

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
OCTOBER 19, 2022 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

PRESENT: Councilmembers Nicholas Porter, Dave Everett, Robin O’Driscoll, Ted Munford, and Corey Foley 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 Robin O’Driscoll.

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF OCTOBER 5, 2022: *Councilmember Ted Munford moved to approve the minutes of October 5, 2022. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Everett, O’Driscoll, Munford, Foley and Porter voting in favor.*

PRESENTATION ABOUT VETERANS DAY EVENT - GUY COLLETT: Guy Collett informed the Council that the last few years the large American flag has flown on Main Street. It has become tattered and soiled and needs to be retired. There are also 200 flags collected by the American Legion, Boy Scouts and Elks that need a proper send off. He noted that Jake Phillips has been willing to incinerate them, however, no story is being told. This year on Veterans Day the City crews will set up the fire pits and provide fire wood, Panhandle Oilfield Service will bring a crane and a ceremony will be held to retire the flags. The Utah National Guard will host a ceremony at 11 am with 100 chairs surrounded by tables and flag coffins in totes. There will be a procession to Main Street and the County building. Then at noon the National Anthem will be sung and the large flag will be lowered. Then the flags will be retired with different agencies hosting the ceremony every hour. The Council thanked Mr. Collett for the report.

PUBLIC HEARING: COMMENTS REGARDING COMMUNITY IMPACT BOARD APPLICATION FOR WATER LINE REPLACEMENT PROJECT PHASE 1: Keith Despain, Vernal City Public Works Director, explained that the City is in need of improvements to the water system. This funding request is the next step to obtain funds for those needed improvements including replacing water pipes. Mr. Despain displayed a map showing the different areas within the City categorized as Area 1 where the pipes are very old possibly installed in the 1950’s. Area 2 on the map includes the water line along 200 South Street that has had many repairs over the years and is cast iron. This line is failing and needs to be replaced. Area 2 also included areas with lead service lines and asbestos and lead pipe that needs to be replaced with more modern material. There are also lines that are only 4” lines that need upgraded to 8” lines for fire protection. He noted that all of the pipes being replaced are 6” or 4” lines. The application to the Community Impact Board will request a \$1 million dollar loan with payments over 30 years and a \$4 million dollar grant. The Board may offer a different funding package and that will not be known until the January meeting. Councilmember Corey Foley asked if the Uintah Basin had any representation on the CIB Board. Quinn Bennion answered that Commissioner Lytle from Dagget County is the representative from this area. Mayor Doug Hammond opened the public hearing. Councilmember Nick Porter commented that these lines really need to be replaced. Councilmember Ted Munford asked what the time frame is for this project. Keith Despain stated that the Community Impact Board will hold a funding meeting in

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February. If this project is funded, the design and engineering will be completed in 2023 with construction in 2024. There being no further public comments, Mayor Doug Hammond closed the public hearing.

PUBLIC HEARING: CONSIDER AMENDMENTS TO THE VERNAL CITY MUNICIPAL CODE, SECTION 16.20.170 BUILDING, AGRICULTURAL; SECTION 16.34.020 PERMITTED USES (A-1); SECTION 16.38.035 USES (RA-1) – ORDINANCE NO. 2022-17:

Allen Parker explained that this request to amend the code addresses agriculture structures in the agricultural and residential-agricultural zones. These type of structures are currently permitted in a disjointed way that is difficult to interpret and enforce. This ordinance clarifies the regulations and updates the definition of an agricultural building. The regulations will be placed into Section 16.20.170 that is the section that outlines specific uses. The permitted use tables are updated by removing any regulatory items out of that section and listing them in the right section. In the RA-1 (residential / agricultural) zone, only barns are listed, not other types of agriculture buildings. Agriculture buildings are being added in place of those types of buildings to follow the definition that does not allow human habitation. If the building houses livestock, the setbacks are different. Mayor Doug Hammond opened the public hearing. Councilmember Ted Munford noted that this ordinance looks straight forward. Allen Parker stated the Planning Commission reviewed these changes and is forwarding a positive recommendation. There were no further public comments, Mayor Hammond closed the public hearing. *Councilmember Ted Munford moved to approve Ordinance No. 2022-17 as presented. Councilmember Corey Foley seconded the motion. The motion passed with the following roll call vote:*

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

PUBLIC HEARING: CONSIDER AMENDMENTS TO THE VERNAL CITY MUNICIPAL CODE, SECTION 16.20.170 BUILDING, AGRICULTURAL; SECTION 16.34.020 PERMITTED USES (A-1); SECTION 16.38.035 USES (RA-1) – ORDINANCE NO. SECTION 16.08.085 ECONOMIC OPPORTUNITY ADVISORY BOARD ORDINANCE NO. 2022-18:

Allen Parker explained that there is a grant program administered by the Utah Governor’s office that was only available to counties until recently. Now municipalities qualify if they have an entity that is called an Economic Opportunity Advisory Board. The standard is to have the Planning Commission serve as the Advisory Board and Ordinance No. 2022-18 would change the code to appoint the Planning Commission. The duties include reviewing anything relevant to the grant and make recommendations to the Council. Mayor Doug Hammond opened the public hearing. Carl Morton asked how the grant is awarded. Allen Parker stated there is an application process with no guarantee of funding. There being no further public comments, Mayor Hammond closed the public hearing. *Councilmember Robin O’Driscoll moved to approve Ordinance No. 2022-18 as presented. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember O’Driscoll.....aye;*

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Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

**PUBLIC HEARING: REQUEST APPROVAL OF MINOR SUBDIVISION
AMENDMENT FOR PROPERTY LOCATED 1055 WEST 500 SOUTH TERRY & DEE
DEE JOHNSON:**

Allen Parker presented a request to modify an existing subdivision at 1055 West 500 South to the Council. The initial lot split changed the property from one lot into two lots. Now the owners want to split lot 1 into 2 lots of 1 acre for each lot. That subdivision is named the Warriors Warehouse amendment. There is enough frontage for development of these lots. Timberline and the Planning Commission reviewed this request and the Planning Commission is forwarding a positive recommendation. Mayor Doug Hammond opened the public hearing. Councilmember Corey Foley verified that one lot has a building on it. Allen Parker agreed that lot 2 has a commercial building on it. Councilmember Ted Munford asked if the Planning Commission had any concerns. Allen Parker answered no they did not have any concerns. *Councilmember Ted Munford moved to approve the subdivision amendment for property located at 1055 West 500 South as presented. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

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

**CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH
KITZ WORKS - KEITH DESPAIN:**

Keith Despain explained that this agreement is for the study of the potential energy heating system in the downtown area. The concept is to pipe water around the City and use it to heat and cool larger buildings that would be retrofitted with heat pumps to heat and take heat out of the buildings in the summer. This agreement is for Kitz Works to work on the application from the Community Impact Board for the feasibility study and be the lead consultant to complete the scope of the project and provide a final report of the feasibility or non-feasibility of this type of localized heating. The cost is \$75,000 for these professional services. Quinn Bennion reported that as the City explores this concept, there has been a lot of interest by other entities including the University of Utah, EGI, a geothermal group and local entities. Some agencies are willing to contribute funds toward this study and have brought a team out for an energy audit. Councilmember Dave Everett stated there has been a lot of interest and could end up being an interesting pilot program. Keith Despain stated the Department of Energy has also provided funding for these types of projects if the feasibility study shows it is viable. *Councilmember Nick Porter moved to approve the agreement with Kitz Work. 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;
Councilmember Foley.....aye.

REVIEW OF DEMOLITION GRANT PROGRAM WITHIN THE DOWNTOWN CRA:
Allen Parker reminded the Council of the façade grant offered to downtown businesses to upgrade

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the outside of their buildings. This grant would be the second step of that program to allow property owners within the CRA to receive funding for demolition of a building to help with renovation and redevelopment of land that already has structures on them that may be hindering that process. The grant would be for 80% of the bid up to \$40,000 to demolish a structure. The applicant has to get 2 bids and the City would pay 80% of the lowest bid. The applications would be reviewed by the committee and payment would be made directly to the contractor after the demolition. Councilmember Ted Munford stated this is a great addition to the grant program. He asked if there was a way to tie it to redevelopment although having just dirt may be a better option. Councilmember Robin O’Driscoll stated the application says any / all that needs to be updated to say the City will only pay up to 80%. Allen Parker stated he will make that correction. Quinn Bennion stated it is not anticipated this will be used heavily. *Councilmember Nick Porter moved to approve the demolition grant program with the change of clarifying the 80%. 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;
Councilmember Foley.....aye.

CONSIDER APPROVAL OF AN AGREEMENT WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR A GRANT TO IMPROVE AIR QUALITY FOR THE DISCOVERY TRAIL PROJECT: Quinn Bennion explained that the need for this trail was identified in the Dino Trails Master Plan and the City’s transportation plan. The trail will start behind Discovery Elementary school and go south to 1500 South Street. The trail will provide a walking / bike path to get students to and from school from the southern neighborhoods. The hope is this will help address the drop off and pick up traffic congestion around Discovery School. Ryan Jones and his wife Shanna have agreed to allow an easement through their property for the trail with the stipulation there be a fence on both sides of the trail. The City was able to secure a UDOT grant for 60% of the funds and now working with Tri-County Health this grant from the Department of Environmental Quality has been awarded for this project in the amount of \$230,000. The grant was secured because of the potential of getting idling cars off the road. The project has been designed and will be bid over the winter with a spring construction. Sidewalk will be installed down to Quailbrook subdivision connecting to the new subdivision planned on the south side of 1500 South Street. Councilmember Ted Munford asked if there will be a crosswalk. Quinn Bennion answered that this street is in the County so the County would need to approve a crosswalk. Councilmember Nick Porter suggested a crossing sign be installed. Councilmember Corey Foley stated the School District should help with this project. Quinn Bennion stated their position in the past has been they will not help with anything off school grounds. Councilmember Ted Munford suggested the City invite the County to help with the sign. Councilmember Nick Porter asked who will be handling the maintenance. Quinn Bennion stated the City will responsible for trail maintenance. *Councilmember Ted Munford moved to approve this grant agreement with the Department of Environmental Quality. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember O’Driscoll.....aye;

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Councilmember Everettaye;
Councilmember Porteraye;
Councilmember Foley.....aye.

CONSIDER APPROVAL OF PROPOSAL TO PAINT T-REX: Quinn Bennion reminded the Council that the T-Rex dinosaur statue is being refurbished and will be painted after repairs. The paint project was bid out and the bid came in at a reasonable cost. However, Jones Pain and Glass is donating a superior, exterior paint that requires it to be brushed on which increased the bid. Only one bid was submitted and that artist is willing to do the project with this paint at a higher cost. Councilmember Corey Foley agreed there will be more longevity of the paint with brushing it on. Councilmember Robin O’Driscoll asked about the budget. Quinn Bennion stated the City received \$31,000 in donations and the renovation was \$28,000. Also, the City set aside \$10,000 for this project. The painting proposal is \$9600. *Councilmember Corey Foley moved to approve the bid from 91Design in the amount of \$9600 to paint T-Rex. 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;
Councilmember Foley.....aye.

ADMINISTRATIVE REPORTS

Decorating T-Rex:

Quinn Bennion stated the Council will need to discuss decorating T-Rex at a later meeting. Only a few costumes have been placed on T-Rex the last few years because of staffing levels although there have been a number of requests to bring back the costumes. He asked the Council to consider this issue. Councilmember Corey Foley suggested the City use survey monkey again to see what the community thinks. Keith Despain stated the public employees get excited about this topic in a variety of ways and some of the decorations are safer than others. Ideally, something needs to be permanently mounted to help with the different decorations. Quinn Bennion reported that there are businesses that want to sponsor the decorations.

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CONVENE INTO CLOSED SESSION: *Councilmember Dave Everett moved 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 reconvene into open session once the discussion is finished. 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;
Councilmember Foley.....aye.

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15 **RECONVENE INTO OPEN SESSION AND ADJOURN:** The Council reconvened into open
16 session. There being no further business; *Councilmember Nick Porter moved to adjourn.*
17 *Councilmember Dave Everett seconded the motion. The motion passed with a unanimous vote*
18 *and the meeting was declared adjourned.*

19 _____
20 Mayor Doug Hammond

21 ATTEST:
22 _____
23 Roxanne Behunin, City Recorder
24

(S E A L)