

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
JULY 21, 2021 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,  
Utah 84078.

**PRESENT:** Councilmembers Nicholas Porter, Dave Everett, Ted Munford, Travis Allan, and Bert Clark and Mayor Doug Hammond.

**WELCOME:** Mayor Doug Hammond welcomed everyone to the meeting.

**INVOCATION OR UPLIFTING THOUGHT:** The invocation was given by Councilmember Bert Clark.

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

**APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF JULY 7, 2021:**  
*Councilmember Nick Porter moved to approve the minutes of July 7, 2021. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Everett, Munford, Allan, Porter and Clark voting in favor.*

**PRESENTATION OF KIDS FOR KWAK – SARAH GRAY:** Sarah Gray explained that Dr. Kwak is a Utah native who specialized in neo-natal care and the Uintah Basin was very lucky to have him practice here. In December he contracted COVID so severe that it has left him wheel chair bound and blind. In an effort to repay him for his work in the community, a fund raiser is being held at the park on July 31st. There is also an on-line auction and anyone with a personal story of Dr. Kwak is invited to post on the Facebook site. The Council thanked Sarah for the update.

**REQUEST FOR APPROVAL OF PAVEMENT MARKING PROJECT & NOTICE TO PROCEED:** Keith Despain explained that this project had to be rebid due to the strange pricing for paint. This time two bids were received and the same bidder submitted the low bid. He noted that he is working with a different representative from Straight Striping which may be the reason the bid is so different. He recommended the bid from Straight Stripe be accepted. Councilmember Ted Munford voiced his concern that they may come back later with a change order for more money. Quinn Bennion informed the Council that Straight Stripe did not work directly with the City before; however they did work for the Uintah Transportation District last year with the chip seal project. Keith Despain reported that the City crews will be doing the symbol markings and Straight Stripe will only be doing the lines. Mayor Doug Hammond stated that the maintenance crew painted the handicapped signs at City Hall today and they look remarkable. *Councilmember Bert Clark moved to approve the bid and notice to proceed for Straight Stripe. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Allan .....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Clark.....aye.*

**DISCUSSION OF CONTRACT WITH BURDICK PAVING FOR SAFE SIDEWALK PROJECT:** Keith Despain explained that there are some concerns from Burdick that they may not be able to perform this job at the original bid amount since it has been over the 60 days and the price for concrete has risen substantially. He suggested this item be tabled until he hears back from Burdick. Councilmember Travis Allan asked where this project is located. Keith Despain answered it is 550 feet of sidewalk on the north side of the street by Discovery Elementary. He noted that once the pricing is ironed out he will bring it back to the Council for approval.

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE: - AMEND NOTICING REQUIREMENTS TO MATCH STATE LAW, AMENDING SECTIONS 16.06.010 (A) – ZONING MAP, 16.08.060 – LAND USE PLAN, 16.08.070 – GENERAL PLAN, 16.16.050 – PROPOSED DEVELOPMENT - (PRUD), 16.58.040 – PROCEDURE FOR OBTAINING SUBDIVISION APPROVAL, 16.58.055 – MINOR SUBDIVISION AND 16.58.500 – AMENDED PLAT – ORDINANCE NO. 2021-06:** Allen Parker explained that this code change amends all the relevant sections that address noticing to the public to match State law that was recently changed. The code deletes the requirement to publish public hearings in the newspaper. Mayor Doug Hammond opened the public hearing. Roxanne Behunin stated there will be more changes to these regulations as there is a State committee reviewing the requirements. Right now cities have to post a notice for every 1000 people in their community. Allen Parker stated that the Planning Commission is forwarding a positive recommendation for this ordinance. There being no further comments, Mayor Hammond closed the public hearing. *Councilmember Ted Munford moved to approve Ordinance No. 2021-06 as written. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Allan .....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Clark.....aye.*

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE AMENDS REQUIREMENTS FOR PORTABLE STORAGE CONTAINERS, SECTION 16.24.155 – PORTABLE STORAGE CONTAINERS – USES – ORDINANCE NO. 2021-07:** Allen Parker explained that this ordinance simply relocates the regulations for portable storage containers to the appropriate location in the code and repeals those requirements from the current location. He noted that there is still ongoing discussion on how these containers should be regulated. Right now they are prohibited within any residential zone and the Planning Commission is recommending the City allow one per parcel and require them to be placed the same as an accessory structure. The containers would need to meet the set back requirements for each zone and would not be allowed on vacant property. He noted that this is a compromise to what is currently in code and the Planning Commission has forwarded a positive recommendation. Councilmember Ted Munford stated the primary concern has been the aesthetics and the arguments from those that want them say sheds are also unsightly. He noted that this code has them listed as an accessory structure although they are not permanently mounted. He asked Allen Parker to clarify a parcel. Allen Parker stated it would be one per property. If the home sits on 40 acres, there could still only be one container. Councilmember

Munford clarified that it does allow other sheds. Allen Parker answered yes, with only one portable unit. Councilmember Dave Everett asked what the average size is for these units. Councilmember Ted Munford asked if the code limits the size. Allen Parker answered that if the container is over 200 feet they need a permit and the size varies. Councilmember Bert Clark stated in the past the City restricted the use of these containers and required that they be painted. Allen Parker stated they are allowed in the commercial and industrial zones with a permit. Councilmember Bert Clark asked if there was a height limit. Allen Parker stated it is 35 feet, the same as other accessory structure. There was some discussion regarding using these structures as building material and entire complexes being built out of these containers. Quinn Bennion noted that if someone owns land in a RA-1 zone they could have an agriculture building without a home on the parcel. Allen Parker stated it would still not allow a portable building. The Council reviewed the display showing containers that are currently in the City. Mayor Doug Hammond opened the public hearing to receive any public comments. Councilmember Bert Clark stated these containers still need to be pleasing for a residential area. Councilmember Ted Munford agreed, however, he did not think it was governments place to decide what is aesthetically pleasing. Councilmember Travis Allan asked if there were any restrictions now. Quinn Bennion answered no. Councilmember Nick Porter indicated he liked these containers. Quinn Bennion noted that the structures still have to comply with regulations the same as other accessory structure and cannot be in the front yard. He stated that he did have the staff do an audit of residential areas to see who had portable structures. Allen Parker stated they located 29 and some comply with current standards and some do not. He explained that the Planning Commission will be discussing size and number of sheds. Councilmember Ted Munford questioned if this would harm storage unit facilities. Allen Parker answered no as those are commercial buildings. Councilmember Travis Allan asked what will happen with the residents that have multiple structures or do not comply with these regulations. Allen Parker answered that the code compliance officer will contact them. There being no further comments, Mayor Doug Hammond closed the public hearing. *Councilmember Nick Porter moved to approve Ordinance No. 2021-07. Councilmember Travis Allan seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Allan .....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Clark.....nay.*

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE AMEND REGULATIONS FOR TRAVEL TRAILER USES, SECTIONS 16.56 “MANUFACTURED HOME PARK AND TRAVEL TRAILER COURT REGULATIONS” AND 16.24.152 “OVERSIZED TRAILERS” – ORDINANCE NO. 2021-08:** Allen Parker explained that this Ordinance takes the code that governs travel trailers and placement of trailers from the manufactured home zoning section and moves it to a more appropriate place. The content is the same, so the intent is to discuss if there should be regulations limiting the number of trailers that should be stored on any lot in the City. This code strikes out the number of trailers allowed. Also, the current code allows them to be placed in the front yard as long as they do not restrict the 10 feet view from a public road. Councilmember Ted Munford clarified that they can not be lived in. Allen Parker answered that they can be occupied for a short amount of time. Mayor Hammond asked if these

regulations pertain only to enclosed trailers. Allen Parker stated there are regulations for oversized trailers such as toy haulers. Councilmember Travis Allan asked if there was a restriction on the number of trailers allowed. Allen Parker stated no. Mayor Doug Hammond opened the public hearing. Councilmember Ted Munford questioned if the Planning Commission gave a reason why they did not restrict the numbers. Allen Parker stated that they felt it was a personal liberty issue. Councilmember Nick Porter stated the general consensus was to not make any restrictions. Quinn Bennion questioned whether neighbors would actually want a trailer storage area next to their home. He stated it would not be appropriate to have a whole back yard filled with trailers. Councilmember Nick Porter stated the Planning Commission discussed property values and it is a tough issue.

Marilyn Hunting, Vernal resident, stated that this is a personal issue and she is having problems with her neighbor who has over an acre and has parked all kinds of trailers there making it look like a junk yard and he keeps adding to it. She stated there needs to be something to protect the neighborhood. Councilmember Ted Munford stated she has hit on the difficulty of this decision - does the City limit the right to own and store items, or protect the neighbors. It is a difficult balancing act. Councilmember Dave Everett agreed that people are not happy with government control especially at the local level. Many residents have recreational vehicles and need some consideration; however how can that allowance be applied in a fair and just manner.

Corey Foley, resident and member of the Planning Commission, stated there is also the issue of public safety if people are living in the trailers or are inconsiderate. He stated there is a camp trailer parked on the street with the slide outs over the sidewalk creating a safety hazard as people have to walk out into the street to get around it. He agreed it is tough to regulate and be aware of people's rights. He noted it is a delicate balance.

Councilmember Travis Allan stated that at some point there is a limit and the public safety issue to consider and that is why there are codes. He stated it is the Council's job to consider all the issues while not limiting the ability for residents to own things. He suggested the Council consider allowing these types of items to occupy a certain amount of space on a lot. Councilmember Ted Munford agreed, noting if it is larger parcel like 40 acres that would make a difference. Councilmember Dave Everett stated there needs to be a code that does not allow them to be parked on City streets for an extended time or create a safety hazard. Councilmember Bert Clark stated it happens a lot where people store items on their neighbor's lot. Quinn Bennion acknowledged that this issue will not be resolved during this meeting and suggested a percentage of the property be considered for storage. Councilmember Ted Munford agreed that regulations from other communities should be explored. Mayor Doug Hammond closed the public hearing. *Councilmember Travis Allan moved to approve Ordinance No. 2021-08 with the directive to discuss this issue more in the near future. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Allan .....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Clark.....aye.*

**REQUEST RENEWAL OF INDIGENT DEFENSE CONTRACT:** Allen Parker reminded the Council this contract was discussed at the last meeting and the law firm is asking to renew the contract for indigent defense services at a much higher rate than last year. The contract was for \$3100 a month and the request is for \$4500. He noted that he spoke with Lance Dean who is over indigent defense services for the County and he was able to provide comparisons from Carbon County who showed 800 cases and Nephi City who showed 300 cases. Vernal City currently has around 600 cases. He noted that Carbon County currently pays \$36,000 a year for indigent defense services and Nephi pays \$18,000 a year. However, it is hard to compare with the interference of COVID. Allen Parker recommended the contract be approved for \$4000 a month. Quinn Bennion acknowledged that the City prosecutor felt somewhere in that range would be appropriate. There was some question regarding the number of cases versus the number given by the prosecuting attorney. After further discussion, *Councilmember Ted Munford moved to approve the contract for indigent defense services at \$3750 per month. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Allan .....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Clark.....aye.*

**REQUEST APPROVAL OF \$30 FOR FIRE INSPECTIONS FEES – RESOLUTION NO. 2021-12:** Allen Parker explained that the Uintah Fire Suppression Special Service District has been providing fire inspection services in the past and now no longer has a fire inspector due to budget cuts. The staff looked at having 3<sup>rd</sup> party do the inspections, however that was not feasible so the City went back to the Fire District to see what the cost would be if they continue to provide this service. The District presented a fee schedule of \$30 per year for businesses as of July 1<sup>st</sup>. They understand that \$30 is not representative of the time necessary for all types of businesses so this is an average. Councilmember Ted Munford stated he is not comfortable with charging every business when not all businesses need the inspection every year and certain businesses, such as a restaurant may take more time over an office. He suggested the cost be passed onto the businesses once the inspection is completed. Councilmember Bert Clark asked if the County would also be paying for this service. Allen Parker stated this is their standard fee. Councilmember Travis Allan concluded that some businesses would end up paying for the fire inspection at larger businesses like Walmart. Quinn Bennion stated another option is to raise the business license fee on a scale based on size of the business or type of business. The fee could start at \$5 and go up from there. Allen Parker stated he would look at what revenue needs to be collected and present a fee scale. *Councilmember Ted Munford moved to table this item until the next meeting. Councilmember Travis Allan seconded the motion. The motion passed with Councilmembers Munford, Allan, Everett, Porter and Clark voting in favor.*

**REQUEST TO AMEND WATER CONNECTION FEES – RESOLUTION NO. 2021-11:** Mike Davis, finance director, explained that the City has been buying new meters and selling them for different size connections and it was noticed that the cost being charged did not come close to the amount being paid. The fee does not include the installation cost either. He presented Resolution No. 2021-11 that reflects the current cost to the City for the radio read meters. There was some discussion regarding the installation of the larger meters which are set by the contractors. Councilmember Travis Allan agreed the fee needs to be the cost to the City.

Councilmember Dave Everett asked what the standard size for a home is. Mike Davis stated most residential lines are ¾”. Keith Despain stated light commercial is 1” and heavier water users are higher. He stated the cost does escalate quickly with larger meters as they are more sophisticated to handle the volume and the the correct readings. *Councilmember Bert Clark moved to approve Resolution No. 2021-11 and change the water fee connections to \$375, \$450, \$1550 and \$1750 as presented. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Allan .....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Clark.....aye.*

**CONSIDER APPROVAL OF COST-OF-LIVING ADJUSTMENT FOR CITY STAFF STARTING AUGUST, 2021 and REQUEST FOR APPROVAL OF AMENDED SALARY SCHEDULE FOR FY2022 – RESOLUTION NO. 2021–10:** Quinn Bennion reminded the Council that they discussed a cost-of-living increase for the employees during the budget work sessions and when the budget was finalized, there was a slight increase for a proposed COLA increase. He suggested the employees be given a 2% increase. He noted that the salary ranges have not been adjusted for approximately eight years and those ranges should be increased too. Councilmember Bert Clark stated all the employees except police officers should receive the increase. He reminded the Council the police received a raise in March. Councilmember Ted Munford stated that the Administrative Committee met and went over these numbers and is in agreement with the increase. Quinn Bennion explained that there is a complication with the salary ranges which require the Council to hold a public hearing. He recommended the Council approve the cost-of-living increase and hold a public hearing to change the salary ranges. He noted that those employees that have hit the cap will get a one time lump sum payment. *Councilmember Travis Allan moved to table this item until the 2<sup>nd</sup> meeting in August when the public hearing can be held. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember Allan .....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Clark.....aye.*

**STAFFING UPDATE:** Quinn Bennion recommended two changes to the salary schedule with the title and function of the City Recorder position. He noted that by title the City Recorder is also the City Manager even though that work is actually done by Roxanne Behunin who is the deputy recorder. Also, the position that reports to Roxanne will be changed to a records clerk and changed to full-time. The current employee transferred to court so that position is now vacant. Councilmember Ted Munford stated that position needs to be comparable to cities of the same size and agreed this change is needed. The consensus of the Council was to make the changes as presented.

**ADMINISTRATIVE REPORTS:**

Roadway:

Councilmember Bert Clark mentioned there is a pile of asphalt left on the road on 500 West and 100 North. Keith Despain stated that UDOT will be resurfacing that road soon and will clean up any spills. Quinn Bennion stated that Highway 40 will also be resurfaced.

Google Maps:

Councilmember Bert Clark explained that when you use Google Maps to travel through Vernal it diverts the traffic off Main Street to 2500 South bypassing the City. He asked the staff to look into how that can be changed so tourists will travel through town. He stated that other cities have notified Google that certain streets are not through streets and that has helped. Quinn Bennion stated he is very interested in what other cities have done and this item has been assigned to the management intern to come up with ideas.

Active & Healthy Committee:

Mayor Doug Hammond explained he has noticed the 3D bike rack that was installed in Cobblestone Park and the artist is to be commended. The Active and Healthy Committee initiated a program for artists to be creative with bike rack designs and that program has been very successful

Phenomocon:

Quinn Bennion stated that registration has begun for the Phenomocon event scheduled for September and is receiving good response so far.

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