

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST 18, 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 Ted Munford.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Travis Allan.

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF AUGUST 4, 2021: *Councilmember Nick Porter moved to approve the minutes of August 4, 2021. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Everett, Munford, Allan, Porter and Clark voting in favor.*

DISCUSSION ON STATE ARPA FUNDS AND GRANT MATCH: Quinn Bennion explained there are two parts to these funds. First is the airport ARPA funds and second a grant that focuses on water, sewer or broad band. The application for the grant is due September 15th and requires a 50% match. Ken Campbell, Airport Manager, stated that the ARPA funds is good news for the airport as it is in addition to the other funds that have been approved. Quinn Bennion stated the State is receiving a significant amount of funds and are setting aside \$50,000,000 for cities. He proposed that the City apply for funds to replace water lines that desperately need attention due to lead fittings or asbestos. The City will be competing with other cities, however, the State is focusing on rural communities. Councilmember Nick Porter stated he thought that was reasonable. Keith Despain, Public Works director, stated the City's infrastructure is in need and some of the lines are high priority. Councilmember Ted Munford asked how much the City will request. Quinn Bennion stated it will be in the millions. The consensus of the Council was to apply for the funds.

CONSIDER APPROVAL OF LEASE AGREEMENT WITH WHITE HOUSE ACADEMY: Quinn Bennion explained this is an annual renewal for this lease and the amount is identical with last year and the Board Members of the school say they have a good, positive enrollment. Councilmember Ted Munford stated he was in favor as they are good tenants. He asked if there was any other interest. Quinn Bennion stated that the City could expand the Innovation Hub that has a waiting list for individual offices. If funds are available in the future, the City should consider expanding. Mayor Doug Hammond asked if the Academy requested a rate reduction. Quinn Bennion stated they did not. Councilmember Bert Clark asked how much the rent is. Quinn Bennion answered it is \$2500 a month plus a share of the utilities. *Councilmember Ted Munford moved to approve the lease agreement with White House Academy. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST 18, 2021

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark.....aye.

CONSIDER APPROVAL OF UPDATED INDIGENT DEFENSE SERVICES AGREEMENT:

Allen Parker reminded the Council that they considered this agreement in July. The initial request to renew this agreement was for \$4500 a month. The Council approved \$3750 a month. The attorney, Jordan Ostendorf provides the indigent defense services, and he does not feel he can provide those services for less than \$4000 a month. He noted that he also asked Mr. Ostendorf about the case load numbers and he does count when there are multiple hearings for the same individual. Councilmember Dave Everett stated that he did anticipate he would counter with a higher amount. The consensus of the Council was the City needed his services. *Councilmember Dave Everett moved to approve the indigent defense services agreement for \$4000. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark.....aye.

REQUEST FOR APPROVAL OF AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE SECTION 9.44.005 – PARKING REGULATIONS (2ND READING) – ORDINANCE NO. 2021-14:

Allen Parker reminded the Council of this Ordinance dealing with travel trailers and oversize trailers being parked on public roads for an extended period of time. During the previous discussion, the Council directed the staff to change the ordinance to address all trailers and adjust the period of time that a trailer can remain in one location from 72 hours to 48 hours. The amended version of this ordinance has a new definition of a trailer to fit the directive, and the definition of a vehicle, was amended to take out trailers and add motorhomes. Then the parking regulations were changed to include trailers instead of oversize trailers and camp trailers. Councilmember Ted Munford asked why the time frame was changed. Allen Parker stated the Council felt 48 hours was sufficient. Quinn Bennion stated that the point was made that 72 hours gives residents over the weekend when there is no code enforcement on duty anyway. Councilmember Ted Munford stated he would rather leave the time frame at 72 hours as this Ordinance is to take care of abusers. Councilmember Travis Allan agreed that this is for the chronic abusers who create a public safety issue rather than a nuisance. He noted that the bigger issue will be the enforcement. Allen Parker stated that the level of enforcement will depend on staff resources. After further discussion, *Councilmember Travis Allan moved to approve Ordinance No. 2021-14 with the time frame changed to 72 hours. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST 18, 2021

Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark.....aye.

PUBLIC HEARING: REZONE REQUEST FROM DENNIS & CAROL JUDD TO REZONE PROPERTY LOCATED AT 313 SOUTH VERNAL AVENUE FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL) – ORDINANCE NO. 2021-13: Allen Parker explained that the City received a request from Carroll Judd to rezone a small parcel of property from R-3 residential zone to a C-2 commercial zone. Mr. Parker displayed a map showing the .42 acre parcel with a home on it. The property adjoins a vacant lot, and too lots up is another lot that is also zoned C-2 commercial. This area of the City in the general plan is listed as mixed use, which includes high density and commercial. Rezoning this parcel would not be considered spot zoning so the Council can control how development goes forward in this area. This proposal was presented to the Planning Commission and there were several neighbors there who had concerns about the direction this change will take the neighborhood. There were also concerns about parking. The Planning Commission forwarded a positive recommendation for this request. Councilmember Ted Munford stated when he sees a rezone request, he always has the same question – why. He also thanked those in attendance for showing up and giving input. Carol Judd, applicant, explained that she has owned this home for quite a while and thinks it would provide a unique setting for a small retail store. The area fits this kind of store. Councilmember Ted Munford stated the R-4 zone does allow certain kinds of businesses. Carol Judd stated this would be retail. Allen Parker indicated retail is not allowed in a residential zone. Councilmember Ted Munford asked about parking. Carol Judd stated they could work that out. Allen Parker stated that the parking code was impacting development downtown so the code was changed that as long as a new tenant does not expand the footprint of the structure no new parking would be required. Councilmember Dave Everett asked what type of retail would be opened. Carol Judd stated it would be a used bookstore, mostly, to help the book foundation. The other uses cannot be disclosed yet. Mayor Doug Hammond opened the public hearing.

Barbara Risbon, resident at 305 South Vernal Avenue, explained that her home is across the street from this property and was under the impression that a small retail business could be on that property without being rezoned. Allen Parker answered that it has to be commercial for that type of use. Barbara Risbon stated they are asking for some transparency as she is concerned of what type of business will be opened and the impact to a residential area. The old bus yard is already commercial and that is also concerning. She noted that the rumor is that Mr. Judd is interested in that property as well for more small retail shops. Parking is also a concern and with the change in the speed limit, the traffic is going very fast. Councilmember Ted Munford stated it is a challenging issue as the property owner understandably wants to be quiet about the plans for the home because of competition. Barbara Risbon stated it will have an impact on the neighborhood and with the revitalization of downtown there has been talk of angled parking which is worrisome for the children in walking to the recreation center. Quinn Bennion clarified that the angled parking will only be from Main Street to 100 South. The rest of that street will have bike lanes. Barbara Risbon asked if the current owners sell this property, are the new owners allowed to come in and put whatever they want in there like a smoke or tattoo

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST 18, 2021

shop. Allen Parker stated they can within the constraints of the size of the lot. Carol Judd clarified that Mr. Judd does not want to buy the neighboring property nor put stores on it.

Lyle Southam, owner of property on 100 East, stated that his concern is there is already a lot of traffic at night and there is more crime. What the current owner wants to do there is nice, but more commercial puts the foot in the door for other things to happen that are not conducive to the neighborhood. Councilmember Ted Munford stated that it is hard not to allow property owners to do what they want with their property. When you look at the map for this area, this is a small change. Lyle Southam stated it still puts the foot in the door that could be something good and special or it could not. He stated they just want to know what is going on.

Curt Bingham, neighbor, stated the other lot has been cleared off as if something is going to happen. The matter before the Council now may not affect him except 30% of the street will be commercial. He asked how much of the area can be commercial and remain mixed use. Allen Parker answered that there is not a ratio, rather it is governed by processes like this. Curt Bingham asked if it all went commercial is it still mixed use. Councilmember Ted Munford answered yes. Curt Bingham noted that there is some renovation going on now for housing and his concern is the trend is for just a little bit more commercial, then a little bit more until there is a big change. Councilmember Ted Munford stated he had a valid point and it will change from what is already there.

Summer Clark, resident at 478 South Vernal Avenue, stated that she is concerned that this road is very busy. The majority of the foot traffic is kids walking to school or the recreation center. There is crime in the neighborhood with things are disappearing out of yards and her security cameras are always going off. She stated she understands this is a prime location for a business, and the parking will impact the area making it harder to back out of the driveway. She suggested the speed limit be changed back to 25.

Craig Herbert, resident at 247 So Vernal Avenue, stated he owns a historical house and asked what will happen with the value. Councilmember Ted Munford asked if he was running a business out of his house. Mr. Herbert stated that he was. Councilmember Ted Munford stated it is difficult to forecast values, however, commercial zones are usually higher valued.

Barbara Risbon apologized for her comment about a tattoo shop and smoke shop and noted that some of the homes are being renovated. She thanked the Council for their time.

Carol Judd stated that the current plan will have a lot of grandma's and family type items. In the future it could be something else. The property next door is being cleared by the seller.

Councilmember Bert Clark asked what the square footage was for this property. Allen Parker stated it is $\frac{1}{4}$ of an acre with a house and detached garage. Councilmember Dave Everett stated one disadvantage the Council has when making a decision, is they do not getting any feedback afterward. However, it is hard to tell someone what they can or cannot do with their property. He hoped this change will allow the neighborhood and community to hold its charm and character. Councilmember Bert Clark commented that if there is more traffic, maybe the speed should be reduced back. Councilmember Ted Munford stated he would bring it up to the Public

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST 18, 2021

Safety Committee. Councilmember Bert Clark stated there are events in this area that may be impacting this neighborhood. Barbara Risbon stated it is not that bad and the traffic clears out quickly when there are events at the Western Park. She stated they want to feel like they have a voice.

Lyle Southam noted that during the rodeo a vehicle took out a fire hydrant and the City just removed it. He stated he would like to have the fire hydrant back.

Allen Parker stated that the City is trying to invest in neighborhoods, and this area did qualify for a grant for sidewalk installation on 100 East. There being no further public comments, Mayor Doug Hammond closed the public hearing.

Councilmember Ted Munford stated that he is a proponent to allow residents to use their property the way they want to, within reason, and in this case, because it is already surrounded by commercial, it should not be a problem. The greater impact will be from the vacant property next door. Councilmember Dave Everett stated that he respects and understands the concerns and wants this area to retain the nostalgia and charm that Vernal is known for. If the intent is to provide a bookstore, that use goes hand and hand with that charm. *Councilmember Dave Everett moved to approve the rezone of property at 313 South Vernal Avenue from R-3 to C-2 - Ordinance No. 2021-13. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark.....aye.

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY SALARY SCHEDULE RESOLUTION NO. 2021-10: Quinn Bennion explained that he is presenting a salary schedule adjustment with the mid point being adjusted 1.5%. Councilmember Ted Munford asked if this is across the board. Quinn Bennion stated there are a few changes. He explained that the judge’s salary is set by the State and the other changes deal with the City Records office. The assistant clerk is being recommended to be designated as a deputy records clerk and the deputy recorder changed to the city recorder. Mayor Doug Hammond opened the public hearing. Councilmember Ted Munford stated that the Administrative Committee met and discussed these changes and it is important to adjust the salary schedule. Quinn Bennion stated that it has not been done for going on eight years. Councilmember Nick Porter stated this is reasonable and wished it could be slightly more. There being no further public comments, Mayor Doug Hammond closed the public hearing. *Councilmember Nick Porter moved to approve Resolution No. 2021-10 as presented. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST 18, 2021

Councilmember Porteraye;
Councilmember Clark..... aye.

REQUEST FOR APPROVAL OF SAFE ROUTES TO SCHOOL NOTICE OF AWARD, CONTRACT AND NOTICE TO PROCEED WITH BURDICK CONSTRUCTION FOR 500 WEST STREET PROJECT: Keith Despain explained that this is the same project along 500 West on the North entrance to Discovery Elementary on the east side of the road. The contractor is able to complete the work at a cost just shy of \$200,000 with the City providing the traffic control. After further discussion, *Councilmember Ted Munford moved to approve notice of award, the contract and the notice to proceed for Burdick to complete the safe routes to schools project. Council Nick Porter seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark..... aye.

CONSIDER APPROVAL OF COST-OF-LIVING ADJUSTMENT FOR CITY STAFF STARTING AUGUST, 2021: Quinn Bennion reminded the Council that they discussed this item a few weeks ago and the recommendation is to give a 2% cost-of-living adjustment to the staff. Councilmember Ted Munford stated the Administrative Committee met and thought this would be a good time to do this change. Quinn Bennion stated that there has been one development since that discussion. The Sheriff’s Department is seriously looking at a 5% increase for all sworn personnel to remain competitive. Initially the police officers were going to be excluded from this increase because they recently received a market adjustment and no other employees did. Quinn recommended the 2% be applied to all employees. Councilmember Travis Allan voiced his frustration with receiving back lash from the County Commission for the market adjustment and now they are back on this leap frog approach to remain competitive. Councilmember Bert Clark asked when that adjustment will happen. Quinn Bennion stated it has not been finalized yet. After further discussion, *Councilmember Bert Clark moved to approve a 2% cost-of-living adjustment for all the employees including law enforcement. Councilmember Travis Allan seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark..... aye.

DISCUSSION ON DOWNTOWN PICKLE BALL COURTS DESIGN, BUDGET AND BID: Quinn Bennion explained that there has been a lot of discussion about adding pickle ball courts in the Basin as the closest ones are in Midway. This sport has a broad appeal and captures all skill levels. In looking at possible locations, it was decided the best place was close

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST 18, 2021

to downtown. The County is willing to allow the vacant lot at 100 South and 200 East to be used for this purpose and another possibility is to put it by the recreation center. Councilmember Nick Porter stated the Recreation District is updating the master plan and there is resistance to adding pickle ball courts. Quinn Bennion stated that this project was not included in the City’s budget. The estimated cost is \$80,000 to \$100,000. There is one donation of \$25,000, the County is willing to pay \$10,000. The Healthy and Active Committee will be approached to see if they will commit any funding. After further discussion, the consensus of the Council was to move forward with the bidding process and approach other organizations for funding.

STAFF REPORTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Open Meetings Training.

Councilmember Bert Clark asked the staff to schedule the Open Meetings Training.

Balloon Festival:

Quinn Bennion reported that there are 33 balloons and pilots signed up to come to Vernal for the Dino Saur Days festival. There will be ten balloons each night along Main Street for the balloon glow.

ULCT conference:

Quinn Bennion reminded the Council of the upcoming conference in Salt Lake City. All of the Council voiced their plans to attend.

UDOT meeting:

Quinn Bennion explained that the UDOT Commission met here in Vernal and toured downtown. They also had a bus tour up to Simplot to discuss the realignment of Highway 191.

Finance Director:

Mike Davis thanked the Council for everything they have done and reported that Naples City offered him a position as their new City Manager. He stated this will be a new adventure for his family. The Council acknowledged this will leave a huge hole and wished him the best in his new job.

CLOSED SESSION: *Councilmember Bert Clark moved to discuss the character, professional competence, or physical or mental health of an individual and reconvene into open session once that discussion is concluded. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Allanaye;
Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Clark.....aye.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST 18,
2021

RECONVENE AND ADJOURN: The Council reconvened into open session. There being no further business; *Councilmember Bert Clark moved to adjourn. Councilmember Travis Allan 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)