

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 15, 2021 at 7:00 p.m. in the Vernal City Council Chambers, 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: An uplifting thought was given by Councilmember Nick Porter.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Dave Everett.

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF SEPTEMBER 1, 2021: *Councilmember Nick Porter moved to approve the minutes of September 1, 2021 as written. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Everett, Munford, Allan, Porter and Clark voting in favor.*

UPDATE ON STATE ARPA GRANT APPLICATIONS: Keith Despain joined the meeting via telephone and explained that the City has applied for two grants asking for ARPA funds that are being distributed by the State for infrastructure needs. The first application is to remove and replace old asbestos pipes from the City’s main water system and some lead service connections. The grant request is for slightly more than \$1 million dollars and requires matching funds from the City. The second application is a joint application with Ashley Valley Water to install a SCADA system and power at the springs so the water can be monitored. The cost of that project is estimated at \$600,000 dollars. The grant application is for \$300,000 grant and then each entity would match with \$150,000 dollars. Councilmember Bert Clark asked if the lead pipe replacement would only be for the main system. Keith Despain answered that from the data that is available, the businesses have PVC pipe and the work would only be for City infrastructure. Most of the old cast iron lines are along 200 South to 500 South and from Vernal Avenue to 500 East. Most of these lines are 50 to 70 years old. Councilmember Bert Clark suggested the residents be notified so they can decide what to do with their lines. Keith Despain indicated most likely the service lines are galvanized pipe with lead fittings, and they will be inform of what is going to happen.

REQUEST FOR APPROVAL OF CONTRACT EXTENSION WITH STEARNS CONSTRUCTION: Keith Despain explained this contract is for the repair of concrete within the City. The initial contract allows for an extension for two years if both parties agree. Mayor Doug Hammond clarified there is no change to the pricing schedule. Keith Despain answered the cost will remain the same based on footage. *Councilmember Nick Porter moved to approve the contract extension with Stearns Construction. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

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

UTILITY LINE WARRANTY PROGRAM UPDATE: Allen Parker updated the Council on the warranty program. The company will start implementation between October 15th and October 30th. The marketing information will be available at the next meeting for City approval.

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE: SECTION 16.04.185 – DWELLING – DEFINITION, ORDINANCE NO. 2021-16: Allen Parker explained that this Ordinance is a more refined version from the Planning Commission who forwarded a positive recommendation. The idea behind this change is to add language to define a dwelling in more detail which will help with mixed use buildings in the community. The definition will also designate the portion used as a dwelling space has to be habitable to prevent large buildings with small living spaces in residential zones. Mayor Doug Hammond opened the public hearing. Councilmember Travis Allan asked why he is suggesting this measurement. Allen Parker answered to clearly show that the principle structure is actually a dwelling. In some instances developers are skirting the code by installing a large storage building with a small apartment. Councilmember Bert Clark suggested regulations for landscaping and a certain façade to meet the neighborhood. Allen Parker stated he would review the changes to the State code to see what could be done. Councilmember Travis Allan clarified this change only applies to residential zones. Allen Parker agreed and indicated a shop is allowed in an agricultural zone without a dwelling. There being no further public comments, the public hearing was closed. *Councilmember Travis Allan moved to approve Ordinance No. 2021-16 as amended by the Planning Commission. Councilmember 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.

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE ADDING SECTION 16.20.308 – DWELLING, INTERNAL ADDITIONAL, AND AMENDING SECTIONS 16.34.020 – A-1 AGRICULTURAL ZONE PERMITTED USES, 16.36.035 – R-1 ZONE PERMITTED USES, 16.38.035 – RA-1 ZONE PERMITTED USES, 16.40.035 – R-2 ZONE PERMITTED USES, 16.42.035 – R-3 ZONE PERMITTED USES, 16.44.035 – R-4 ZONE PERMITTED USES AND 16.46.020 – MH MANUFACTURED HOME ZONE PERMITTED USES - ORDINANCE NO. 2021-18: Allen Parker explained the State Legislature imposed new requirements on cities throughout the State to allow additional dwelling units in all residential zones, similar to a mother-in-law apartment. A homeowner can convert the garage, add an apartment in the basement or split the

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home into more units. This Ordinance received a positive recommendation from the Planning Commission based on a split vote. Mr. Parker went through the sections of the Ordinance with the Council. He noted that if there is an additional internal living space, this ordinance requires additional parking. He asked the Council if they wanted to allow that parking to be just gravel. Also, the minimum lot space is 6000 square feet, and current fire egress requirements must be met. Councilmember Ted Munford asked if a basement is converted, how with that be regulated. Allen Parker stated through the building permit process. The intent of the Legislature is to allow separate leasable spaces. Councilmember Ted Munford acknowledged it is hard to find an apartment and this is a responsible way to help with that issue. Councilmember Bert Clark asked if they have to install a separate entrance. Allen Parker answered yes. Quinn Bennion remarked that there is a lot of discussion regarding affordable housing and the Legislature will look at more of this type of regulations taking away zoning restrictions. He suggested the Council consider requiring paved parking. Councilmember Dave Everett stated that gravel will not remain weed free. Councilmember Bert Clark asked what the split vote was over with the Planning Commission. Councilmember Nick Porter stated they do not want this to happen in their neighborhoods. Allen Parker stated the two that were opposed want to impose as many restrictions as possible to make it more difficult. Quinn Bennion noted this will happen based on housing pressure. Allen Parker stated this actually turns R-1 zones into de-facto R-2 zones with homes becoming duplexes. Councilmember Nick Porter stated if there is space to add an apartment to a home, they will already have gravel or some type of parking. Councilmember Ted Munford noted that there are people having a hard time finding a place to live so the City needs more living space. He wondered if this ordinance would encourage more development. Mayor Doug Hammond opened the public hearing.

Jennie Thompson, Vernal resident, stated she lives in a rental in the City. She asked for clarification on gravel driveways. Allen Parker responded that a parking space is different from the driveway and the parking can be met with a garage. Jennie Thompson gave her opinion that gravel is an improvement over some things and it can be weeded or trimmed. Allen Parker indicated that this requirement would only be for new development. Councilmember Ted Munford stated this allowance is already in State law so the Council is only discussing the regulations. There being no further public comments, Mayor Doug Hammond closed the public hearing. *Councilmember Ted Munford moved to approve Ordinance No. 2021-18 as presented. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

**PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE
CHAPTER 16.18 – FLOOD DAMAGE PREVENTION, AND SECTION 16.06.060 –**

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**PROVISION FOR STORM DRAINAGE – RETENTION ON OWN PROPERTY -
ORDINANCE NO. 2021-19:**

Allen Parker explained that there are a lot of categories of construction that require the storm water to be retained on site which creates an impervious space. The requirement used to be based on a 100 year storm. Now the requirement is based on what is called a 1% event. Engineers interpret and implement these requirements differently so they need to be simplified. This Ordinance removes this regulation from the administrative component section and places it in a more logical section of the code with flood management that addresses how the City regulates flood plains. Many of the provisions are similar to what is already in the code. Section D adds how to calculate volumes and allows two different options to retain storm water. For properties under one acre there is a simple method to retain on site. For large developments, the water retention can be broken up into small mini retentions or they can use a soil conservation method which is more complex. Councilmember Ted Munford asked if this requirement applies to residential. Allen Parker answered only if the development has over 40 units. This code still requires the storm drainage to be maintained as well. Mayor Doug Hammond opened the public hearing.

Quinn Bennion indicated this updated code was provided by the engineering firm CRS, and Keith Despain was involved. He suggested the Council consider waiting until Keith could attend the meeting if they have any questions before approval. Councilmember Ted Munford stated he appreciates Keith being involved. There being no public comments, Mayor Doug Hammond closed the public hearing. *Councilmember Ted Munford moved to approve Ordinance No. approve 2021-19. Councilmember 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.

REQUEST FOR APPROVAL OF LEASE AGREEMENT WITH UBOAG FOR OFFICE

SPACE: Quinn Bennion reminded the Council of the discussion to lease the court offices in City Hall to Uintah Basin Associations of Governments. That organization currently has three locations in Vernal and they would like to consolidate into one. UBAG provides heat assistance, homeless services, bussing and housing services such as weatherization. The use of the court offices will allow them to have a bigger presence in Vernal. The base lease is the same as the White House Academy. The City Attorney has reviewed this lease agreement. Councilmember Bert Clark asked who covers the insurance and liability. Allen Parker answered that they are insured by Utah Local Governments Trust and the City will be named as an additional insured on their liability policy. He noted that the lease does specify the minimum requirements. Quinn Bennion acknowledged that the City covers the building. Allen Parker explained that the attorney added a building security section to the lease to cover people who are not employees and will have access to certain secure areas of the building. The cost of the lease

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is \$1.00 per foot and was based on comps for other full service leases taking into account who could occupy this space. The City will provide snow plowing, cleaning, internet, power and water. The lease amount is \$2200 a month. Councilmember Ted Munford asked what happens if the court needs to move back. Allen Parker stated the lease has a provision for that. Councilmember Nick Porter stated he is confused with the 60 day clause and a 90 day clause. Allen Parker explained there are two ways to break this lease based on the needs of the City and still allow UBAG time to find a new space. Councilmember Travis Allan confirmed that this lease was negotiated at 50% of fair market value. Allen Parker answered yes, based on wanting to have additional governmental services being provided and the budget constraints of UBAG. Councilmember Ted Munford agreed it is hard to find tenants that can occupy that space and would be a good fit. He asked if they plan on parking the BTA buses here. Quinn Bennion answered no, although the drivers will drop off and pick up equipment. *Councilmember Dave Everett moved to approve the lease agreement with UBAG. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

ADMINISTRATIVE REPORTS:

New Special Service District:

Councilmember Bert Clark asked what is happening with the new Special Service District. Quinn Bennion stated it is not clear what the County Commission is doing yet. He will keep the Council updated as information becomes available.

Code Violations:

Councilmember Bert Clark asked for a report on weed and trailer violations. Allen Parker reported that the code violation employee is out this week. She will work on getting bids to clean up properties where the owners are not complying.

Joint City – County Meeting.

Quinn Bennion reminded the Council of the next joint City / County meeting scheduled for September 27th at 4:30 pm at City Hall.

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.*