

**M**INUTES OF THE VERNAL CITY COUNCIL SPECIAL WORKSHOP AND  
REGULAR MEETING HELD JANUARY 4, 2023 at 5:30 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, Corey Foley and Mayor Doug Hammond.

**WORK SESSION - DISCUSSION ON WATER BANK:** Keith Despain reminded the Council of the water bank concept. He explained that the City joined WetX a few years ago to start the process. Ashley Valley Water SID moved forward with the next step to get a water bank created. Tyler Gow with WetX explained that the State changed the laws to allow more beneficial use of water including environmental. He noted that WetX will help set up the non-profit agency and draft the by-laws that is required to run the water bank. Keith Despain stated that the agencies that own the water place the surplus on the market and let other agencies or individuals lease it. Councilmember Dave Everett asked if the funds could be used to offset the costs of pumping. Keith Despain answered that the revenue gained from leasing excess water can be used as any other income. Mayor Doug Hammond questioned if other States that have been using the excess water can claim it as theirs because they have been using it. Tyler Gow stated they have been stealing it and using it, so the question is how will that impact the City’s asset that has been under-utilized. Hopefully the water bank will create tools so cities and irrigators have more ways to use this asset. He complimented the City and AVWSID for being willing to work together on this concept. Councilmember Corey Foley asked if the City owns any water in Red Fleet Reservoir. Ryan Goodrich answered that that the City owns shares and AVWSID owns 1620 acre feet and some Steinaker shares. The District is using all their shares and the reason for pursuing the water bank is to lease more water when needed. He noted that as the valley grows the District will need more water and the best option is to lease it from Vernal City. The water bank will allow a lease to be put in place quickly and the water can also come from individuals. Councilmember Foley commented that measurement equipment will be installed on Ashley Springs so they can figure out who is using the water and figure out how to move the water somewhere to be stored. Ryan Goodrich stated the Division of Water Resources will look at the data. The application for the water bank has to show that the water can be physically moved for any exchange to be approved. Tyler Gow stated the City will have a voice in the water bank as one of the founding members if it is approved to be a partner. Councilmember Corey Foley asked if this is regulated by the State. Tyler Gow answered that it is not, and the legislation passed requires the banks to be local. Ryan Goodrich stated the District paid WetX \$30,000 for phase I and an additional \$60,000 for phase II. He requested the City consider being a partner and pay 50% of that cost either in funds or future water use. The State attorney working on this concept is supportive. Quinn Bennion commented that this will be a good partnership with huge potential valley-wide. He noted that if it was just the two largest water companies, they would just sign a contract. However, there are more water users and the canal companies have significant say and control of how the water is carried. Dennis Judd, City Attorney, stated this is a new concept that sounds good. It will take some work to make sure both entities assets are protected. Councilmember Ted Munford stated he is in favor of the water bank. Councilmember Dave Everett stated he would like to see the other agencies be more forward thinking as water could be the most valuable commodity in future years. The City purchased Red Fleet shares even though it was not needed at the time and even though there is not an immediate pay back, as the population

**MINUTES OF THE VERNAL CITY COUNCIL SPECIAL WORKSHOP AND REGULAR MEETING HELD JANUARY 4, 2023**

grows, water will become priceless. Councilmember Robin O’Driscoll indicated she is in favor of this concept and it will help in the long run. Councilmember Nick Porter agreed and stated this is a fantastic idea.

**RECESS:** The Council took a small break until the Regular meeting.

**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 December 21, 2022:** *Councilmember Dave Everett moved to approve the minutes of December 21, 2022. Councilmember Robin O’Driscoll seconded the motion. The motion passed with Councilmembers Everett, O’Driscoll, Munford, Foley and Porter voting in favor.*

**INTRODUCTION OF DON REESE - CLINT MORTON:** Clint Morton introduced Don Reese as a new street employee. He stated that the department is lucky to have him and he is already a vital member of the team. He started the week before Holly Days and jumped right in. Don Reese stated he appreciates the opportunity. Mayor Hammond and the Council welcomed Don to the City.

**INTRODUCTION OF EZRA MCHALEY - KIM LUTTRELL:** Kim Luttrell, Director the of Victim Advocate program, explained that Ezra McHaley came to the City from 8<sup>th</sup> District Court. He is working with the Justice Court helping victims get through the process. Ezra stated he is glad to be on this team that is so helpful to the community.

Quinn Bennion welcome Gabby Blackburn as the new Assistant City Manager. Mayor Doug Hammond welcomed Ezra and Gabby to the City.

**REQUEST TO PURCHASE CRACK SEAL MACHINE – CLINT MORTON:** Clint Morton explained that a new crack sealer was approved in the budget and he looked at two options. One is a Cimline machine and the other is a Crafcoc. The Crafcoc is on the State bid and is a Cadillac compared to what the City has now. He stated he would prefer the Cimline as the trailer is lower to allow better visibility and easier loading. The fleet manager thinks it will be easier to work on as the pump is on the outside. Both machines are within budget, however, the Cimline is the more expensive one. Councilmember Nick Porter asked how much is in the budget. Clint Morton stated \$75,000. Quinn Bennion asked if there is any training being

**MINUTES OF THE VERNAL CITY COUNCIL SPECIAL WORKSHOP AND REGULAR MEETING HELD JANUARY 4, 2023**

offered. Clint Morton answered both machines include training. Quinn Bennion asked how old the current machine is. Clint Morton stated at least 20 years. Carl Morton stated the issue is the lower priced machine is on the State bid so Council approval is needed to purchase the more expensive machine. After further discussion, *Councilmember Corey Foley moved to approve the purchase of the Cimline crack sealer machine. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**SETTING PLANNING COMMISSION SCHEDULE FOR 2023 RESOLUTION NO.**

**2023-01:** Gabby Blackburn explained the Planning Commission is proposing the same schedule as last year and meet the second Tuesday of every month. *Councilmember Nick Porter moved to approve Resolution No. 2023-01 setting the schedule for the Planning Commission as proposed. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, OVERSIZED TRAILERS AND TRAVEL TRAILERS, SECTIONS 16.04.470, 16.04.710, 16.04.428, DEFINITIONS, – 16.24.152, OVERSIZED TRAILERS & TRAVEL TRAILERS, ADDING NEW SECTIONS 12.04.261, 12.04.262 AND 12.04.263, DEFINITIONS AND STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES - ORDINANCE NO. 2023-01, FIRST READING:**

Gabby Blackburn summarized the draft Ordinance. The regulations for oversized trailers is currently in Title 16 and it is being suggested those regulations be moved to Chapter 12 that deals with nuisances on streets and sidewalks to make enforcement more uniform with the rest of the code. Councilmember Corey Foley reported that the Planning Commission focused on camp trailers and possibly they need to consider other types of trailers. Gabby Blackburn stated this is a first reading for this Ordinance. Quinn Bennion reported that the City Attorney also made changes to this ordinance that have to be included for approval. Gabby Blackburn read the definition and pointed out that this is important for code enforcement. The trailers are not allowed to be parked on the street unless it is being loaded or unloaded and no wastewater can be discharged. Councilmember Ted

**MINUTES OF THE VERNAL CITY COUNCIL SPECIAL WORKSHOP AND REGULAR MEETING HELD JANUARY 4, 2023**

Munford asked why someone is not allowed to live in travel trailers on their property. Gabby Blackburn reminded the Council that the law recently changed to allow double occupancy on a lot. Councilmember Corey Foley stated that Tri-County Health is concerned with sanitation. Councilmember Nick Porter stated they are not connected to utilities properly. Gabby Blackburn reported that the next section of the Ordinance requires a trailer to be parked ten feet back from the right-of-way. The Planning Commission was divided on this issue except for the clear vision triangle on corner lots. The question is how will it be enforced. Councilmember Ted Munford stated he prefers to be more lenient how property owners use their land. Councilmember Nick Porter agreed, however, they also have to consider pedestrian safety. Gabby Blackburn stated the next section deals with the storing of commercial trucks that are not allowed in residential zones unless actively working on a construction site. Mayor Doug Hammond opened the public hearing.

Clint Morton, street supervisor, commented that when they are plowing snow, the more items that are off the road the better. Even in the summer, crack sealing and sweeping streets is better if the road is clear of parked trailers or vehicles. Gabby Blackburn stated there were two comments during the public hearing with the Planning Commission. Councilmember Corey Foley stated this needs to be enforced. Councilmember Nick Porter agreed that code enforcement is critically important. There being no further comments, Mayor Doug Hammond closed the public hearing.

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE REGULATING R-4 PARKING – SECTION 16.27.070 MINIMUM AREA REQUIREMENTS, AND SECTION 16.26.120 PARKING SPACE REQUIREMENTS – ORDINANCE 2023-02, FIRST READING:** Gabby Blackburn presented another ordinance amendment to change the landscaping requirements in the land use section of the code. The parking requirements for multi-family units is 2.5 parking spaces per unit. There will be an influx of units and it is believed that this change would be advantageous to develop smaller lots. The proposal is to drop the landscaping requirement 30% to 20% since there is a higher parking requirement for developments over nine units. Councilmember Robin O’Driscoll asked what is the concept with this Ordinance. Gabby Blackburn stated to get more units on the property. Councilmember Nick Porter agreed it would allow more units on smaller lots. Councilmember Corey Foley stated the landscaping allows for a noise buffer although the mixed use zone only requires 10% of landscaping. Councilmember Ted Munford noted some places are leaning toward less landscaping that needs water. He noted that most apartment buildings do not have enough parking. Mayor Doug Hammond opened the public hearing.

Craig Nebeker, resident of the County, commented that the City could use all the landscaping it can get.

**MINUTES OF THE VERNAL CITY COUNCIL SPECIAL WORKSHOP AND REGULAR MEETING HELD JANUARY 4, 2023**

Quinn Bennion agreed there is a need for beautification and would rather see a larger lot size to address the parking. Gabby Blackburn pointed out that typically as dwelling units increase the parking and lot size increases. There being no further public comments, Mayor Doug Hammond closed the public hearing.

**PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) - FIRST PUBLIC HEARING:** Quinn Bennion explained that UBAG administered the small cities CDBG program for this area and the application is due later this month for funding. Any CDBG project must directly benefit low to moderate income residents or a sub-group of residents such as a plan or study to benefit homelessness or the aging population. Last year the staff conducted a neighborhood survey to qualify for a sidewalk and the year before that concrete work was completed at the crisis shelter. Mayor Doug Hammond opened the public hearing. He asked if there were any projects from the public. There being no public comments, Mayor Doug Hammond closed the public hearing.

**REQUEST TO APPROVE CHANGE ORDER FOR STEARNS CONSTRUCTION FOR THE 100 EAST CONCRETE PROJECT AND FINAL PAY APPLICATION:** Keith Despain reminded the Council of the 100 East sidewalk project. Stearns Construction was awarded the contract for this work and there were modifications that were necessary, mostly the asphalt and grading, which more expensive than anticipated, for a net increase in the cost of \$25,141.70. Quinn Bennion stated the CDBG grant was \$193,000. *Councilmember Nick Porter moved to approve the change order in the amount of \$125,141.70 bringing the total cost for this project to \$264,625.70. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley.....aye.*

**ADMINISTRATIVE REPORTS:**

Community Impact Board:

Quinn Bennion reported that the CIB will meet virtually at 9 am tomorrow to consider an application from the City for water line projects.

Former Employee:

Quinn Bennion explained on a sad note that a former City employee, Sherry Montgomery, passed away last week.

**MINUTES OF THE VERNAL CITY COUNCIL SPECIAL WORKSHOP AND  
REGULAR MEETING HELD JANUARY 4, 2023**

Snow removal:

Quinn Bennion stated there has been a lot of complaints with the snow plowing and the City supports what the crews are doing. They are working a lot of overtime trying to keep up with the large amount of snowfall this winter. They are battling vehicles parked on the street, snow being pushed back into the road and mad residents. Councilmember Dave Everett asked who does the snow removal. Clint Morton stated there are ten employees with five trucks. The Mayor and Council thanked them for their work.

**MINUTES OF THE VERNAL CITY COUNCIL SPECIAL WORKSHOP AND  
REGULAR MEETING HELD JANUARY 4, 2023**

**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 )