

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JANUARY 18, 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 Mayor Doug Hammond. Councilmember Corey Foley was excused.

WELCOME: Mayor Doug Hammond welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Ted Munford.

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

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF JANUARY 4, 2023: *Councilmember Nick Porter moved to approve the minutes of January 4, 2023. Councilmember Robin O’Driscoll seconded the motion. The motion passed with Councilmembers Everett, O’Driscoll, Munford and Porter voting in favor.*

PRESENTATION OF FY2022 ANNUAL AUDIT AND APPROVAL OF ANNUAL FINANCIAL REPORT – DOUG RASMUSSEN & CARL MORTON: Carl Morton explained that the auditing firm, Smuin, Rich and Marsing, represented by Doug Rasmussen, will present the annual audit. Mr. Doug Rasmussen joined the meeting virtually and thanked the Council for this opportunity to join the meeting electronically to present their findings. He noted that this audit was more challenging with the City’s transition to new software, however, the staff is doing a good job as evidenced by the audit report. Doug Rasmussen read the opinion of the auditors showing the financial statements of the City are presented fairly. There are some management highlights that are actually good for the citizens. The major financial funds including the general fund, downtown improvement fund and airport have combined assets and liabilities in excess of a little over \$6.8 million dollars. By State law, the excess revenue should only be \$3.7 million dollars. The excess funds of \$3.1 million needs to be transferred to other capital funds. This shows that the City administration and Council are being fiscally responsible, however, the Council has to address that unassigned balance. The business activities including the utility funds showed a change of \$160,266. The water fund had a loss of \$102,207 and the sewer fund had a \$200,000 surplus. Overall, the overall budget of the City was \$12 million dollars and the projected budget was only \$10 million dollars so the City received an additional \$2.2 million dollars in revenue. The expenses were projected to be \$9.9 million dollars and were slightly over \$8.7 million dollars. Another item that will need to be addressed is some departments exceeded their lines items although overall they did not exceed their total budget. This is something that needs to be reviewed so those allocations can be adjusted by the Council before the end of the fiscal year. Councilmember Ted Munford stated that the County donated funds for the downtown project so are those funds part of this revenue. Carl Morton answered that those funds will be shown in the current fiscal year. Doug Rasmussen stated there are a few funds that the expenses exceeded revenue and the Council should review those funds monthly and review those expenditures. Carl Morton commented that there are plans to address all of

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JANUARY 18, 2023**

these issues. Councilmember Ted Munford noted it would be a different nation if the federal government had a positive fund balance. After further discussion, *Councilmember Ted Munford moved to approve the audit report and allow the Mayor to sign the certification form. 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;

PUBLIC HEARING: REQUEST APPROVAL OF CHANGES TO THE GENERAL PLAN FOR MODERATE INCOME HOUSING PLAN AND FUTURE LAND USE MAP –

ORDINANCE NO. 2023-03: Gabby Blackburn, Assistant City Manager, explained that this proposed change to the City general plan is required by the State. There are five items that need to be added to the low to moderate income section of the plan. The following items were reviewed by the Planning Commission and are recommended for approval.

1. The plan will facilitate a mixed-use or higher density residential zone and review those zones every 18 months. This requires the City to be amenable to higher density housing;
2. The City will work on the capacity of one water and one sewer line to handle higher density housing for the downtown developments;
3. The City will consider ways to address and attract additional units for higher density;
4. Consider amending the parking requirements in the mixed-use zone; and
5. Consider housing in the CRA for students and seniors once the funding reaches \$100,000 or within two years.

Mayor Doug Hammond opened the public hearing to receive comments on this change to the general plan. Councilmember Ted Munford acknowledged that this must be done as it is required by the State. Councilmember Nick Porter stated he is in favor of this list. There being no further public comments, Mayor Doug Hammond closed this public hearing.

Councilmember Nick Porter moved to approve the changes to the low to moderate housing section of the general plan. Councilmember Dave Everett seconded the motion.

Gabby Blackburn explained that the second part of this proposed ordinance is the future land use map. The Planning Commission held a work session to consider changing the area just off east Main Street that is part Uintah County and part Vernal City from commercial / industrial to primarily high density residential with some lower residential on 500 East. The change would include some commercial as a transition and keep industrial on the south side. Councilmember Ted Munford verified that area is already industrial. Gabby Blackburn agreed there is a few industrial sites, however, this change would be to grow more residential. Councilmember Nick Porter stated this change makes sense to bring the higher density housing to the center of town and keep the industrial to the south.

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JANUARY 18, 2023**

Mayor Doug Hammond opened the public hearing to receive comments on the future land use map. Councilmember Ted Munford agreed that high density residential would fit in this area. Councilmember Nick Porter commented that the majority of this area is not under the City’s jurisdiction. There being no further public comments, Mayor Doug Hammond closed the public hearing. Councilmember Ted Munford noted it is important to plan out how the City should grow. Gabby Blackburn presented a second option considered by the Planning Commission and reported that there was not a unanimous decision from the Planning Commission, and, in fact, the Chairman voted against both options as he felt it was not necessary.

Councilmember Nick Porter amended his motion to approve the changes to the low to moderate income housing section of the general plan and approve the changes to the future land use map as presented. Councilmember Dave Everett agreed to the change. 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;*

CONSIDER APPROVAL OF WETX AGREEMENT FOR PHASE 1 AND 2: Keith Despain reminded the Council of the work session held to discuss joining with Ashley Water District to create a water bank. This is a new concept in the State to allow an organization to be formed that houses water rights belonging to individuals and institutions to allow the free trade of those rights. The City has been working with WetX to determine what water rights the City owns. Two agreements are being presented with WetX. The first agreement is to hire WetX as the consultants to work on the formation of the water bank and follow State statute and reimburse the District. The second agreement is for the cost sharing between Vernal City and Ashley Valley SID as the founding partners of the bank. The City’s share for these agreements is \$47,850. Quinn Bennion indicated that the City does have those funds in the budget. Councilmember Nick Porter expressed his appreciation for great collaboration between water agencies. Councilmember Dave Everett agreed and noted that the City is at a point to create a template for the rest of Utah. Keith Despain noted this will be the first water bank in Utah. *Councilmember Robin O’Driscoll moved to approve the agreements for Phase 1 and 2 with the City’s portion being \$47,850. 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;*

CONSIDER APPROVAL FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, REGULATIONS FOR PARKING TRAILERS AND TRAVEL TRAILERS – ORDINANCE NO. 2023-01: Gabby Blackburn reminded the Council that there have been all kinds of trailers parked in the right-of-way. The reason the City cares about this is to protect the

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JANUARY 18, 2023**

infrastructure, allow the road to be cleared of snow and debris, and allow safe travel. However, the public also the right to own these items so there has to be a balance. The City Attorney is suggesting these regulations be moved from Title 16 to Chapter 12.04 with other nuisances. The first draft had a specific size of trailer and that regulation was removed along with any setback except to meet the clear view requirements of the code. She noted that the code will need to be amended to clearly define the clear view requirement for corner lots. Also, language was added to temporarily allow construction trailers and trailers that are used for off premise advertising. Councilmember Nick Porter expressed his concern about trailers blocking the view of pedestrians on the sidewalk. Councilmember Ted Munford noted that with the snow accumulation trailers on the street cannot be moved right now. He asked what is the intent for enforcement? Quinn Bennion answered that code enforcement sent out hundreds of letters six months ago. However, the City prosecutor thought the code was not clear enough to issue citations so the trailers remained in the road. The City will have to be practical in the application of this ordinance as it may not be possible to move the trailers until the snow melts. Once the snow is gone, letters can be sent out again. Councilmember Nick Porter agreed this has to be reasonable *After further discussion, Councilmember Nick Porter moved to approve Ordinance No. 2023-01 as presented. Councilmember Ted Munford seconded the motion.*

Gabby Blackburn noted that there is a ten foot requirement that should be deleted in Section 12.04.261.

Councilmember Nick Porter moved to amend his motion to adopt Ordinance No. 2023-01 with the amendment to Section 12.04.261 #C. 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;

CONSIDER APPROVAL FOR ANNUAL STIPEND FOR ASHLEY VALLEY SEWER MANAGEMENT BOARD MEMBERS: Quinn Bennion presented the request from Ashley Valley Sewer Management Board to allow them to pay the City representatives an annual stipend. He noted that he would look at this to see if it can be approved administratively in the future. Councilmember Nick Porter stated he thought State law requires the governing body to approve this annually, however, the staff can see if it can be delegated. *Councilmember Robin O’Driscoll moved to approve the stipend for the Sewer Management Board members. 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;

ANNUAL BOARD APPOINTMENTS – MAYOR DOUG HAMMOND: Mayor Doug Hammond presented the appointments to Boards for the elected officials for 2023. He noted that

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JANUARY 18, 2023**

there are not any changes from 2022. *Councilmember Ted Munford moved to approve the list as presented. 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;*

STAFF REPORTS

Local Officials Day:

Councilmember Robin O’Driscoll reported that several members traveled to Salt Lake City for Local Officials Day at the Capital. They met with Senator Winterton and Representative Chew and had a very productive time.

Open House for Hwy 191:

Keith Despain stated he attended the UDOT open house for the change to Hwy 191 going north. The plan is to realign the lower half of the switchbacks to one big sweeping curve and join back to the current road at the overlook area. Simplot owns the property surrounding the road and is a firm partner with UDOT for this change. There will be a passing lane the whole way for a better travel experience.

Snow and snow removal:

Quinn Bennion commended the public works employees for their hard work dealing with the incredible heavy snow year. There has been a lot of requests to haul off the snow and that would require an enormous amount of resources so that is unlikely to happen in neighborhoods.

City Ambassador:

Councilmember Dave Everett commended Marquita Hammond as a true ambassador of Vernal City for helping shovel snow from his driveway.

CLOSED SESSION: *Councilmember Nick Porter moved to go into closed session 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 go back into open session once the discussion is finished. Councilmember Robin seconded the motion. The motion passed with the following roll call vote:*

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

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JANUARY 18, 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)