

MEMORANDUM

TO: Mayor & City Council

FROM: Quinn Bennion, City Manager

RE: *Agenda Items for Aug 5, 2020 Council Meeting*

POLICY AND LEGISLATION

1. **Request for approval of using CARES Act funds for marketing tourism and area activities -** Quinn Bennion. CARES Act funds can be used to promote tourism and to fund costs associated with the resumption of activities in a safe manner. I met with Lesha with County Tourism and Commissioner Horrocks. We felt it was appropriate and necessary to remarket and promote our upcoming events and tourism efforts including the Convention Center. This item seeks the approval of a resolution to establish the use of CARES Act funds for remarketing the recipient's convention facilities and tourism industry. The effort is a joint support from the City and the County. This resolution is not required, however, it solidifies the use of CARES Act funds as necessary and formally approved by the Governing Body as well as how the funds will be used for documentation purposes.

Per the CARES Act requirements, the funds cannot be used for items already in the budget and the funds cannot replace funds that are already budgeted in the City's or County's budget. With our postponed and modified area events, the funds can be used for marketing the event (above budgeted amounts) and to ensure a safe experience.

The resolution has been reviewed by Dennis Judd. A separate proposed budget is included in the packet to be used for guidance in the use of the funds. A detailed budget is not included in the resolution as it locks in the budget and doesn't provide flexibility during the upcoming months. The events listed are those sponsored or hosted by the City and/or County.

2. **Follow-up discussion regarding mineral lease funds and services provided by the six special service districts.** This is an opportunity in a public meeting for Council and Mayor to discuss last week's meeting about mineral lease funds and the services currently paid with mineral lease funds.

VERNAL CITY COMMUNITY DEVELOPMENT and RENEWAL AGENCY

1. **Request approval of a Participation Agreement and Memorialization an Agreement with Vernal Towne Center Regarding Prior Tax Increment Funds – Resolution No. 2020-01 –**

Quinn Bennion and Dennis Judd – This item is a corrective action to affirm and approval the Participation Agreement intended in October 2013. See resolution for information.

2. Open Meetings Training

<https://training.auditor.utah.gov/courses/take/open-and-public-meetings-act-2020/texts/9857553-welcome>

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JULY 15, 2020 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

PRESENT: Mayor Doug Hammond, Councilmembers Nicholas Porter, Dave Everett, Ted Munford and Travis Allan. Councilmember Bert Clark was not present.

WELCOME: Mayor Doug Hammond welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Dave Everett.

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

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF JULY 1, 2020:
Councilmember Ted Munford moved to approve the minutes of July 1, 2020. Councilmember Travis Allan seconded the motion. The motion passed with Councilmembers Everett, Munford, Allan and Porter voting in favor.

STAFF TRANSITION:

Quinn Bennion explained that with the decrease in revenue, there have been some significant changes to the staff. The two superintendents in Public Works retired and have been replaced with Interim Superintendents. He introduced Ryan Blackburn, who has been appointed as the Interim Water and Sewer superintendent, who has been with the City 26 years in the water department. The other appointee is Clint Morton, who is serving as the Interim Street Superintendent. He started his career in the streets department, then worked as the infrastructure inspector and code compliance. Mayor Doug Hammond thanked them for stepping in.

PUBLIC HEARING: REQUEST FOR APPROVAL OF REZONE REQUEST FROM SHANE MAYBERRY FOR THE PROPERTIES LOCATED AT 369 NORTH 500 WEST, 345 NORTH 500 WEST, 379 NORTH 500 WEST AND 661 WEST 500 NORTH, VERNAL, UTAH FROM R-1, R-2 AND R-3 (RESIDENTIAL ZONES) TO A CP-2 (COMMERCIAL ZONE) – ORDINANCE NO. 2020-07: Allen Parker explained that Uintah Basin Medical is planning on expanding and in order to do that they need to rezone three properties on 500 West. He presented a map of the surrounding areas and the zones. The request is to change the properties to the CP-2 commercial zone. The proposed changed was reviewed by the Planning Commission and received a positive recommendation. The property to the west is the mortuary, to the south is medium and low residential housing and there is a church to the east. The remainder of the surrounding land is not developed. He noted that the CP-2 zone has the requirement to be tied to a development although it is up to the Council if they want to require a development plan. The proposal meets all the requirements for the general plan which allows commercial in this area. Councilmember Dave Everett asked if there were any plans for any additional rezones. Allen Parker stated that nothing has been proposed. Mayor Doug Hammond opened the public hearing for comments.

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46
47 Mr. Brett Reynolds, resident at 972 No 2000 West Vernal, Utah stated that he had two interests in
48 this rezone request. The first is as a representative of CIVCO Engineering concerning the 500
49 North street project. UDOT is interested in making sure the curb and gutter is put in for this
50 development before they begin their project. He requested the City encourage the developer to
51 look at the work schedule and get the cement work completed. The second concern is as the
52 president of the Legacy Meadows HOA he was approached a year ago by the Clinic to be allowed
53 to remove the russian olive trees along the fence line. He agreed to that as the russian olive trees
54 are considered noxious and most of them were on their side of the fence. However, they also
55 removed the fence which has not been replaced. He noted that a fence keeps people from walking
56 through that area and gives the residence a sense of security. He stated the residents want the
57 fence put back up. Mr. Reynolds stated it has been explained that the developer will do that at the
58 end of the project and requested that they work with the neighbors to provide something more
59 substantial than an orange construction fence so kids do not go over there and play.

60
61 Councilmember Ted Munford agreed the fence should be replaced and asked if the code required a
62 privacy fence. Allen Parker answered yes, there has to be a sight obscuring fence between
63 residential and commercial developments.

64
65 Bret Reynolds stated that the type of fence they are proposing is not what is wanted by the HOA.
66 Councilmember Ted Munford stated they would have to work it out with the developer as the City
67 does not have the right to specify a certain type of fence.

68
69 Quinn Bennion clarified that the City's project along 500 North is for sidewalk only. Brett
70 Reynolds stated that there is the possibility that UDOT will build curb and gutter from 800 West to
71 where the sidewalk is now.

72
73 Casey Stansfield, with UBMC, stated he is excited to develop this property and was grateful to be
74 a part of this community. He noted that there is a concern with the fence and they have been in
75 communication with the neighbors and want to keep the children safe. He stated they are
76 considering large plastic barriers during construction and then a chain link fence with slats.
77 Councilmember Ted Munford asked about the curb and gutter. Mr. Stansfield stated they are
78 looking at the construction schedule as they just received information from the engineers today on
79 the slope and easement needed for the UDOT project. He stated they are coordinating with Larry
80 Montoya with UDOT. Quinn Bennion asked how far the curb, gutter and sidewalk will extend.
81 Casey Stansfield answered it will go to the boundary of the property. He noted they will be
82 requesting an annexation in the future for the section that is not in the City. Mayor Doug
83 Hammond asked what the time frame is to start construction. Casey answered they are working
84 on the water and sewer relocation and will get started once that is completed. He stated there will
85 be a lot of construction this fall.

86

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87 Mayor Doug Hammond closed the public hearing. *Councilmember Ted Munford moved to*
88 *approve the rezone request for UBMC, Ordinance No. 2020-07. Councilmember Travis Allan*
89 *seconded the motion. The motion passed with the following roll call vote:*

- 90 *Councilmember Munford.....aye;*
- 91 *Councilmember Allanaye;*
- 92 *Councilmember Everettaye;*
- 93 *Councilmember Porteraye.*

94
95 **REQUEST FOR APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES**
96 **FOR LEAK DETECTION:** Quinn Bennion explained that the City is experiencing a high
97 water loss ratio and he is working with the water department to find a way to decrease the loss.
98 One strategy is to hire a leak detection company and conduct a city-wide leak detection project.
99 Typically the City conducts leak detection on a quarter of the City each year. He recommended
100 the Council approve doing the entire City. The proposal from Utility Services Associates is
101 \$28,339 to do the entire system. Mayor Hammond asked if this includes all the lines from the
102 treatment plant. Ryan Blackburn stated that it will be from the tank on 1500 North 2000 West.
103 Councilmember Ted Munford stated it is critical to find any losses. He stated there is a lot of
104 water behind the car wash. Ryan Blackburn stated that is irrigation water. Brett Reynolds
105 stated there is always a puddle by Smith’s Food King. Ryan Blackburn stated that is water that
106 flows off their roof. Quinn Bennion stated there is 79 miles of water line that has to be
107 inspected not including the transmission line before it reaches Reach I & II. However, the line
108 is metered and is within a percent or two with the treatment plant. After further discussion,
109 *Councilmember Travis Allan moved to approve the agreement with Utility Services Associates in*
110 *the amount of \$28,339 for leak detection services. Councilmember Dave Everett seconded the*
111 *motion. The motion passed with the following roll call vote:*

- 112 *Councilmember Munford.....aye;*
- 113 *Councilmember Allanaye;*
- 114 *Councilmember Everettaye;*
- 115 *Councilmember Porteraye.*

116
117 **RATIFICATION OF APPROVAL OF SEAL COAT PARKING LOT PROJECT FOR**
118 **INNOVATION HUB:** Quinn Bennion reminded the Council that they were contacted to move
119 forward with seal coating the parking lot at the old City Hall building. Only one bid was
120 received in the amount of \$5800 from Mark Allred. *Councilmember Ted Munford moved to*
121 *ratify the approval of the seal coat project with Allred’s in the amount of \$5800. Councilmember*
122 *Dave Everett seconded the motion. The motion passed with the following roll call vote:*

- 123 *Councilmember Munford.....aye;*
- 124 *Councilmember Allanaye;*
- 125 *Councilmember Everettaye;*
- 126 *Councilmember Porteraye.*

127
128 **REQUEST FOR APPROVAL OF CO-SPONSOR AGREEMENT WITH RUNTASTIC**
129 **FOR DINO-HALF MARATHON AND REQUEST FOR APPROVAL OF BUS USE**

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130 **INDEMNITY AGREEMENT WITH Uintah School District:** Allen Parker stated
131 that this is the same arrangement as last year where the City sponsored this event and helped
132 facilitate transportation for the participants. He noted that the Dino Half Marathon is an
133 important event for the summer for the community. With Wilkins Bus lines closing down,
134 there is no transportation provider in the area to transport contestants to the start of the race. The
135 School District is not able to contract with a private entity, so the City serves as a partnering
136 sponsor to contract with the School District to provide bussing. There has been questions about
137 sanitation and masking and the event sponsor has provided for those needs. Councilmember
138 Dave Everett asked if a mask is required during the run. Allen Parker answered no. After
139 further discussion, *Councilmember Ted Munford moved to approve the agreement with Runtastic*
140 *for the Dino Half Marathon and the agreement with Uintah School District to provide*
141 *transportation services. Councilmember Travis Allan seconded the motion. The motion passed*
142 *with the following roll call vote:*

143 *Councilmember Munford.....aye;*
144 *Councilmember Allanaye;*
145 *Councilmember Everettaye;*
146 *Councilmember Porteraye.*

147
148 **DISCUSSION REGARDING FIRE SAFETY INSPECTIONS FOR BUSINESSES:** Quinn
149 Bennion explained that at the last Fire District meeting the Board discussed their budget and
150 agreed to eliminate the fire inspector position leaving the City without that service. Some
151 inspections, such as for new businesses or buildings, will still be provided by the District, while
152 the annual inspections will default to the City. Councilmember Ted Munford stated the District
153 does not want to hand this off with only the hope it gets done. Quinn Bennion stated his
154 discussion with Jeremy Raymond is that they will continue to inspect new businesses, sprinklers,
155 alarms and final inspections and all re-inspections will be up to the City's and County. Jeremy
156 Raymond stated with the declining mineral lease funds, the yearly inspections are not a priority,
157 so trained fire fighters can perform those duties and charge the entities for their work.
158 Councilmember Ted Munford stated that the District will do those that have a high impact such
159 as Wal-Mart and the schools. Jeremy Raymond agreed and stated the City has the option to do
160 annual inspections on their own or have the fire fighters do them. He stated they will put
161 together a guide for the inspectors so they are consistent. Councilmember Ted Munford stated
162 the City will have to budget a fire inspection line item to pay for these and he has asked Jeremy
163 to put together a plan of what is critical. Jeremy Raymond stated they have existing volunteers
164 that are certified and are paid \$20 an hour or it was mentioned to pay \$40 per inspection.
165 Councilmember Travis Allan asked if they need to be inspected yearly. Jeremy Raymond
166 answered that the fire and building code does not say every year. Councilmember Travis Allan
167 stated that this fee needs to be charged to the business owner. Quinn Bennion stated the City is
168 looking at how to complete these inspections and possibly do a few in-house and contract with a
169 certified inspector. Also, some businesses do not need an annual inspection while others need it
170 more often. Councilmember Dave Everett stated the restaurant is required to have an
171 inspection twice a year with the grease traps etc. and they pay a business for those inspections.
172 He suggested those businesses provide documentation to the City that it has been done. There

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173 was further discussion on how to complete fire inspections and charge either by square footage
174 or a punch list. Quinn Bennion stated if the cost is added to the business license fees, it will need
175 to be added by October as the renewals go out in November. There was some discussion
176 regarding allowing business to decline paying for an inspection. Councilmember Ted Munford
177 suggested this item be tabled and consider a smaller scale fee with less frequency.

178
179 **DISCUSSION REGARDING SURPLUS PROPERTY:** Quinn Bennion explained that the
180 City has an excess of flower pots. The issue is how to get rid of some of that inventory.
181 Councilmember Ted Munford suggested they be sold on-line. Quinn Bennion stated there has
182 been interest to purchase one or two. It would be easier for the staff to handle if they were sold
183 in bulk. Two cities contacted the City, however, the issue is the transportation. The cost to the
184 City was anywhere from \$68 to \$450 each with the majority ranging around \$100. At a 25%
185 value that means the City should sell them for \$17 for small \$21 for medium and \$28 for the
186 large. The Council discussed possibly setting aside one day a month to load the pots for buyers,
187 selling them at the end of the season or wait until next spring, and the purchase price. Quinn
188 Bennion stated he understood the Council's direction and will move forward to reduce inventory.

189
190 Special Service Districts Funding:

191 Mayor Doug Hammond explained that a special meeting will be held on Monday, July 27th at the
192 conference center to discuss mineral lease funds and the Special Service Districts. Each
193 District will be given time to present a report and budget. Councilmember Nicholas Porter
194 stated it will probably mean a loss of services. Quinn Bennion stated they may want the City to
195 pick up the tab.

196
197 Innovation Center:

198 Quinn Bennion stated the Innovation Hub is getting closer to opening with the furniture and
199 flooring being ordered. Three private offices have been booked and the hope is there will be
200 more general use.

201
202 Code enforcement:

203 Quinn Bennion explained with Clint Morton becoming the interim superintendent for the street
204 department he will not have time to do any code enforcement. A temporary worker may be
205 hired to complete this task for the next three months.

206
207 Ashley Springs tour:

208 A tour is scheduled for Ashley Springs with elected officials and BLM representatives. The
209 purpose is to make sure everyone is familiar with the area and why the Public Land Act which
210 allocated 750 acres to Uintah County was critical.

211
212 Small business grants.

213 Quinn Bennion explained that 118 local small businesses applied on-line for the grant being
214 offered by the Cities and County using CARES Act funds and 30 businesses applied manually.
215 A new round of funding will be available in August.

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216 **ADJOURN:** There being no further business; *Councilmember Nicholas Porter moved to adjourn.*
217 *Councilmember Travis Allan seconded the motion. The motion passed with a unanimous vote*
218 *and the meeting was declared adjourned.*

219

220

Mayor Doug Hammond

221 ATTEST:

222

223

Roxanne Behunin, Deputy Recorder

(S E A L)

AWAITING FORMAL APPROVAL

RESOLUTION 2020-09

A RESOLUTION OF THE VERNAL CITY COUNCIL AUTHORIZING THE APPROVAL OF UTILIZING CARES ACT FUNDING FOR REMARKETING TOURISM AND RESUMPTION OF SAFE ACTIVITIES

WHEREAS, the Coronavirus Disease (COVID-19) is a respiratory disease that was declared a global pandemic by the World Health Organization on March 11, 2020; and

WHEREAS, the Federal CARES Act was signed into law on March 27, 2020, and was in part available to qualifying local, state, and federal agencies to cover expenses related to unbudgeted expenditures incurred between March 1, 2020 and December 30, 2020, due to the public health emergency caused by the Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Federal Government provided \$1.25 billion to Utah state and local governments through the Coronavirus Relief Fund (CRF) included in section 5001 of the Coronavirus Aid, Relief, and Economic Security Act Federal Funding (CARES) Act; and

WHEREAS, the Governor of Utah and the State Legislature have elected to share a portion with counties and municipalities outside of Salt Lake County and Utah County that did not receive a direct allocation; and

WHEREAS, Vernal City applied for, was awarded, and formally accepted CARES Act funding from the State of Utah in the anticipated amount of \$918,153 to directly apply to a broad range of necessary expenditures incurred as a result of COVID-19; and

WHEREAS, Vernal City has agreed to use the funds to mitigate the impact of COVID-19 within the County; and

WHEREAS, Vernal City has committed to properly using the CARES Act funding in accordance with the provisions of the CARES Act for allowable COVID-19 related expenses; and

WHEREAS, Vernal City recognizes the critical role of tourism in the Dinosaurland area to the local economy and viability of small businesses especially the hospitality industry; and

WHEREAS, Vernal City joins with Uintah County in support of area activities and to promote the area convention facilities, tourism and area activities; and

NOW, THEREFORE, BE IT RESOLVED by the City Council for Vernal, Utah, that a portion of the CARES Act funds distributed to the City be used for the purposes of remarketing the area's convention facilities and tourism industry and to publicize the resumption of area activities and financially support the steps taken to ensure a safe experience; and

BE IT FURTHER RESOLVED that the City Council declares the expenses incurred to remarket the area's convention facilities and tourism industry to be necessary expenses due to the public health emergency; and

RESOLUTION 2020-09

BE IT FURTHER RESOLVED that the expenses incurred to publicize the resumption of area activities and steps taken to ensure a safe experience are a necessary expenditure due to the public health emergency.

BE IT FURTHER RESOLVED that Vernal City commits to the use an anticipated amount of \$22,000 of CARES Act funds for these purposes; and

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption, the public welfare requiring it.

SECTION 1. Severability. The provisions of this resolution shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this resolution or the application in a different circumstance.

SECTION 2. Effective Date. This resolution shall become effective immediately upon adoption by the Vernal City Council.

PASSED, AND ADOPTED this 5th day of August, 2020.

Mayor Doug Hammond

ATTEST:

Quinn Bennion, City Recorder

(S E A L)

PROPOSED BUDGET
REMARKET & RESUMPTION OF SAFE ACTIVITIES
CARES Act funds

Remarket convention facilities and tourism industry
 Resumption of activities and steps taken to ensure a safe experience
 July 30, 2020

Uintah County	\$48,000
Vernal City	\$22,000
Total Joint Fund	\$70,000

Activity	Date of event	Budget	Purpose of funds	Comments
Dinosaur Roundup Rodeo	July 8, 9, 10, 11	\$4,000	Steps taken to ensure a safe experience	Additional promotion for safe experience, sanitary supplies
River Fest	July 30, 31 - Aug 1	\$2,000	Market resumption of activities, steps taken to ensure a safe experience, remarket tourism	Additional promotion for safe experience, sanitary supplies
Farmer's Market	Saturdays July, Aug, Sept	\$1,000	Market resumption of activities, steps taken to ensure a safe experience	Additional promotion for safe experience, sanitary supplies
Dino-Soar Days Balloon Fest	Aug. 28, 29, 30	\$6,000	Market resumption of activities, steps taken to ensure a safe experience, remarket tourism	Postponed the original event, activities moved outdoors to ensure safe experience
Hotel Vernal Haunt	late October	\$6,000	Market resumption of activities, steps taken to ensure a safe experience, remarket tourism	Activities moved outdoors to ensure safe experience
Jensen Pumpkin Festival	late October	\$1,000	Steps taken to ensure a safe experience, remarket tourism	Additional promotion for safe experience, sanitary supplies
Regional Mountain Bike Races (3)	Aug 22, Sept 12, Sept 26	\$10,000	Steps taken to ensure a safe experience, remarket tourism	Two additional large scale events moved to area due to COVID
Holly Days	Nov 27	\$6,000	Market resumption of activities, steps taken to ensure a safe experience, remarket tourism	Activities moved outdoors to ensure safe experience
Trees for Charity	Nov 27, 28, 30	\$2,000	Steps taken to ensure a safe experience	Additional promotion for safe experience, sanitary supplies
Remarket convention facilities		\$12,000	Remarket convention facilities	
Remarket tourism industry		\$20,000	Remarket tourism	
		\$70,000		

US Treasury - FAQ July 8, 2020

May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency.