

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
MAY 4, 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 Corey Foley.

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

**APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF APRIL 20, 2022:**  
*Councilmember Corey Foley moved to approve the minutes of April 20, 2022. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Everett, O’Driscoll, Munford, Foley and Porter voting in favor.*

**PUBLIC HEARING: PUBLIC HEARING TO HEAR AND CONSIDER ANY COMMENTS TO THE PROPOSED DOWNTOWN PARKING SPECIAL ASSESSMENT AREA DESIGNATION, THE PROPOSED IMPROVEMENTS TO THE CREATION OF THE ASSESSMENT AREA:** Mayor Doug Hammond opened the public hearing. Quinn Bennion reminded the Council that the Special Assessment Area (SAA) is being considered for the downtown project to provide parking behind Zions Bank. This is a new concept for Vernal; however, it is a substantial project. The City and Zions Bank own all of the property being considered for this project and the City has agreed to do all of the capital outlay to rejuvenate the parking lot. The SAA will help provide funding for the continued maintenance of the public parking lot with the adjoining property owners paying a fair assessment fee. The staff has met with all the property owners in this block and discussed this possibility. The fee will be based on the square footage of the building regardless of the use. The formula being considered is every 600 feet equals one parking stall. If they provide their own, which is the case for Zions Bank, those stalls will be subtracted from the total amount required. The monthly SAA fee will be added to the water and sewer bill. The lowest estimated assessment is \$20 a month, and the highest is \$290 a month. This fee will not pay the total maintenance cost so it will be heavily subsidized by the City. The property owners have the opportunity to protest the SAA. Mr. Bennion displayed a rendition of the proposed parking lot renovation. Councilmember Dave Everett asked if the diagonal parking for large vehicles was still being considered. Quinn Bennion answered yes, there will be three of them. Councilmember Ted Munford stated that he owns a business with a parking lot and to pay approximately \$10 a month per space and not be responsible for snow removal or repairs would be great. He commented that his first thought was how to get his parking lot to be part of this. On the other side, it is frustrating to have another bill. Councilmember Dave Everett agreed this is a bargain. Dennis Judd, Vernal City attorney, explained that if the SAA is formed, the property owners affected can appear before the Board of Equalization to have provide an argument to have their assessment adjusted. Quinn Bennion

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stated the Board of Equalization is the City Council. The SAA does have a limit on any increase so the property owners do not have to worry that the cost will escalate. Dennis Judd commented that with this SAA the City is making an extraordinary effort to address a problem that has existed for a long time. Normally an SAA is used to pay the capital improvement cost not the maintenance. The process requires a 60 day protest period and at the end of that time frame the Council can adopt an ordinance to establish the SAA. The Board of Equalization can address if anyone feels unfair and give them the opportunity to make a case prior to the imposition of the fee.

Willis LeFevre, County resident, indicated his appreciation for this project. He commented that many times he parks in this parking lot and patronized a business that is across the street. He asked if other businesses are going to help pay the cost. Councilmember Ted Munford answered that this is phase 1 of the parking rehabilitation and the next block will be phase 2 and those business owners will participate when that parking lot is repaired. Quinn Bennion noted that this is public parking and not designated for a specific business. Willis LeFevre stated that he does not walk down to the stoplight and during special events people do not go to the crosswalks. Councilmember Ted Munford answered that the plan calls for a crosswalk in the middle of the block. Quinn Bennion stated that Vernal Avenue is scheduled to be rebuilt next year to accommodate parking and a walkway.

There being no further public comments, Mayor Doug Hammond closed the public hearing.

**CONSIDER APPROVAL OF A RESOLUTION SETTING PROTEST PERIOD AND DEADLINE; SETTING MEETING TO CONSIDER PROTESTS, CONSIDER ORDINANCE ESTABLISHING ASSESSMENT AREA AND ASSESSMENT LEVY; AND TO ESTABLISH BOARD OF EQUALIZATION – RESOLUTION NO. 2022- 11:** Quinn Bennion explained that this Resolution sets the time frame for protests to the SAA. *Councilmember Ted Munford moved to approve Resolution No. 2022-11. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote.*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**PUBLIC HEARING TO CONSIDER THE ISSUANCE OF SALES TAX REVENUE BONDS SETTING THE PARAMETERS FOR THE SALES TAX REVENUE BOND FOR FACADE GRANT PROGRAM AND OTHER ELIGIBLE CRA PROJECTS –RE-ADOPT RESOLUTION NO. 2022-05 - JAPHETH MCGEE:** Japheth McGee explained that funds for this project will allow businesses to improve the façade of their businesses. All major property taxing entities in the County have agreed to provide a portion of expected growth in property tax in the downtown area to the CRA which will be used to pay the debt service on this bond. The

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Council approved and set the maximum parameters of \$2.28 million dollars. The payment on the bond will go for 20 years. The bond will go through Capital One at a rate of 3.18% after receiving several proposals. Quinn Bennion commented that the bond is backed by sales tax revenue although the CRA will reimburse the City. Mayor Doug Hammond opened the public hearing.

Councilmember Ted Munford explained if someone in the area of the CRA owns a building they pay property taxes. As they make improvements utilizing the façade grant the value of their building increases and they owe more taxes. That increase of property tax is what is being used for the façade grant to the business owners for improvements. The problem is, entities like the School District, depend on that tax increase. Six entities were contacted and agreed to give up the increase for a period of time to do the upgrades. There being no further public comments, Mayor Doug Hammond closed the public hearing. *Councilmember Nick Porter moved to re-adopt Resolution No. 2022-05. Councilmember Corey Foley seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember O’Driscoll.....aye;*
- Councilmember Everett .....aye;*
- Councilmember Porter .....aye;*
- Councilmember Foley..... aye.*

**REQUEST APPROVAL OF PROCLAMATION FOR BUILDING SAFETY MONTH:**

Allen Parker presented a proclamation to set May as building safety month. He read a portion of the proclamation. *Councilmember Dave Everett moved to approve the proclamation and authorize the Mayor to sign it. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember O’Driscoll.....aye;*
- Councilmember Everett .....aye;*
- Councilmember Porter .....aye;*
- Councilmember Foley..... aye.*

**PRESENTATION OF TENTATIVE BUDGET FOR FY2023:** Carl Morton presented the tentative budget and explained that it has been made available, on-line, to the public. The final budget is scheduled to be adopted on June 15<sup>th</sup> with the public hearing on June 1<sup>st</sup>. As this is a tentative budget, changes are anticipated after it has been scrutinized over the next few weeks. He noted that there are some things to consider such as managing the airport for a year, the opening of the innovation hub, and positive sales tax revenue. The City is working on good projects that are exciting and hopefully an example for other cities. Councilmember Ted Munford stated this is one of the most exciting budgets he has gotten to work with.

**DISCUSSION ABOUT T-REX (GREEN DINOSAUR) AND COMMUNITY SURVEY**

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**RESULTS. CONSIDER APPROVAL OF A CROWDFUNDING EFFORT:** Quinn Bennion reported that the survey was prepared regarding the fate of the green T-Rex dinosaur and it was expected to get a few hundred responses. The community was very interested in the future of T-Rex and there were 2854 responses. Not everyone agreed what should happen. However, 57% said they love it, 16% want more dinosaurs and 24% said the amount of dinosaurs is just right. Only 3% indicated there should be less or no more dinosaurs. The survey indicated it would take \$30,000 to repair T-Rex and on a sliding scale the majority indicated money should be spent to repair it and 2200 respondents indicated they would pay an average of \$40 for those repairs. Overall, the community strongly support repairing T-Rex over replacing him. A question was asked regarding the costumes and if the City should cut back on those. 42% of the respondents strongly support the costumes and 31% support a few times a year. Only 13% indicated no support or lack of support. Also, the location of T-Rex was asked with 27% of respondents being neutral and 54% wanting to keep him where he is at. The non-profit, Charitable Friends of Ashley Valley, is willing to help with a Go-fund-me account for the dinosaur if the Council approves. Councilmember Ted Munford noted he is grateful to hear back from the community. The only concern is the safety of the visitors being so close to the highway. Councilmember Nick Porter stated there are many possibilities to make it safer. Councilmember Dave Everett mentioned that the next most popular location is the library park. If it is moved, there will be additional expense and possibly more security so the best solution is to keep it in the same location and refurbish it back to his old self. He asked when this can happen. Quinn Bennion answered in the fall. Corey Foley noted that there are several residents that want to volunteer to help and possibly a local painter could be used. The decorations are a concern because of the size. He suggested five or six holidays be selected with sponsors and some type of recognition.

Mr. Doug Barlow commented that when he was donated to the City they were told to do with it whatever they wanted. He stated he feels like they are putting a mustache on the Mona Lisa, stated she is happy to be involved and wants to see both dinosaurs preserved.

*Councilmember Corey Foley moved to approve setting up a Go-fund-me account and keep T-Rex at the current location. Councilmember Ted Munford asked him to add the possibly of turning him and re-landscaping around him for safety. Councilmember Corey Foley restated his motion to approve setting up a Go-fund-me account, keep T-Rex at the current location, turning him and re-landscaping around him for safety. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**REQUEST CHANGE TO VERNAL CITY MUNICIPAL CODE ADDING CHAPTER**

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**12.15 – USE OF PARKS – ORDINANCE NO. 2022-08:** Quinn Bennion explained that the next two items are related to the walking park. The land for the walking park was donated by the Freestone family many years ago and the deed indicates it has to be used exclusively as a walking park. The Freestone family has helped monitor the use and has asked that the City post a set of guidelines. The City Attorney came up with the Ordinance to regulate parks that the City manages, then regulations for each park can be drafted by Resolution. *Councilmember Ted Munford moved to approve Ordinance 2022-08. Councilmember Corey Foley seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley.....aye.*

**REQUEST APPROVAL OF REGULATIONS FOR THE FREESTONE WALKING PARK – RESOLUTION NO. 2022-10:** Quinn Bennion presented a list of regulations for the walking park. *Councilmember Ted Munford moved to approve Resolution No. 2022-10. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley.....aye.*

**CONSIDER APPROVAL OF A DEVELOPER AGREEMENT WITH EVOLVE UTAH FOR DEVELOPMENT OF PROPERTY AT 84 S. 100 WEST:** Quinn Bennion explained that Evolve Utah wants to invest in Vernal and be a part of the community with a keen interest in downtown. They are in the process of purchasing the vacant corner lot of 100 South and 100 West to build a condo complex. Quinn presented a picture of a building similar to what is being planned. The property has been rezoned to MX to allow the bottom floor to be commercial. This developer agreement is being requested by staff to encourage additional housing to help the City with affordable housing requirements. The developers are in favor of this. Councilmember Nick Porter stated this agreement is very basic and he had no concerns with it. Councilmember Corey Foley stated this project is a win-win for the developer and the City to apply for a grant. Councilmember Dave Everett noted that there is a lot of buzz that this project is similar to other areas and will provide a sense of walkability and mingling and will be a bonus to live there. *Councilmember Nick Porter moved to approve the agreement. Councilmember Corey Foley seconded the motion. The motion passed with the following roll call vote:*

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

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*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**DISCUSSION AND REQUEST TO AMEND SALARY SCHEDULE, ADDING A BUILDING INSPECTOR POSITION RESOLUTION NO 2022-09:** Allen Parker explained that the workload for the building department is increasing with a lot more building permits coming into the City. He presented a chart showing the increase. The building official is asking for help with inspections so he can concentrate on the increased plan reviews and enforcement. This position was not included in the budget; however, the added workload makes it necessary to hire soon because of the necessary training requirements. Matt Tate, building official, acknowledged that realistically it takes eighteen months to be certified to inspect commercial structures. Councilmember Ted Munford stated he agreed with hiring another inspector as historically the City has had two during a busy season. Councilmember Robin O’Driscoll commented that she also supports this request. Councilmember Nick Porter stated the City needs to stay ahead of the building. Matt Tate stated there is a nationwide shortage of inspectors and the cost to get certified is substantial. After further discussion, *Councilmember Ted Munford moved to approve Resolution 2022-09 and hire a building inspector. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote.*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**REQUEST TO AMEND THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES – CHAPTER 4.03 - CAREER LADDER RES. NO. 2022-08:** Quinn Bennion presented an amendment to the career ladder program for the building department. The tier program will require certifications and time in order to move up a tier. *Councilmember Robin O’Driscoll moved to approve Resolution No. 2022-08. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**REQUEST APPROVAL OF ATTORNEY CONTRACTS- PROSECUTOR ATTORNEY:** Quinn Bennion reminded the Council that this item comes up every year. The prosecuting attorney notified the City that his contracted amount needed to increase and sent the justification for that increase. He decreased his cost during COVID as his case load was down. This agreement increases his cost from \$100 to \$135 per case. Although that sounds substantial, it is

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lower than most attorneys. Councilmember Dave Everett stated he is an outstanding attorney. *Councilmember Corey Foley moved to approve the attorney contract with Mike Harrington to provide prosecutor services for the City. Councilmember Nick Porter seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley.....aye.*

**REQUEST APPROVAL OF ATTORNEY CONTRACTS - CIVIL ATTORNEY:** Quinn Bennion reported that the civil attorney is also requesting an increase for clerical from \$15 to \$25 per hour and his attorney fee from \$100 to \$115 with additional training. *Councilmember Corey Foley moved to approve the attorney contract with Dennis Judd for civil attorney services. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley.....aye.*

**RATIFY AMENDED LEASE AGREEMENT FOR AIRPORT PROPERTY:** Quinn Bennion reminded the Council that they were contacted to amend the lease agreement on the property they are purchasing by the airport. No terms in the agreement were changes, simply the name and a few minor corrections. *Councilmember Nick Porter moved to ratify the amendment to the lease agreement. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley.....aye.*

**REQUEST RENEWAL OF 401A AGREEMENT WITH MISSION SQUARE - RESOLUTION NO .2022-07:** Carl Morton explained this agreement is with the retirement plan that the City already has and is being updated to comply with IRS rules. *Councilmember Ted Munford moved to approve Resolution No. 2022-07. 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 Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**REQUEST RENEWAL OF 8TH DISTRICT JUVENILE COURT WORK CREW CONTRACT:** Allen Parker reported that this is a renewal of the contract with 8<sup>th</sup> District Court for the juvenile work crews to do landscaping work for the City. *Councilmember Nick Porter moved to approve the contract with 8<sup>th</sup> District Court. Councilmember Robin O’Driscoll seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**CONSIDER APPROVAL OF A UTILITY EASEMENT ON CITY OWNED PROPERTY WITHIN ZION’S BANK BLOCK:** Quinn Bennion presented an easement request across City property and Zions Bank property for Rocky Mountain Power to place the power lines in the ground along the Zion’s Bank block. Mayor Doug Hammond asked if this easement is also for the water lines. Quinn Bennion answered no, however, the water and sewer lines are close to this right-of-way. The entire block will be re-platting to show all the utilities. *Councilmember Nick Porter moved to approve the utility easement. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Munford.....aye;*  
*Councilmember O’Driscoll.....aye;*  
*Councilmember Everett .....aye;*  
*Councilmember Porter .....aye;*  
*Councilmember Foley..... aye.*

**ADMINISTRATIVE REPORTS:**

Discovery Elementary Walkway:

Quinn Bennion reported that he was able to get an easement signed by the Jones family for a trail from Discovery School to 1500 South.

Hotel rooms.

Quinn Bennion explained that Trans West will be constructing a power transmission line this summer from the continental divide in Wyoming down to Craig, Colorado to send power to Los Angeles using wind turbines. It is a multi-billion dollar transmission line. The contractor has reserved 500 hotel rooms in Vernal for five months starting in July.



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**ADJOURN:** There being no further business; *Councilmember Ted Munford moved to adjourn. Councilmember Corey Foley seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.*

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Mayor Doug Hammond

ATTEST:

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Roxanne Behunin, City Recorder

( S E A L )