQUEST TO POSTPONE OCTOBER 19TH MEETING: Mayor Sonja Norton asked the Council to check their schedules to see if they would be available on October 26th so the October 19th meeting could be postponed to the following Wednesday. She explained that Mr. Bassett will be out of town. *After further discussion, Councilmember Dave Everett moved to postpone the October 19th meeting to October 26th. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Everett, Scot, Allan, Munford and Clark voting in favor.*

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

ATTEST:

Roxanne Behunin, Deputy Recorder

Mayor Sonja Norton

(S E A L)

HOME / GOVERNMENT / CITY LAWS

City Laws

Chapter 16.04 DEFINITIONS

Section 16.04.295 Home occupation.

Any use conducted within a dwelling and carried on by persons residing in the dwelling unit, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof and in connection with which there is no display nor stock in trade. (PZSC § 03-15-059)

City Laws

Chapter 16.22 HOME OCCUPATIONS

Section 16.22.030 Permit--Conditions.

Each of the following conditions must be observed at all times by the holder of a home occupation permit:

A. The home occupation shall be conducted entirely within the dwelling and shall be carried on in the dwelling only by the members of the residing family.

B. The home occupation shall not involve the use of any accessory buildings nor yard space for storage or activities outside of the dwelling, except as may be required for off-street parking.

C. Not more than the equivalent of twenty-five (25) percent of the ground floor area of the dwelling shall be devoted to the home occupation, except when a conditional use permit is approved by the Planning Commission for a Bed and Breakfast Home as outlined in Section 16.22.035 herein.

D. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling.

E. No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with a residential use or as are customary with home crafts.

F. No sign or advertising shall be displayed on the premises except as may be expressly permitted by Chapter 16.28, Sign Regulations, of this title.

G. The home occupation shall not alter the residential character of the premises or unreasonably disturb the peace of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.

H. The home occupation shall not generate pedestrian or vehicular traffic substantially in excess of that customarily associated with the zone in which the use is located. (PZSC § 03-10-003)

(Ord. No. 94-17, Amended, 08/11/94)

Zimbra

rmbahunin@vernalcity.org

I support Utah 40 Farms

From : Robert/Anita Clayton <rclaytonsr@juno.com>

Thu, Oct 20, 2016 07:27 PM

Subject : I support Utah 40 Farms**To :** rmbahunin@vernalcity.orgExternal images are not displayed. [Display images below](#)

I support Utah 40 Farms. Please allow them to continue their enterprise in Vernal.

In this time of unemployment people who try an innovative way to support themselves should be encouraged, not squashed.

This is a business that can benefit the residents of the town.

I do not have any connection to the Westovers. I just hate to see what is happening to them.

Anita Clayton
393 South 3290 West
Vernal, Utah

How To Fix Your Fatigue (Do This Every Day)

gundrymd.com

<http://thirdpartyoffers.juno.com/TGL3142/58096f176f2ad6f172fd8st04vuc>SponsoredBy Content.Ad
