

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
APRIL 20, 2022 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

PRESENT: Councilmembers Nicholas Porter, Dave Everett, Ted Munford, and Corey Foley. Mayor Doug Hammond and Councilmember Robin O’Driscoll were excused.

SELECTION OF MAYOR PRO TEMPORE: *Councilmember Ted Munford moved to appoint Corey Foley as Mayor Pro Tempore for this meeting. Councilmember Dave Everett seconded the motion. The motion passed with a unanimous vote with Councilmembers Everett, Munford, Foley and Porter voting in favor.*

WELCOME: Mayor Pro Tempore Corey Foley welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: An uplifting thought was given by Councilmember Dave Everett.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Nick Porter.

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF APRIL 6, 2022: *Councilmember Nick Porter moved to approve the minutes of April 6, 2022. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Everett, Munford, Foley and Porter voting in favor.*

REQUEST FOR EVENT FUNDING FOR ALIVE AFTER FIVE - STEVE EVANS & SHERI REMINGTON: Steve Evans introduced Sheri Remington who works with him managing sales for Basin Now and three radio stations and will be instrumental in organizing this years Alive After Five event. He noted that the City has partnered with him for the last 18 years to provide an event where local musicians can showcase their talent. He presented a slide show of past events and mentioned that this year they will add a “Vernal’s Got Talent” night. The main purpose is to promote commerce, enhances tourism and encourages local talent. Carl Morton stated that the kids market is an opportunity for youngsters to learn the benefit of commerce. Steve Evans stated over the last 18 years, the funds received from the City have gone towards the prize fund and sound system. Allen Parker informed the Council that this event was budgeted. *Councilmember Nick Porter moved to approve a \$2500 sponsorship for Alive after Five. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

Dave 2nd

*Councilmember Munford.....abstained;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... aye.*

REQUEST FOR EVENT FUNDING FOR BALLOON FEST - BECCA SUMMERS: Becca Summers reported that the Balloon Festival is one of the biggest events in Vernal bringing in tourists from all over the State. This year the event will include a car show, night glow, dino dash,

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and craft fair. She asked the Council to consider a continuation of the City’s sponsorship in the amount of \$1000 to help cover pilots rooms and fees. Allen Parker commented that there are 34 pilots registered so far this year. *Councilmember Ted Munford moved to approve a sponsorship of \$1000 for the Balloon Festival. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

PUBLIC HEARING: REQUEST TO REZONE PROPERTY OWNED BY ZIONS BANK & VERNAL CITY LOCATED AT 84 SOUTH 100 WEST, VERNAL, UTAH FROM C-2 COMMERCIAL ZONE TO MX (MIXED USE) ZONE. ORDINANCE NO. 2022-07:

Allen Parker explained that the City received a request to rezone a parcel of land on the Zions Block, south west corner, from commercial to mixed use. This would be the first area to be zoned mixed use (MX Zone) in the City. The current zone of C-2 is a good zone for a lot of things to happen, however, the MX zone is better for a mixture of residential with commercial. Zion’s Bank currently owns the property, although Vernal City is the applicant. Roxanne Behunin reported that the City also owns a small portion that is being rezoned. Allen Parker reported that this request has been presented to the Planning Commission and they have forwarded a positive recommendation. Councilmember Dave Everett asked about parking. Allen Parker stated he has spoken with the developers and they have a good plan for the parking. Mayor Pro Tempore Corey Foley opened the public hearing. He reported that he received a phone call from a property owner nearby this parcel, and their concern is how tall the building will be. He asked how many floors are planned for condos. Allen Parker stated the current concept is three floors of condos and one floor of commercial. Wes Zufelt, developer, stated the plan is to build a total of eighteen residential units. The top will not be a sloped roof, more flat top with iron work and they are considering the concept of green gardens or green house on the top. Councilmember Ted Munford stated this will fits nicely with what the City is trying to do downtown. Allen Parker reminded the Council that the new zone will allow more residential, has a height limit of sixty feet, and a set back of five feet. There being no further public comments, Mayor Pro Tempore Corey Foley closed the public hearing. *Councilmember Nick Porter moved to approve Ordinance No. 2022-07 rezoning property at 84 South 100 West from C-2 Commercial to MX mixed use. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

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PUBLIC HEARING: REQUEST TO AMEND VERNAL CITY MUNICIPAL CODE FOR MX (MIXED USE) AND COMMERCIAL ZONES- ADJUSTING SETBACKS AND COMMERCIAL RATIO CHAPTER 16:04 AND 16.45 ORDINANCE NO. 2022-06:

Allen Parker stated that the concept behind this Ordinance is to adjust the setbacks to fit retail and office spaces and change the ratio requirement between residential and commercial in the MX zone. The current zone requirements mimic the R-4 zone and should have a higher density. In order to accomplish that, the square footage requirements need to be reduced. In the R-1 residential zone, the land requirement is 8000 square feet. That square footage requirement is reduced for each residential zone as the density increases, therefore, for the MX zone the square footage is 4000 and 800 thereafter per unit to accommodate multi-floor developments. The second item is the amount of property that can be covered with a structure. The current regulations are at 75% and should be 85%. The Planning Commission considered these changes and is forwarding a positive recommendation. Mayor Pro Tempore Corey Foley opened the public hearing. Councilmember Ted Munford stated he is excited about the mixed use zones in the City and it is a good way to revitalize downtown.

Willis LeFevre, Uintah County resident, asked for clarification on the 75% to 85%. Allen Parker answered that when you look at a parcel of property, the structure can currently cover 75% of the area. This Ordinance changes that to 85% to allow more density.

There being no further public comments, Mayor Pro Tempore Corey Foley closed the public hearing. *Councilmember Dave Everett moved approve Ordinance No. 2022-06 as presented. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... aye.

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE TO CONSIDER CHANGES TO HOUSEHOLD PETS IN MIXED USE AND COMMERCIAL ZONES, CHAPTERS 16.45 & 16.48 – ORDINANCE 2022-05:

Allen Parker explained that this Ordinance was presented to the Planning Commission who had a lot of discussion and wanted to research it further. They declined to make a recommendation, so the City Council cannot take any action yet. Councilmember Ted Munford asked what was the discussion that led to this item being tabled. Allen Parker answered the main concern was that the restriction of household pets only applies to the MX and Central Commercial zones. The intent is if a resident lives in an apartment in those zones the pet is to be kept indoors. After the

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initial Ordinance passed, the staff spent time with individuals who were affected and the City Manager asked him to look at ways to allow more property rights with pet owners and not create a situation where those rights impeded another right. This proposal was to allow pets outside, behind a six foot solid wall, to protect other commercial activities taking place in those zones. The discussion with the Planning Commission centered on if the City allowing something that shouldn't be allowed, or creating a situation where one person is unduly restricted. Mayor Pro Tempore Corey Foley indicated he met with the affected property owner and he is firm that he knows his rights and feels like his rights are being infringed upon. He is not opposed to putting in a wall. He noted that other Planning Commission members wanted to research this issue first. Councilmember Ted Munford stated the Council tries to let everyone have rights. Living in a commercial area, it was felt that this was the right thing to do to keep the animal inside to reduce the noise, mess and danger. Councilmember Dave Everett stated it was driven by other commercial establishments and that part of the kennel is on City property. The owner needs to consider the animal that may end up eating everything chucked into the kennel. Councilmember Nick Porter agreed that one situation does not dictate how to legislate; however, it is not unusual to have areas where animals are not kept outside. Allen Parker commented that there are units that have no outdoor space. Councilmember Corey Foley clarified if you have a home in this area with a yard they can have an animal. Allen Parker stated those areas are grandfathered and can use their yards for their pets. Councilmember Dave Everett asked if building a wall for the pet and beautifying the back façade of the building, would he be eligible to have the City pay a portion of it. Allen Parker answered yes, there are grant funds available. Mayor Pro Tempore Corey Foley Corey opened the public hearing. There being no public comments, the public hearing was closed. *Councilmember Nick Porter moved to table this item. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Everett, Munford, Foley and Porter voting in favor.*

CONSIDER APPROVAL OF A PERFORMANCE CONTRACT FOR DINOSAUR FREEDOM FEST CONCERT WITH MUSIC MANAGEMENT: Allen Parker informed the Council that a great performer is come to town for the 4th of July. The contract with Jeremy McComb, to perform is through the City and reimbursed by Freedom Fest. *Councilmember Ted Munford moved to approve the performance contract for Freedom Fest. Councilmember Corey Foley seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

CONSIDER APPROVAL OF A PURCHASE AGREEMENT OF REAL PROPERTY: Ken Campbell, Director of the Airport, explained that there are several parcels of property that the City has been in negotiation with to purchase. The first piece of property is 17.9 acres located at 900

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East 500 South, just north of the runway. The reason for this parcel to be purchased is it is in the runway protection zone and the FAA wants it purchased. The County Commission has agreed to the purchase. The total cost is \$312,388. Councilmember Ted Munford stated this is for the entire parcel. Ken Campbell stated yes, although there is a lease agreement for 5.7 acres to be leased back to the seller. *Councilmember Nick Porter moved to approve the purchase of property at 900 East 500 South for the amount of \$312,388. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... aye.

Ken Campbell presented the next parcel to be purchased which is located at, 638 East 500 South. The purchase price is \$95,000 and consists of 2.2 acres. This parcel will allow the airport to expand aviation hangers and there is a lot of interest for that. *Councilmember Nick Porter moved to approve the purchase of property at 638 East 500 South in the amount of 95,000. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... aye.

CONSIDER APPROVAL OF A LEASE OF REAL PROPERTY: Ken Campbell reported that this is the piece of the property that is being purchased at 900 East 500 South. The sellers want to lease back 5.17 acres to continue their business operations. The lease would be for 5 years at \$100 per year. Councilmember Ted Munford asked what happens after the five years. Ken Campbell stated there are many options once the lease is over. The property does have restrictions such as cannot have a structure in certain locations. After further discussion, *Councilmember Nick Porter moved to approve the lease agreement. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... aye.

REQUEST TO CONSIDER VACATING CONDO PLAT MAP ASHLEY MEADOWS SUBDIVISION: Allen Parker presented to the Council a plat map of Ashley Meadows

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Subdivision and indicated that the property owner has requested to vacate the entire plat. The Planning Commission reviewed this request and is forwarding a positive recommendation. The property is located at 500 North 175 East. Half of the buildings are built with the remainder of the property being vacant. The intent is to build additional units using redesigned storage units. A master site plan will need to be approved before any construction happens. Councilmember Corey Foley asked if items such as the storm water, lighting, and fences have to blend with the existing section. Allen Parker agreed the site plan will have to show those items. *Councilmember Ted Munford moved to vacate the condo plat map as presented. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

ADMINISTRATIVE REPORTS

Budget meetings:

Carl Morton reminded the Council of the upcoming budget meetings with the first meeting being scheduled for May 4th.

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

Mayor Doug Hammond

ATTEST:

Roxanne Behunin, City Recorder

(S E A L)