

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
MAY 17, 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 Foley

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember O’Driscoll

APPROVAL OF CITY COUNCIL SPECIAL BUDGET MEETING MINUTES OF APRIL 26, 2023: *Councilmember Corey Foley moved to approve the minutes of the special meeting held April 26, 2023 Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Everett, O’Driscoll, Munford, Foley and Porter voting in favor.*

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF MAY 3, 2023: *Councilmember Ted Munford moved to approve the minutes of May 3, 2023. Councilmember Nick Porter seconded the motion. The motion passed with Councilmembers Everett, O’Driscoll, Munford, Foley and Porter voting in favor.*

APPROVAL OF CITY COUNCIL SPECIAL BUDGET MEETING MINUTES OF MAY 3, 2023: *Councilmember Dave Everett moved to approve the special meeting minutes of May 3, 2023. Councilmember Robin O’Driscoll seconded the motion. The motion passed with Councilmembers Everett, O’Driscoll, Munford, Foley and Porter voting in favor.*

FUNDING REQUEST FOR VERNAL’S DINOSAUR ROUND UP RODEO: Michael Karren, President of Dinosaur Roundup Rodeo and Carson Young, Vice-President, highlighted the tremendous success of the rodeo the previous year. Carson Young emphasizing the achievements of the previous rodeo, which saw a 15% increase in attendance, with a total of 13,531 patrons. He mentioned that the event was completely sold out on both Friday and Saturday. Additionally, he mentioned the rodeo's broadcasting on the Cowboy Channel and its inclusion as part of the PRCA rodeo tour, which underwent rebranding and revealed plans for future changes. However, there are concerns about the increasing competition for larger payouts. If they maintained the same dates, they would be competing with other rodeos with significantly higher prize money. He suggested the possibility of moving the rodeo to June in 2024 to alleviate some of these challenges. Councilmember Ted Munford expressed his long-standing enjoyment of the event and conveyed his pride in being a part of it. Carson Young clarified that \$17,000 was requested for the main rodeo and an additional \$1,000 for a special rodeo event. The intention is to expand the exceptional rodeo that is growing in popularity. Councilmember Corey Foley inquired about the future plans for increasing the budget, to which Carson responded the need to meet the \$10,000 per event prize money cost. *After further discussion, Councilmember*

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MAY 17, 2023

Corey Foley moved to approve \$18,000 for two parts of rodeo. 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.*

PUBLIC HEARING: SPECIAL SERVICE ASSESSMENT AREA 2 (SAA2) COBBLEROCK BLOCK PARKING: Quinn Bennion explained that during the planning process for the downtown improvements, parking was a significant concern. The City is taking steps to address this issue. The capital costs for Cobble Rock Block parking, is around \$3 million dollars and is 70% funded by other sources so property owners will not bear that cost. The SAA is intended to assist with the maintenance of the parking lot and walkways, including flowers, irrigation, cleaning, trash, and snow removal. Property owners have been notified about the associated costs, and there are provisions for credit if they provide permanent access easements. The City staff will maintain the parking lot of an additional 85 parking stalls. Councilmember Ted Munford stated the aim is to help businesses without burdening them with significant costs. We need to find a fair solution that doesn't impose all the cost on downtown and parking users. Mayor Doug Hammond opened the public hearing.

Property owner Debra Smith voiced her concerns regarding the encroachment on her property rights. She indicated she purchased her building 14 years ago and has parking rights and an easement from Brent Shiner. The proposed SAA would change the access rights and restrict parking further away from her building making it hard to receive deliveries and maintain access during construction. She stated that she believes the SAA violates property rights and is not fair.

Peter Smith, property owner stated he is concerned about future construction and access to his building. He noted he needs to get close to the building for deliveries and construction purposes.

Councilmember Ted Munford stated he understands the need for access to businesses and will work to find a solution.

Daniel Jackson, owner of NDR Entertainment, Vernal Theatre Live stated they oppose the SAA because it is a double tax on businesses operating downtown and infringes on property rights without due process. He acknowledged they are not conforming to the current planning & zoning code, but believe they have rights as a legal non-conforming use. Councilmember Ted Munford stated the situation is different for non-conforming properties. However, if they make significant changes or expand, then they have to comply. He stated the Council wants to ensure that everyone is treated fairly. Quinn Bennion stated the plans have changed to address some of these concerns.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MAY 17, 2023

Mr. Jackson stated he needs to see the updated plans.

Natasha Jackson stated that legal non-conforming uses are grandfathered in and are not charged for being non-conforming and there are rights to exercise in that regard. Councilmember Ted Munford agreed and explained the assessment is based on square footage and it can be beneficial if they expand. The purpose of these improvements is to make downtown safer and more attractive and will take a partnership with businesses to address concerns about snow removal, safety, and security.

Quinn Bennion asked what the ideal solution is. Mr. Jackson stated the plan already feels like there is more space for visitors and tourism. Councilmember Corey Foley asked if they prefer leaving it as it is with no security or lighting.

Nashelle Jackson stated no it cannot be left the way it is as it is not safe and they added security lighting. She expressed her approval of investing in downtown and has been a part of the meetings.

Councilmember Corey Foley asked what they want. Nashelle Jackson stated the improvements are necessary, but they oppose having to give an easement and oppose the SAA. Debra Smith stated the current plan blocks her parking slots.

Nashelle Jackson stated she is currently required to have 8 parking spots. Quinn Bennion explained the planning and zoning code requirements for parking are different than the SAA. Councilmember Ted Munford pointed out they get credit for the easement and parking spaces they already have. Quinn Bennion stated that public dollars cannot build private parking so the parking has to be for the use of the public. He suggested they sit down and look at the new plans and discuss what can be done.

Russell Pearson, owner, stated he has two issues. First, the assessment does not justify the value of the property and it feels like a taking without proper compensation. Second, he has concerns about maintenance and safety. Councilmember Corey Foley asked if they would consider selling the property. Russ Pearson stated that is one option. He noted that if they allow an easement they can no longer use the property to expand.

Councilmember Ted Munford asked what the project cost is. Quinn Bennion answered it is \$3 million dollars with \$300,000 onto the theatre property including burying the utilities and new service lines. There being no further public comments, Mayor Doug Hammond closed the public hearing.

**PUBLIC HEARING: AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE
CHAPTER 16.04 DEFINITIONS – 1ST READING - ORDINANCE NO. 2023-09: Gabby**

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MAY 17, 2023

Blackburn explained this code change will combine all the definitions into one section of the code and remove 700 sections. This change will simplify the ability to look at the definitions. Mayor Doug Hammond opened the public hearing. There being no public comments, Mayor Hammond closed the public hearing.

PUBLIC HEARING: PRESENTATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT #2 (CDBG #2): Mayor Doug Hammond opened the public hearing to receive comments regarding the affordable housing plan funding through the CDBG program. Gabby Blackburn, Assistant City Manager, explained the project that was preliminarily approved for funding through the CDBG program is a City-wide affordable housing plan in the amount of \$80,000. The purpose of this plan is the work on more inventory for affordable housing that has been affected by rising interest rates. Councilmember Corey Foley stated the water moratorium is also affecting the housing. Gabby Blackburn stated the City requested qualifications from qualified vendors and received one proposal. She noted that this project will move forward by May 31st. There being no further public comments, Mayor Doug Hammond closed the public hearing.

Councilmember Corey Foley moved to approve the grant funding for the affordable housing plan. 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.*

CONSIDER APPROVAL OF COOPERATIVE AGREEMENT FOR WILDLAND FIRE PROTECTION: Corey Auger, fire Marshall, explained that this is a renewal of the agreement that allows the City to receive reimbursement for fires that start on private property and spread within the City limits. The State then takes over fiscal responsibility for the fire including aviation fires. The Fire District can bill back for federal or state fires so the City will not have a lot of expense. *Councilmember Corey Foley moved to approve the cooperative agreement 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..... aye.*

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MAY 17, 2023

CONSIDER APPROVAL OF BID TO PURCHASE PROPERTY AT 43 SOUTH 100 WEST:

Councilmember Ted Munford declared his conflict with this item and recued himself from the discussion. Quinn Bennion reminded the Council that the City purchased this property in 2019 to provide public parking. The building is not needed for the parking so it was put up for bid after many discussions how to dispose of it. The decision was to sell the property to the highest bidder. Bids were opened on May 5th and the highest bid was \$130,000.50 from Ted and Christy Munford LLC. Councilmember Corey Foley noted that Ted Munford did not participate in any of the discussions on this issue. *Councilmember Nick Porter moved to accept the high bid and sell the property to Ted & Christy Munford LLC. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

PRESENTATION FROM DINO TRAILS FOR ONGOING TRAIL FUNDING - AARON AVERETT:

Aaron Averett explained that the Trails Committee is trying to figure out how afford active transportation and trails and it is not known what the City will contribute to this program. The Committee is recommending the City consider setting aside funds from the transportation tax that could be used as leverage to get grants for trails. Quinn Bennion reported that the City receives around \$380,000 from that tax and 15% of that is \$50,000. Aaron Averett stated there is no specific priority list yet for trails or other transportation needs, the idea is to set aside funds for the most pressing project. Councilmember Nick Porter asked if those funds are restricted in how they can be used. Carl Morton answered yes, they must be used for transportation. The City receives around \$350,000 and the County received around \$1 million dollars a year. Quinn Bennion reported the money can be used for airports, roads, sidewalks, etc. Councilmember Robin O’Driscoll asked if the other entities have been approached. Aaron Averett stated they have met with Naples City who is open to the idea and the County is supportive. When they approached Ballard their priority is sidewalks. One item being considered is a feasibility study for sidewalks from Walgreens to Maeser Cemetery. Councilmember Corey Foley indicated he would rather work together when a project comes up. Carl Morton stated there are funds in the capital improvement funds that could be moved to a new project. Aaron Averett stated that the County will lead these projects.

DISCUSSION ON FLOWER POT LOCATIONS - CLINT MORTON:

Clint Morton reported that the flowers have been changed up slightly this year with a volunteer committee with an interest in the flowers. The suggestion is to reduce the number of flower pots especially on the west side and spread them out more. Also, north and south on Vernal Avenue the flowers

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MAY 17, 2023

can be watered easily for the first block, then it is tougher. Quinn Bennion stated some of the businesses bought the flowerpots and City fills and waters them so some businesses may not be happy if their pots are removed. Councilmember Nick Porter stated the flowers may need to be in areas where it is not so appealing to add to that area. Councilmember Dave Everett agreed the flowers are needed to grab attention as people enter Vernal. Councilmember Corey Foley stated his father bought pots and the flowers are a big draw, however they are a big expense. Councilmember Nick Porter agreed they are expensive. There is constantly talk of people changing their vacation route to come to Vernal and see them so they are a far bigger draw than what people understand.

Councilmember Robin O’Driscoll asked if the sidewalks are smaller. Clint Morton stated they are pretty wide. The consensus of the Council was to leave the pots this year as the flowers have already been purchased.

CONSIDER APPROVAL OF SURPLUS SEWER EQUIPMENT: Keith Despain explained the City received a request for the old sewer camera van from Manila. The City purchased a new one and does not need this old one. Manila is willing to pay \$32,000 for this equipment. After further discussion, *Councilmember Corey Foley moved to approve the surplus of the camera van and sell it to Manila for \$32,000. 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 ON 500 NORTH STREET PROJECT: Keith Despain reminded the Council the City secured funding through UDOT to do a street project on 500 North from Vernal Avenue to 500 East. The engineering design work is done and the right-of-ways secured. The bids came in way over budget so the staff is suggesting the project be bid again in the fall. The funding for this project was \$1.8 million dollars and the bid was \$2.11 million leaving a shortfall of \$325,000. Councilmember Ted Munford stated this street needs help, however it is not in horrible shape so there is time to rebid. Councilmember Nick Porter suggested the City approach SSD1 to collaborate on this project as it is a collector road. After further discussion, *Councilmember Nick Porter moved to rebid this project at a later date. Councilmember Corey Foley seconded the motion. The motion passed with Councilmember Porter, Foley, Munford, O’Driscoll and Foley voting in favor.*

PLANNING COMMISSION TIME CHANGE REQUEST - RESOLUTION NO.2023-05: Gabby Blackburn explained that the Planning Commission would like to meet at 6 pm instead of

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MAY 17, 2023

7 pm. Councilmember Nick Porter moved to approve Resolution No. 2023-05. 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.

CHANGE TO PERSONNEL POLICIES SECTIONS 4.01.030 – PAY FOR PERFORMANCE INCREASES, 4.02.030 – CONTROLS, 4.02.040 - PROCESS - RESOLUTION NO. 2023-06:

Roxanne Behunin explained that the current policy requires an employee to be with the City for an entire year before they qualify for a merit increase. This proposed change will allow an employee to get a merit raise once they pass their probationary period. Quinn Bennion stated although these are minor items they have an impact on retention of new employees. He noted that the police officers will still be one year as that is their probationary period. After further discussion, Councilmember Nick Porter moved to approve Resolution No. 2023-06. 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 OF FOOD TRUCK COURT REGULATIONS: Gabby Blackburn explained that opening a restaurant requires the owner to follow all types of regulations. For a food truck owner, the requirements are vastly reduced. The City has now run into a food truck gathering space where they congregate in a permanent manner and there are no regulations. Councilmember Ted Munford stated the community expects food trucks, and they should follow the same regulations for health and safety that a restaurant follows. Councilmember Robin O’Driscoll stated this does need to be addressed as they look to be permanent. Gabby Blackburn pointed out that food truck can be allowed with regulations or have to say not allow. Councilmember Corey Foley stated they need to have grease traps and a bathroom. There was some discussion on temporary uses such as a special event versus a permanent location. The consensus of the Council was to add regulations

PRESENTATION OF THE STATEMENT OF ETHICAL BEHAVIOR: Carl Morton stated the State Auditor’s office requires a state fraud assessment that has to be filled out every year.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MAY 17, 2023

The City currently ranks as a low risk. He read the statement of professional behavior and stated the Council needs to sign it. The consensus was to sign the form.

STAFF REPORTS:

Election:

Roxanne Behunin reminded the Council that the Declaration of Candidacy for the municipal election is June 1 through June 7.

CLOSED SESSION: *Councilmember Nick Porter moved to hold a strategy sessions 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 when the discussion is complete. 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.*

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