

**M**INUTES OF THE VERNAL CITY COUNCIL SPECIAL MEETING HELD  
OCTOBER 26, 2016 at 7:00 p.m. in the Vernal City Council room, 374 East Main,  
Vernal, Utah 84078.

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

**WELCOME:** Mayor Sonja Norton welcomed everyone to the meeting and asked the students to give input during the meeting.

**INVOCATION OR UPLIFTING THOUGHT:** An invocation was given by Councilmember Bert Clark.

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

**WELCOME SPECIAL VISITORS:** Mayor Sonja Norton explained that there are two special visitors and asked them to explain what they are doing in Utah. Gvantsa Dolbaia, from Georgia in Europe, explained that she is an exchange student, and is a senior in high school. She went through a tough competition where they pick 80 students out of 6000 to participate in this program. She will be in Vernal through the academic year and now has joined the Youth City Council.

Mariam Sulaimanova, stated she is a sophomore from Kyrgyzstan in Central Asia, near China. She speaks four languages and is also a member of the Future Leader Exchange Program. 50 countries participate in that program and host a large competition to evaluate the students on their adaptability to other countries. Ms. Stated she is glad to be in Utah and join the Youth City Council. The Mayor and Council welcomed the students to Vernal.

**ACKNOWLEDGEMENT AND APPROVAL OF SPECIAL MEETING:** Councilmember Bert Clark moved to acknowledge and approve this special meeting. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Clark, Scott, Everett, Allan and Munford voting in favor.

**APPROVAL OF MINUTES OF OCTOBER 5, 2016 REGULAR MEETING:** Councilmember Dave Everett asked that Vernal City be added to the officer to carry the radio. Councilmember Scott asked for a name correction. *Councilmember Dave Everett moved to approve the minutes of October 5, 2016 with those corrections. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Munford, Allan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

**BASIN TRANSIT SYSTEM FUNDING:** Mayor Sonja Norton explained that the Council needs to move forward with a decision on whether or not to fund the Basin Transit System, Vernal Loop. Councilmember Ted Munford asked if the amount is \$45,000 for a year. Mayor Norton answered yes, that is ½ the cost estimate. She stated she did get a commitment from the Hospital to pay \$1000. Councilmember Munford stated that he appreciated the information and was still intending to fund the BTA Vernal loop for one year only until Proposition 1 is put on the ballot and voted on in the County. Councilmember Dave Everett stated at the end of the

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meeting with the County Commission, the Commission indicated that it would take longer to see the actual tax distribution from the Proposition. However, the Council can readdress this issue after the vote. Mayor Norton asked which fund the money should be taken from, or should it be taken out of several funds. Councilmember Ted Munford stated he would prefer to get a recommendation from the staff. Councilmember Bert Clark stated that although this is a vital service for some residents, when this program was first proposed by the County Commission in 2010 it was only for bus service between Duchesne County and Uintah County and would be paid for by a federal grant. Now that funds have become tight, the County Commission has indicated that the Vernal loop service will stop unless the City pays half the cost. He asked that the minutes from that meeting held August 20, 2010 be noted in this meeting. Ken Bassett asked if there was a motion made as part of that discussion. Bert Clark read the motion as follows: *“Mayor Baker moved to support the establishment of a public transit system as provided by UDOT for Duchesne and Uintah County areas with the funding for Uintah County coming from the Uintah Transportation Special Service District. Mayor Tom Nordstrom seconded the motion. A roll call vote was held as follows:*

- Commissioner Mark Raymond.....aye;*
- Commissioner Darlene Burns.....aye;*
- Commissioner Mike McKee .....aye;*
- Councilmember Bert Clark.....aye;*
- Councilmember Ted Munford.....nay;*
- Councilmember JoAnn Cowan .....aye;*
- Councilmember Sonja Norton.....aye;*
- Mayor Gary Showalter .....nay;*
- Councilmember Robert Hall.....aye;*
- Councilmember Gordon Kitchen.....aye;*
- Councilmember Dan Olsen.....aye;*
- Mayor Dean Baker.....aye;*
- Mayor Tom Nordstrom .....aye.*

*The motion passed with a majority vote. Commissioner Raymond stated that a steering committee will be formed to establish the public transit system with a representative from each entity providing input.”*

Ken Bassett reminded the Council that as they look at the fund balances, some funds are obligated for certain purposes such as paying bonds or lease payments. He suggested if this program is to be funded, the money be taken out of the Parking Lot Fund which is tied to transportation. Councilmember Clark asked if an agreement would be needed with UBAG. Ken Bassett stated he would look into that. Councilmember Clark stated if the City agrees to fund this program for a year he would like to get monthly reports on ridership for each stop. Councilmember Munford agreed that information would be useful. Councilmember Travis Allan stated he is a proponent of the transit system, however, the public thinks it is the City’s reluctance to continue to fund this program which is not the case. The City was not asked, until recently when funds have gotten tight, and now the City is being strong armed to participate. He noted that the City’s budget is also strapped and wondered what would be the next budget request. Again, Councilmember Allan indicated that he is a huge proponent of this program which benefits the riders greatly. He stated he would vote to bridge the gap until this issue is

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placed on the ballot next year. Councilmember Munford agreed that the City does not have the \$45,000 each year to continue to support the bus system. After further discussion, *Councilmember Ted Munford moved to take \$44,000 out of the Parking Lot Fund for the BTA Vernal loop for one year with the condition that monthly reports are provided by UBAG on ridership for each day and stop.*

There was some discussion regarding the exact data that would be available. Mayor Norton noted that the bus drivers do log riders at each stop and one loop takes 45 minutes.

Cory Lund, County resident, reminded the Council that taxpayers voted against Proposition 1. Mayor Norton stated she was not sure everyone understood what that tax could do. Also, the way the tax is divided has been amended. Councilmember Munford agreed there was misinformation about the tax, which only failed by 20 votes. If the community votes against this tax again, then the Council will not fund the BTA. Mayor Norton stated she understands this tax could fund the Wellness Wagon also.

Ed Zurbuchan, Vernal resident, asked what these funds will pay for. Councilmember Clark explained that Duchesne County and Uintah Transportation Special Service District fund the bus that travels between the counties. They have asked the City to pay half the cost of the bus that travels the Vernal business loop. Mr. Zurbuchan stated he would rather see unity between Vernal City and Uintah County on this issue especially to help the homeless population at Turning Point shelter. Mayor Norton stated the Vernal loop is free. Ed Zurbuchan stated better advertising is needed. Councilmember Munford stated the Special Service District or UBAG is in charge of this program. Mayor Norton noted that a fee can be charged to ride the bus; however those funds cannot be used for the local match to the federal funds.

*Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember Allan .....aye;*
- Councilmember Everett .....aye;*
- Councilmember Scott.....nay;*
- Councilmember Clark.....nay.*

**REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE - PLANNING & ZONING - HOME OCCUPATION DISCUSSION – UTAH 40 FARMS:**

Mayor Sonja Norton explained that she was contacted about this issue and was sad to hear they did not have a good experience with the City staff. She stated that this item in the code is something the Council can consider changing, although a decision cannot be made until the Planning Commission forwards a recommendation. There is a family in town selling produce that they grow on the land around their home. However, this practice is not allowed under the current home occupation ordinance. The current law requires the home occupation to be conducted entirely inside the home. Ken Bassett noted that this type of business is needed in the community. The City has to look at many issues such as how will this impact the neighborhood, traffic, signs etc. Mayor Norton stated if the ordinance changes, it will not be

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just for this family, it will affect the entire City. Councilmember Bert Clark asked if this business runs all year or is it only seasonal. Mayor Norton stated if it is allowed, there will not be a specific time limit. Ken Bassett explained that ordinances need to be changed from time to time for good reasons. This issue, selling produce from the field, is done all over America and unites a community. The problem is the current ordinance does not allow this as a home occupation, nor is this property in a commercial zone. The main issue is to find a way to allow this to happen and still protect the integrity of the residential zone. This is the first time this issue has come up. The home occupation provisions are in Title 16 of the City code, and any time the City wants to consider changing the laws in that code, the Planning Commission needs to hear the request, hold a public hearing and make a recommendation to the Council. This cannot be handled overnight because of the process required by State law. Councilmember Ted Munford asked if the homeowner can continue selling his produce until a change is made. Ken Bassett stated he will pass that question by the City Attorney, and he will consider the intent of the Council. If the intent is to change the ordinance, then the ordinance will not be strictly enforced until after the change.

Ashley Prather, student, asked what is the difference between the business being conducted inside the home and other businesses. Councilmember Ted Munford stated there needs to be a balance so a business does not infringe on the freedom and peace of a neighborhood. Ken Bassett gave the example of a contractor doing the necessary paperwork for his business from his home, but not being allowed to store equipment or materials at his residence.

Ryan Westbrook, resident, explained he is the farmer selling produce, and he does not create a lot of traffic nor have flood lights. They have been doing this for 4 years with no complaints and has not been asked to stop so they have continued to sell pumpkins. He stated their harvest will be over in 4 days, and their normal business time only lasts three months.

Jennie Loy, resident, explained she is the closest neighbor to the farm and only learned about it a year ago. They sell organic produce which is good for the community and do not make any kind of disturbance. She requested that Vernal City make urban farming legal throughout the City as is done in many large communities. Ms. Loy stated the ordinances need to be changed.

Councilmember Bert Clark agreed that many metropolitan gardens are popping up in high density cities on roof tops or other areas and other cities are finding their ordinances need to be updated to handle urban farms or agricultural activities.

Howard Carrol, neighbor, stated he drives by this property a lot and does not see a lot of cars on the street as they have adequate off-street parking with a paved driveway. He noted that farming is an American institution and is encouraged with all communities having some type of fruit stand or farmers markets. Further, this type of activity has always happened with farmers selling hay or cows, or having a yard sale that does not happen inside the home. He stated that a yard sale is more dangerous than this type of activity with traffic stopping and parking everywhere. Also, Discovery Elementary creates a lot worse traffic problems shutting down the entire neighborhood twice a day. He asked the Council to design laws that allow this type of commerce to happen without opening Pandora's box.

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Cory Lund, County resident, suggested the Council go to the farm and enjoy a tour as they have gone above and beyond to make their property presentable and enjoyable. Councilmember Dave Everett asked the staff to get with the City Attorney quickly and start the process to change the ordinance. Mayor Norton stated the Council is open to looking at ordinances and asked the community to get with them if they have a concern.

**REQUEST FOR APPROVAL FOR PLANNING COMMISSION APPOINTMENT & MOVE ALTERNATE MEMBER:** Ken Bassett explained that at the last Council meeting the Council appointed Eric Hunting as an alternate member of the Planning Commission. However, a regular member is still needed. He suggested the Council move Mr. Brock Smith, who has been serving as an alternate, to a regular member, and also move Mr. Hunting to a regular member. *Councilmember Bert Clark moved to appoint Brock Smith and Eric Hunting as regular members of the Planning Commission and continue to look for three alternate members. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Clark, Munford, Scott, Allan and Everett voting in favor.*

**CONVENE INTO CLOSED SESSION:** *Councilmember Bert Clark moved to convene into closed session to hold a strategy session to discuss the character, professional competence, or mental or physical health of an individual and reconvene into open session once that discussion is completed. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember Allan .....aye;*
- Councilmember Everett .....aye;*
- Councilmember Scott.....aye;*
- Councilmember Clark.....aye.*

**RECONVENE INTO OPEN SESSION:** Mayor Norton declared the meeting back in open session.

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

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Mayor Sonja Norton

ATTEST:

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Roxanne Behunin, Deputy Recorder

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