

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
APRIL 20, 2016 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

PRESENT: Councilmembers Ted Munford, Dave Everett, Samantha Scott, Bert Clark, and Mayor Sonja Norton. Councilmember Travis Allan was excused.

WELCOME: Mayor Sonja Norton welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: An invocation was given by Councilmember Ted Munford.

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

APPROVAL OF MINUTES OF APRIL 6, 2016 REGULAR MEETING: *Councilmember Dave Everett moved to approve the minutes of April 6, 2016. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Everett, Scott, and Clark voting in favor and Councilmember Ted Munford abstained for a majority vote.*

Councilmember Clark asked if local businesses are aware of the new sales tax rate. Ken Bassett stated the State Tax Commission notifies the businesses to start collecting the correct amount. Councilmember Clark asked for a report of bonds with the pay-off dates. Ken Bassett stated he would get it to the Council.

REQUEST FOR CITY SUPPORT OF A SUMMER BLOCK PARTY – ASHTON HOPPER: Derrick Hopper explained that they would like to put together a “block party” in celebration of Pioneer Day. The community has a breakfast and parade, but there are no additional celebrations to keep residents in the area. He asked the City for support in building an annual event that is free to the community giving everyone a reason to stay in Vernal or travel to Vernal for the 24th of July. The Vernal Express is willing to help with the advertising, and they will be meeting with the Uintah Recreation District to get their support. Ashton Hopper stated they would charge booth space at the park for vendors to help offset the cost for the event. The Scout Breakfast will be listed as well as other activities such as a frizbee tournament, a catapult, fireworks or softball games. He asked the City to consider providing manpower to help with this event. Councilmember Ted Munford asked if this is a for-profit business. Ashton Hopper stated that the Vernal Express will be the primary media supplier, using the money from the booth space to cover the costs of promoting. Councilmember Samantha Scott asked what would be the cost of booth space. Ashton Hopper stated it will be around \$250 to \$350 based on the size of the booths with a few key sponsors to cover the cost of the fireworks. Ken Bassett explained that there is an event fee required by the City if this is not a non-profit event. Mr. Hopper stated they were prepared to pay any fees necessary. Ken Bassett stated that years ago, Pioneer Day was much larger, and in the spirit of this festive day, it would be fun to see this happen. Councilmember Clark suggested they contact the equestrian clubs to see if they will provide a horse show. Ashton Hopper stated they are looking for help from the City such as setting up barricades for these events. The consensus of the Council was to provide manpower support for this event. Ken Bassett asked Mr. Hopper to get with him and they will work out the details.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD APRIL 20, 2106

PROCLAMATION OF BUILDING SAFETY MONTH – MAY 2016: Allen Parker explained that the ICC Code Council is encouraging communities to adopt the month of May as Building Safety Month. The main purpose of this proclamation is to highlight how important it is to construct safe buildings. There have been two significant natural disasters; one in Japan and one in Ecuador, which shows how good construction standards help mitigate the damages. Mr. Parker read portions of the proclamation. *Councilmember Ted Munford to proclaim May as Building Safety Month. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Everett, Scott & Clark voting in favor.* Mayor Norton suggested the newspaper be notified and the proclamation be placed on the City’s website.

PUBLIC HEARING: REQUEST FOR APPROVAL TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – CHAPTER 16.04 – DEFINITION FOR DWELLING, MIXED USE AND CHAPTER 16.48 – C-2 AND CC-1 COMMERCIAL ZONES – ORDINANCE NO. 2016-04: Allen Parker explained that over the last few months there has been discussion on what can be done to help the redevelopment of downtown. One item that may make it easier is to allow apartments on the second floor of existing structures. The current code would require a conditional use permit with a minimum of five units. Ordinance No. 2016-04 is a simple change adding the definition of an accessory use to an existing use, and permit that use in the downtown commercial zone as long as it is not more than 50% of the structure. Councilmember Ted Munford liked that this would open up opportunities. Mayor Norton opened the public hearing. Councilmember Clark noted that the structure would not have to be two story. Allen Parker agreed. He explained the Planning Commission is forwarding a positive recommendation. There being no further public comments, Mayor Norton closed the public hearing. *Councilmember Dave Everett moved to approve Ordinance No. 2016-04. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

REQUEST TO CONSIDER AMENDMENT #8 TO THE 5 YEAR AIRPORT ENGINEERING AGREEMENT WITH GDA FOR MITIGATION SITE ACQUISITION WITH EPA- KELLY HARVEY: Kelly Harvey explained that this change to the engineering contract is for the mitigation of the wetlands at the airport which requires a 2 to 1 ratio. Wetlands will be increased in Jensen to meet this requirement. This contract will include the surveying and lease agreements so improvements can be made. Councilmember Clark asked what the size is. Kelly Harvey answered it is around seven acres. Mayor Norton asked if the airport expansion was still on schedule. Kelly Harvey answered there is a 120 day hold on phase 3 with a completion scheduled for Spring of 2018. *Councilmember Ted Munford moved to approve Amendment #8 to the GDA Engineering Agreement for the airport. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD APRIL 20, 2106

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

REQUEST FOR APPROVAL OF BID FOR SEWER CLEANING PROJECT: Ken Bassett presented a summary of the bids received for the sewer cleaning project. He explained this is an annual project to clean the lines. The engineers reviewed the bids, and all unit itemizations are correct. He recommended accepting the low bid of Twin D who has provided this service before. Mayor Norton questioned if this is a separate project from re-lining some of the lines. Ken Bassett answered yes. *Councilmember Bert Clark moved to approve the bid of Twin D in the amount of \$43,420 to clean the sewer lines. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

STORM WATER PROJECT FINANCING / CIB APPLICATION OF UINTAH COUNTY:

Mayor Norton reminded the Council that the County has an application ready to go before the Community Impact Board to help pay for storm water projects encompassing Uintah County, Naples City, and Vernal City. The County Commission has asked for a financial commitment from the City in order to move forward. Ken Bassett stated that he spoke with the Commissioners about the value of this project to the City as well as how this would benefit the community as a whole. The project is based on a 100 year storm, and what that amount of water would do to the surrounding valley as well as bringing water into the City and how to deal with it. The cost to the City for this project over a 30 year period is \$1.5 million dollars. If the Council decides to make a commitment to the County, one way of making the annual payment would be to impose a fee on the residents by establishing a storm water utility. It is common to see larger communities charge this fee. The City has a storm water fund, but the purpose of that fund is to continue with smaller projects and maintain what has already been done. Mayor Norton stated the payment would begin in two years. Councilmember Bert Clark stated this is a good program and a needed project, but with the current economy, he did not want to impose another fee. Councilmember Ted Munford agreed this is a good idea, and the fee is the most common way to pay for it. However, the project is inflated based on a 100 year storm, and there is no firm cost. He suggested another solution be found as he cannot support this project at this time. Councilmember Dave Everett stated this feels like the convention center project with funds being transferred from one project to another. Ken Bassett stated the request for the funds is still ½ grant, ½ loan with the CIB determining the final funding. Councilmember Samantha Scott stated she did not want to pass on the cost to people already hurting. Mayor Norton echoed the Council’s concerns. She stated time is needed to refine this project, get answers to all the questions and have a more detailed cost. After further discussion, *Councilmember Bert Clark moved to not accept the monetary portion of the CIB application to be submitted by Uintah County at this time for the storm water program. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD APRIL 20, 2106

Councilmember Munford.....aye;
Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

Mayor Norton asked the City to convey support for this project to the County, but not financial support at this time.

APPEALS BOARD PROCEDURES – DENNIS JUDD: Mayor Norton stated the City Council has not had to serve as an Appeals Board for quite a while so the City Attorney will brief the Council on the procedure. Dennis Judd stated that he would avoid anything that is confidential attorney / client issues, and if those arise during the appeal, the meeting can be closed to discuss those legal issues. City ordinance and state statute outline the process with the Mayor and Council convening as the Appeal Board. The Appeal Board can listen to appeals from employees who have been disciplined from suspension to termination. The Mayor sits as the presiding officer similar to a quasi-judicial panel determining a finding of fact. If the employee disagrees with the decision of this Appeal Board, the case moves forward to the Court of Appeals. Typically, there will be objections to evidence being introduced, and the Mayor has to decide how to handle it. Mr. Judd stated his role is to advise the Board. The Prosecutor will present the evidence and the employee has also retained an attorney who can question witnesses and present evidence. Mayor Norton asked if she is the judge and the Council is the jury. Dennis Judd answered that they are all the judges with the Mayor acting as the one in charge, like the Supreme Court. Further, Mr. Judd informed the Council that Mr. Allan recused himself, and the Appeal Board must have at least five panelists. The votes are cast by secret ballot at the end of the hearing. He asked the Mayor and Council to avoid communications, or reviewing documents regarding this case to ensure due process. Also, the employee is entitled to fairness so the Board cannot come into this procedure with their minds made up so there needs to be commitment from the members to make a decision based on the facts presented at the hearing. Mayor Norton asked if they are allowed to ask questions. Dennis Judd answered that generally no, they need to rely on the attorney’s to present the information to make a decision. At the beginning of the hearing, the presiding officer will call it to order. Each attorney will give an opening statement, witnesses will be administered an oath, and then it is up to the Board if the witnesses have to be excluded prior to their testimony. Then summaries will be presented and the Board. The law allows the Board to adjourn to discuss the evidence and decide the issue, and also allows the decision to be announced publicly. At the conclusion, the prevailing side will be requested to submit the finding of fact. The entire proceeding will be recorded. After the hearing, the mater can be appealed within 30 days after the decision is presented. Allen Parker asked if contempt rules apply. Dennis Judd stated yes. The presiding officer can ask to have someone removed, and there is no audience participation. Mayor Norton requested that a police officer be present. Dennis Judd agreed. He stated he would be available to consult with the Board on issues that come up. After further discussion, the consensus of the Council was to meet at 4 pm to go over any additional questions on procedure that the members may have. The Council thanked Dennis for his presentation.

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD APRIL 20,
2106**

ADJOURN: There being no further business, Councilmember Bert Clark moved to adjourn. Councilmember Samantha Scott seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.

ATTEST:

Mayor Sonja Norton

Roxanne Behunin, Deputy Recorder

(S E A L)