

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
APRIL 5, 2023 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

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

WELCOME: Mayor Doug Hammond welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Corey Foley.

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

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF MARCH 15, 2023: *Councilmember Nick Porter moved to approve the minutes of March 15, 2023. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Everett, O’Driscoll, Munford, Foley and Porter voting in favor.*

TRI-COUNTY HEALTH UPDATE - KIRT BENGE: Kirt Bengé gave a brief update of the health status of the community. A health needs assessment study is being conducted to gather information on the primary needs of the community and how the Basin compares to other areas in Utah. Some of the noticeably different health issues are birth rates for young women ages 15 to 19 year olds, which is the highest in the State, and the use of e-cigarettes which is also high. The number of drug related deaths, however, are average compared to other health departments. The Health Department handles vaccines, septic systems, birth certificates, inspects restaurants, and a lot more. Educating the community improves health issues. He explained that 50% of their funding comes from the federal government, 12% from the State, 17% from the County and approximately 20% from fees. The largest expense is for personnel as it takes people to provide the services they do. There is a pass-through grant for tobacco cessation programs and the Duchesne School District gives a scholarship to stand against vaping, tobacco and substance abuse. The Mayor and Council thanked Kirt for the presentation.

PUBLIC HEARING: REQUEST TO CONSIDER REZONING PROPERTY AT 72 EAST AND 82 EAST TO 500 SOUTH FROM R-3 RESIDENTIAL ZONE TO R-4 RESIDENTIAL- JACOB FLEMING & QUINTON DANIEL - ORDINANCE NO. 2023-07: Gabby Blackburn explained this request is to rezone two semi-flag lots that were improperly subdivided as the lots do not have enough frontage to be buildable. Gabby Blackburn showed the Council the differences between the R-3 zone and the R-4 zone, however, not all the uses are suitable for these properties that are 16,000 square feet. Any development will need to meet setbacks, parking and landscaping requirements. A rough calculation will only allow up to 18 units. Also another unique feature is a negative easement has been placed on this property. This is a private matter and the City does not uphold it nor does the City have any interest in that easement as it does not make it buildable. Councilmember Ted Munford asked why they are interested in rezoning. Gabby Blackburn acknowledged that the R-3 zone allows a maximum of

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eight units where the R-4 zone will allow 11 up to 18. The affordable housing plan acknowledges that rezones will be considered to allow higher density. Councilmember Ted Munford noted this would actually be spot zoning the way it is presented. Gabby Blackburn agreed. Councilmember Ted Munford stated property owners should be able to do what they want with their property, as long as they are not affecting the neighbors and the only concern is the spot zoning. Gabby Blackburn noted that the road will have to remain private as it does not meet the size requirements for a City street. Mayor Doug opened the public hearing.

Quinten Daniel, resident at 2727 West 1500 West, explained that he and Jacob Fleming are prospective buyers of these flag lots. The reason they are requesting this rezone is to make this property buildable with similar structures as the neighboring properties. If the rezone is not approved, they can only put two 4-plexes. The rezone will allow more units such as a 9-plex and they will try to use the land in the most efficient way possible. The market data shows there is not enough inventory out there for housing. The main concerns from the neighbors who own the 4-plexes are they want the same type of buildings and are worried about more units. The entrance to the lots is 25 feet which is wide enough for two vehicles. Councilmember Robin O’Driscoll asked if there is a dwelling on the property. Quinten Daniels answered it is a chicken coop. Mayor Doug Hammond asked if there would be enough room for parking. Quinten Daniels noted that the neighboring 4-plexes are using this property for excess parking. Any development will need to meet the City parking requirement.

Councilmember Corey Foley declared a conflict with this item and recused himself. Councilmember Robin O’Driscoll asked what the recommendation is of the Planning Commission. Gabby Blackburn answered they are forwarding a positive recommendation. She noted that there was a comment about the negative easement and if the rezone would violate it. The City’s position is that it is not known if it will or not. The City’s general plan does require allowance of affordable housing. There being no further public comments Mayor Doug Hammond closed the public hearing. *Councilmember Nick Porter moved to approve Ordinance No. 2023-07 rezoning the property at 72 and 82 East 500 South from R-3 to R-4 as presented. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... abstained.

REQUEST APPROVAL OF MINOR SUBDIVISION FOR PROPERTY LOCATED AT 72 EAST AND 82 EAST TO 500 SOUTH BY JACOB FLEMING & QUINTON DANIEL -

Gabby Blackburn explained this is the same properties with a 25 foot entrance road. The requirement for an interior standard lot is 6500 feet plus an additional 1000 feet for each additional unit. The property was divided without City approval and is currently not in

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compliance. This request will make it buildable and comply with City codes. This is an administrative action, so as long as it complies it has to be approved. Councilmember Dave Everett asked how long ago this was done and how did this become divided. Gabby Blackburn answered that the State allows you to record deeds even though it has not met the requirements of the municipality. The way they were split made them not buildable. It was recorded back in 2006 or 2008. *Councilmember Ted Munford moved to approve this minor subdivision as presented. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... abstained.

DISCUSSION TO REBUILD 1500 EAST YARD FENCE AND ALTERATIONS TO BRIDGE - TONY GEORGE: Tony George reported that his property is next to the City yard on 1500 East and 500 North. Ashley Creek is in the boundary line between the properties. The County installed a bridge and put rip rap in the creek that changed the channel. Now the water comes around the corner on 1500 East and slams into the bank eroding the hill on the City’s side. The area has washed out around 100 feet wide and the channel has changed over 20 feet from where it originally was. He explained that the water goes down through the pasture and what caused the problems is the rip rap. Tony asked for the City’s approval to fix the fence. He stated he has asked the Army Cory of Engineers to pull the rip rap back to the east to get the creek bed back to the original channel. Gabby Blackburn clarified that this property is in unincorporated county, and he is asking to put up a fence between the City’s property and his own. Tony George answered that there used to be a fence up on the shelf and the creek wiped it out. He would like to build a right-of-way to install a fence. Councilmember Ted Munford asked what is the City’s obligation. Tony George stated he wants the fence to keep his cows in the field and off City property. Councilmember Corey Foley stated this is a generous offer to use equipment and put up a fence. Gabby Blackburn suggested the Council consider a maintenance easement. The consensus of the Council was to allow Mr. George to enter City property to put up the fence.

REQUEST TO APPROVAL OF CHANGE ORDER FOR ZIONS BLOCK UTILITIES: Quinn Bennion reminded the Council that the City bid out the utility upgrades for the businesses in the Zions block. Those improvements were more costly than expected. The project included water, sewer and storm draining including an underground retention storage facility. This change order is to place the rest of the storm drain structures, manholes, pipes and underground facility. The funding will come from the CIB grant. Councilmember Ted Munford complimented the staff for finding grants to pay for these improvements. Quinn Bennion stated the timing is critical for this work to complete the paving project this year. Councilmember Nick Porter asked if they

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can get this work done by the completion date of May 15th. Councilmember Dave Everett indicated the parking lot is drying out. *Councilmember Nick Porter moved to approve this change order in the amount of \$375,000 to complete the utilities in the Zions parking lot. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

PRESENTATION OF DISCOVERY TRAIL PROPOSALS AND SELECTION OF CONTRACTOR:

Quinn Bennion explained after soliciting bids to construct the Discovery trail, the City received very favorable bids. The project was split into three phases including the trail construction, concrete work on 1500 South and fencing. The contractors could bid one or both phases with a final completion date of October 15th. The first priority is the trail, then a sidewalk into Quail Brook subdivision. The bids came in at \$280,000 with the fencing still needing to be bid. There will also need to be a change order to move the irrigation pipe for the head gates. The City received two grants, one from UDOT and one from the Department of Environmental Quality for a total of \$480,000. Councilmember Corey Foley asked if this will include the light. Quinn Bennion answered yes, the lights are in phase 2 on 1500 South. The County did commit to pay for half of that at a cost of \$3900 for each side. Quinn recommended the Council approve the bids from Allred Paving and Stearns Construction. *Councilmember Ted Munford moved to approve the bids for Phase 1 and 2 and deductibles of Allred Paving and Stearns Construction. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

REVIEW AND APPROVE CONTRACTOR FOR COBBLEROCK AND ZIONS BLOCK PROJECTS:

Quinn Bennion reminded the Council that this project was bid in early March and there was only one bid from BHI. He recommended the Council select BHI as the contractor and work with them and the engineer and reduce costs to a number that will fit the budget. *After further discussion, Councilmember Corey Foley moved to approve the contract with BHI for Zions block and Cobble Rock block projects. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;

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Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... aye.

CONSIDER APPROVAL OF CMGC AGREEMENT WITH BHI FOR VALUE ENGINEERING OF ZIONS AND COBBLEROCK BLOCK PROJECTS: Quinn Bennion explained that this is the second part of the discussion on the process to be used for these projects. Usually a construction management / general contractor is selected to help the engineer to design the project so it is practical to reduce costs. The proposal is to work with BHI staff to design and reduce the project scope and costs to allow to move forward within the budget. An example is the concept of pavers for the walkway that will look nice and be a high quality product. The pavers require a 6” rap slab and have to be carefully stacked. The contractor is suggesting changing to flat work concrete with a colored design to save several hundred thousand dollars. Councilmember Dave Everett stated concrete will age better with snow removal. Quinn Bennion stated that another example is the planters. The City has hundreds of round planters that can be used instead of buying new square ones. The CMGC agreement is still being reviewed by the attorneys so it is not ready for approval.

CONSIDER APPROVAL OF DEMOLITION BID FOR 94 E. MAIN STREET: Quinn Bennion explained the bids were opened to demolish the old Showalter building. Three bids were received with the lowest bid being from Allred Paving. Quinn recommended approval of that bid in the amount of \$39,700. He reported that the asbestos abatement has been completed. *Councilmember Nick Porter moved to award the demolition project to Scott Allred in the amount of \$39,700. Councilmember Corey Foley seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... aye.

CONSIDER CREATION OF SAA2 FOR COBBLEROCK BLOCK AND SET PUBLIC HEARING: Quinn Bennion explained this is round two for creating a special assessment area (SAA) for parking. This is a unique and creative way to fund future maintenance of the parking lots. Those businesses that provide their own parking, will not have to contribute. Those with zero or not adequate parking will pay \$10 a month for every 600 feet of building space. This discussion is to initiate the process and set a public hearing date. He suggested that date be May 17th. The property owners will be notified and receive an estimated assessment. Councilmember Ted Munford asked if there has been any feedback. Quinn Bennion replied that

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there has not been any negative comments yet. There may be several that are not happy with this phase. After further discussion, *Councilmember Nick Porter moved to begin the process to create an SAA for the Cobble Rock Block and set the hearing date for May 17. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

CONSIDER APPROVAL OF PURCHASING POLICY -ORDINANCE NO. 2023-06: Quinn Bennion reported that members of the staff have been working on modifying the purchasing policy for quite some time to ensure fairness, transparency and proper approvals are obtained to spend funds. One extreme is to bring everything to Council which is very bureaucratic and the other extreme is to have staff approve all expenses. This proposed policy is a balance with several levels for who approves expenditures. A summary of the changes was displayed for the Council. The new policy also addresses items that were silent before such as the purchase of used vehicles. Councilmember Dave Everett stated the policy looks adequate. Councilmember Corey Foley stated he likes that this policy support local purchases. Quinn Bennion noted that the level for the City Manager is higher than before, however, it is in line with other cities. *Councilmember Dave Everett moved to approve Ordinance No. 2023-06 as presented amending the Vernal City purchasing policy. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

DISCUSSION ABOUT SUMMER CITY INTERN: Quinn Bennion explained the last two summers the City employed a summer intern. The first year it was half funded with a grant and last year the County paid half. This year this program was not budgeted. He recommended adding this position into the budget. *Councilmember Corey Foley moved to support moving forward to add funding for a summer intern. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;

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Councilmember Porteraye;
Councilmember Foley..... aye.

DISCUSSION ABOUT DISTRICT HEATING & COOLING SYSTEM

DEMONSTRATION PROJECT: Quinn Bennion reminded the Council of the feasibility study being conducted for a heating and cooling geothermal based system in downtown Vernal. City Hall is one of two systems in Vernal that have geothermal wells and heat pumps. The study is not complete, however, there is an opportunity to start this system by installing the piping when Condie Construction does the 100 South sewer line. They will be digging a deep trench and could connect the BLM building and City Hall using pvc pipe. The federal government is encouraging the move toward more green technology. The cost is \$240,000 to put in a 2” and a 4” line with 90% reimbursement expected from the federal government and heavily supported by the Infrastructure Act. There is a risk that the City will not get the reimbursement as it has to be a functioning system to qualify. Corey Foley asked if the building owner is on board. Quinn Bennion commented that he has to upgrade the building and put in more wells and pumps. The City would need to charge him for water, sewer and energy use. The end goal is to connect many buildings using a geothermal system. Councilmember Ted Munford stated there is a risk of not getting reimbursed. Quinn Bennion stated this will allow a demonstration for possible expansion when the City does work on 200 South. Councilmember Nick Porter expressed his concern, yet indicated this is a great concept with huge potential and the upside outweighs the downside. Councilmember Ted Munford asked if this is a pressured pipe. Quinn Bennion answered that it is low pressure. Councilmember Ted Munford stated with 90% funding from the federal government this seems like a low risk. Quinn Bennion indicated there are multiple entities that want to be part of this system right now and reimbursement may include a share of the backfill and asphalt. Councilmember Nick Porter asked where the pipes will go. Quinn Bennion answered the sewer line will be 8 or 9 feet down and these pipes will be 4 feet and offset for repairs. The consensus of the Council was to give them time to think about this possible expense.

CLOSED SESSION: *Councilmember Nick Porter moved to go into closed session to hold a discussion regarding the character, professional competence, or physical or mental health of an individual and hold a strategy session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares and reconvene into open session once the discussion is concluded. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munfordaye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley..... aye.

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RECONVENE INTO OPEN SESSION: The Council meeting was reconvened into open session by Mayor Doug Hammond.

REVIEW OF RFP FOR SALE OF CITY OWNED BUILDING AT 43 S. 100 W: Quinn Bennion reminded the Council of the process approved to sell the building the City owns at 43 South 100 West. *Councilmember Robin O’Driscoll moved to sell the building at 43 South 100 West using a sealed bid process looking for the highest bidder. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

DISCUSSION AND APPROVAL OF CITY ATTORNEY PROCESS: Quinn Bennion explained the City Attorney has resigned, so the City needs to determine what route to go to obtain a new City Attorney. *Councilmember Corey Foley moved to move forward with hiring an in-house attorney and recruit for that position as a member of the City staff. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

ADJOURN: There being no further business; *Councilmember Nick Porter moved to adjourn. Councilmember Corey Foley 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)