

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
FEBRUARY 17, 2010 at 7:00 p.m. in the Vernal City Council room, 447 East Main,
Vernal, Utah 84078.

PRESENT: Councilmembers Cal Dee Reynolds, Sonja Norton, Bert Clark, Ted Munford and JoAnn Cowan and Mayor Gary Showalter, .

Mayor Showalter called the meeting to order.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Cal Dee Reynolds.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Gary Showalter.

APPROVAL OF CITY COUNCIL MINUTES OF FEBRUARY 3, 2010: Councilmember JoAnn Cowan moved to approve the minutes of February 3, 2010 with the correction of the name for Mildred Betts. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton and Clark voting in favor.

UINTAH FIRE SUPPRESSION SPECIAL SERVICE DISTRICT 2009 REVIEW: Mayor Gary Showalter explained that the volunteer fire fighters are a vital part of the community and serve the public with very little pay or acknowledgment. He expressed his sincere appreciation for their dedicated service. Jeremy Raymond, director of the Uintah Fire Suppression Special Service District, thanked the Mayor for the introduction and stated that he and Fire Chief Sam Howard, would like to report on the past year's calls and accomplishments. Sam Howard expressed his appreciation for the support that the fire department received from the Vernal City Council. He explained that the Vernal City / Uintah County fire department consists of 25 volunteers who are all certified fire fighters for wild land and hazmat. Last year, this fire department responded to 205 calls for extrication services, fires or hazmat responses. The fire fighters are required to receive 40 hours of training each year to stay certified, and the department logged a total of 955 training hours. The public service time for last year was recorded as 385 hours which includes going to the schools, addressing scouts or church groups, or training for oilfield groups. Each of these items require a volunteer to take time off their regular work duties to fulfill the obligation of the Fire Department. Councilmember Clark stated that the fire department also stands by for special events such as the rodeo and parades and sponsors the fireman's breakfast each year. Jeremy Raymond stated that there were 366 fire calls, county-wide, for 2009, and the Vernal City fire department responded to the majority of those calls. The total hours logged by the volunteer fire fighters was 939 and 157 training sessions were held. Jeremy gave the Council a breakdown of the types of calls being responded to with structure fires being the largest. Also, the District did build two new fire stations, one in LaPoint and one in Jensen. These buildings are great additions to those communities. Water trucks have also been purchased to help fight fires in the outlying areas of the County. Councilmember Clark asked what the process is for farmers to burn their fields. Jeremy Raymond explained that agricultural burning is allowed right now if the air quality is good. He thanked JoAnn Cowan for her work on the Fire District Board. Councilmember JoAnn Cowan stated that she is proud of what the District has accomplished and the growth and maturity of the members involved. Councilmember Clark asked how the finances are for the District. Jeremy Raymond stated that they have had to reduce the budget due to a decrease in funds, but this was anticipated, and the District

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is financially stable. Councilmember JoAnn Cowan stated that their first priority was to make sure all the fire fighters had upgraded safety gear which has been done. Mayor Gary Showalter conveyed the City's appreciation to the Fire District and volunteer fire fighters for their service.

REPORT ON CITY OFFICE BUILDING CONSTRUCTION - JIM CHILD & SCOTT HOLMES, JRCA: Jim Child, architect with JRCA, explained that the City office building project is approximately 15% complete. Most of the work cannot be seen as it is occurring underground. However, the steel frame work will begin next week, and the building will start to take shape. The substantial completion is set toward mid-November with occupancy around the first of the year. Also, Mr. Child explained that several credits have been negotiated on requested changes which have helped offset the de-watering costs. He noted that the furnishings design is being worked on right now to set that budget by mid-March and with final approval and ordering in June. Councilmember Sonja Norton asked if UDOT approval has been received for the drive entrance. Jim Child stated they are reworking the drive entrance due to the impact to the neighboring property, and a meeting will be scheduled with UDOT to review the changes. Councilmember Clark asked who is inspecting the project. Jim Child stated that there is a full-time, independent inspector on the project, and he is completing tests and reports on the project. The Council thanked Jim for the update.

PUBLIC HEARING: REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, PLANNING & ZONING CHAPTER 16.28 - SIGN REGULATIONS - ORDINANCE NO. 2010-02: Allen Parker explained that the Planning Commission is still considering changes to the sign regulations for the City and does not have a definite recommendation for the Council. However, a public hearing has been scheduled before the Council to receive input in any changes. The first section defines how the surface or face area of a sign is calculated for regulatory purposes. Many signs are double sided, and the maximum footage, per side, is 150 feet. If a sign has more than two sides or faces, the total footage cannot exceed 300 feet. This regulation will prevent a large four sided sign from being installed. Also, the sign must be in compliance with federal and State regulations if along the highway so it does not block the vision of a driver and must be kept in good repair. Councilmember Munford asked if the Planning Commission had considered three dimensional signs like the pink dinosaur. Allen Parker stated that they have not approached regulating that type of sign yet. The next section of the ordinance clarifies what type of sign is allowed in a residential zone, either to advertise a business or show the owner and address. Many homeowners are installing monument type signs which are currently not permitted. Monument or wall signs can have conditions placed on them so they do not detract from the neighborhoods. Councilmember Sonja Norton asked what provisions are in the ordinance for businesses such as Perry insurance who is in a residential zone and has a corner lot with an illuminated sign. Allen Parker stated that any new construction will be limited to one side in an R-3 or R-4 zone. Councilmember Norton stated that a business would want place a double sided sign so it can face both streets on a corner lot. Allen Parker stated that a sign can only be illuminated in a commercial zone. He stated that the Planning Commission can address that concern. The next section deals with new components being installed in signs such as lights and sound. The light cannot penetrate onto property with a residential use and no sound can be emitted. Allen stated that regulations for pole signs have also been addressed, including clarifying where they can be placed.

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The height of the sign will be measured from grade to the top of the sign and must be at least 10 feet off the ground. A new sign can be installed within 50 feet of another pole sign as long as it does not obscure the other sign. Councilmember Munford clarified that a pole sign cannot protrude into the public right-of-way. Allen Parker answered that is correct. Jeremy Raymond stated that the fire code requires a vertical clearance of 13'6" from the base, and the fire truck needs that space to get under the sign. Allen Parker suggested the height be round it up to 14 feet to meet fire code. Allen recommended the ordinance require any sign to meet all building codes.

Mr. Parker explained that the multi-tenant signs mirror the requirements established for pole signs, with the exception of the size. The Planning Commission felt it would be more appropriate to allow 300 foot multi-tenant signs. Councilmember JoAnn Cowan stated she thought that was too large. Councilmember Norton stated that the Cal Ranch Store sign is 240 square feet, and if there is a complex with multiple businesses, they want a sign large enough to display all the shops. The Planning Commission wrestled with recommending either 250 square feet or 300 square feet for the allowable dimensions. Councilmember Munford stated it would be helpful to know the size of some of the signs in the community and gauge the visual effect from different heights. Allen Parker stated he would provide sign images before the ordinance is adopted. Mayor Showalter stated that the motorized traffic in Vernal is fairly brisk and businesses struggle to be identified easily. He stated that he would like to see the Cal Ranch sign in order to get a better idea of the size. Allen Parker explained that the allowance of monument signs was removed from the RA-1 zone. Also, only one monument sign will be allowed per parcel of land in any zone. Awning signs will not have any restriction on size. Councilmember Norton stated that the awning sign should be regulated the same as a wall sign and not take up more than 25% of the frontage. Allen Parker stated that a new section has been added for certain temporary signs to address signage such as political signs, yard sales, or real estate signs. Further, a temporary sign is only allowed for 45 days unless extended for an additional 90 days. Also, the signs cannot impede traffic or create a safety hazard. Councilmember Cal Dee Reynolds stated as long as the sign does not impede pedestrian traffic or a wheel chair, there should not be any problem. Mayor Showalter stated there should be wording that they need to be readily moved so as to not provide a hazard. Councilmember Norton stated that in commercial and industrial zones, many times the real estate signs are larger than eight square feet. Allen Parker stated there can be a reference added for a larger real estate sign in these zones. Mayor Showalter opened the public hearing for comments on Ordinance 2010-02 regulating signs. There were no public comments and the public hearing was closed.

APPROVAL OF CITY OFFICE BUILDING CHANGE ORDER REQUEST #29: Ken Bassett explained that during the course of construction, many unexpected items come up that need to be considered. With the City office building, it was initially thought that cable TV access would be needed in several rooms. The question was, in which rooms should cable TV be provided? The cable franchise agreement with the local cable companies requires them to provide cable at no cost to the City. However, tuners will be needed if cable is installed in the community room or police training room so the same channel will display on both monitors. The reasoning to provide cable tv in these two rooms is because one will receive heavy public use, and the police room will be used for emergency preparedness issues that could affect public safety. The cost of the tuners is \$4,400. Scott Holmes explained that the tuners will serve the Council room as well and can provide

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information that may not be available by any other means. Mayor Showalter asked if the present Council room monitors can be used. Scott Holmes stated that the new building will have a larger community room and with newer technology where these monitors may not work. The tuners have the capability to transfer the signals in a unique way so the audio and visual signals are sent at the same time. Councilmember Munford asked why the cost for the tuners was not in the original bid. Scott Holmes stated that the decision was made to not have cable available in these rooms. Councilmember Cowan stated that a smaller conference room will also need to have access. Ken Bassett stated that there is already one conference room close to the administrative offices with cable tv access. Mike Davis stated that more training is being provided over the internet, and it is useful to display it over the monitors. Councilmember JoAnn Cowan moved to approve Change Order Request #029 to install the tuners for cable tv in the community room and police training room. Councilmember Sonja Norton seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Norton, Reynolds, Clark and Munford voting in favor.

APPROVAL OF AMENDMENT TO CITY COUNCIL ASSIGNMENTS: Mayor Gary Showalter explained that Councilmember Munford has agreed to take over the assignment with the Uintah Animal Services Special Service District to more equitably distribute the workload of the Council. Councilmember Norton moved to approve the appointment of Ted Munford to the Uintah Animal Services Special Service District with Councilmember Cal Dee Reynolds seconding the motion. The motion passed with Councilmembers Cowan, Norton, Reynolds, Clark and Munford voting in favor for a unanimous vote.

REQUEST FOR APPROVAL OF OUT-OF STATE TRAINING: Dylan Rooks explained that the City has placed a restriction on out-of-state training due to budget constraints. However, the police department now has three new sergeants who need first line supervisor training to provide effective supervision, and there is no training available in the State of Utah. Chief Rooks requested permission to send the three sergeants to training in Las Vegas, Nevada in March. The tuition cost is \$295 and lodging is 40% cheaper than the Wasatch Front. Further, Chief Rooks stated that he has personally had training from the Public Agency Training Council (PATC) , and they use excellent instructors. Councilmember Cowan stated that the Public Safety Committee discussed this issue and is recommending the officers attend the training. She stated that it is critical that the officers be properly trained. Councilmember Bert Clark moved to approve the training request. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

- Councilmember Clark aye;
- Councilmember Norton aye;
- Councilmember Reynolds aye;
- Councilmember Cowan aye;
- Councilmember Munford aye.

VACATION OF 400 EAST STREET: Ken Bassett explained that as the City looked at the site for the new City Hall, it was known that 400 East would have to be vacated from 100 South to Main Street. The three contiguous property owners have been contacted and signed the petition to vacate the roadway. Now the City needs to hold a public hearing so residents can comment on the closure. Ken recommended the public hearing be held on March 17, 2010. Councilmember JoAnn Cowan

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moved to set the public hearing date on March 17th to discuss vacating 400 East Street. Councilmember Sonja Norton seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Norton, Clark, Reynolds and Munford voting in favor.

AMENDMENT TO BUILDING FEE SCHEDULE - HOUSES OF WORSHIP - RESOLUTION

NO. 2010-08: Ken Bassett explained that the City Attorney, Dennis Judd, is recommending the Council consider not exempting houses of worship from the building permit fees due to constitutional and administrative problems in exempting such facilities. He explained that the first issue is the constitutional separation of church and state as it could be argued by any plaintiff that the City is allowing tax dollars to be used for religious purposes. In today’s society, many people set up businesses that are religious in nature, possibly making them eligible to not pay taxes or fees such as this. The second issue is dealing with equal protection rights. There could be non-profit or benevolent organizations that will want the same exemptions as houses of worship. Ken stated that the last concern is with the definition of a “house of worship.” If a homeowner or developer were creative, they could try to define their building as a house of worship so they would not have to pay the fees. Based on these issues, Ken Bassett recommended the Council approve Resolution No. 2010-08 excluding houses of worship from permit fee exemption. Mayor Gary Showalter asked if there is any precedent established by other cities in the State on this issue. Ken Bassett stated that he was not aware of any other cities exemptions. Councilmember Ted Munford stated that city government needs to provide for the residents in the community, and he would not want to step away from supporting houses of worship. Councilmember Clark stated that the courts are looking at an issue with the FDLS where church worship has extended into the homes. Councilmember Cowan agreed that there are people who claim to be ministers or tribal leaders to exempt from taxes and laws. Councilmember Sonja Norton stated that there could be additional implications based on what is in the community. She stated that the Council could not reject a fee waiver based on the type of worship, and she is in favor of taking out the exemption. Councilmember Cal Dee Reynolds agreed stating that if a law suit were filed, it would cost much more than what would be gained. After further discussion, Councilmember Bert Clark moved to approve Resolution No. 2010-08. Councilmember Cal Dee Reynolds seconded the motion. The motion carried with the following roll call vote:

- Councilmember Munford nay;
- Councilmember Cowan aye;
- Councilmember Reynolds aye;
- Councilmember Norton aye;
- Councilmember Clark aye.

CLARIFICATION DISCUSSION REGARDING PURCHASING POLICY - LOCAL

VENDOR PREFERENCE: Mayor Showalter explained that the local vendor preference resolution that was recently passed cleared up the ambiguous details, but in so doing, it also eliminated the City from paying the additional amount to a local vendors if they are within 5% of the low bid. The way the resolution was written, the local vendor would only have the opportunity to match the low bid. This would prevent most local vendors from getting the work as they cannot match the State bids especially where large vendors get better price breaks with larger volumes. He suggested the Council consider changing this provision back the way it was initially for purchases up to \$100,000. Ken

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Bassett reminded the Council that building improvements and public works projects would still not be subject to local vendor preference regulations. Councilmember Cowan clarified that this would only apply to items such as internal supplies, furniture, cars, etc. Mayor Showalter agreed that the major construction projects would not fall under the local vendor preference. Ken Bassett stated that from time to time the City may purchase major items such as the furnishings for the new office building or the phone system. Councilmember Cowan noted that heavy equipment would fall under this provision. Ken Bassett stated that the \$100,000 limit could be put back into the ordinance, and this is simply a philosophical approach in dealing with local vendors. Councilmember Reynolds asked if a local vendor is within 5% of the low bid for a project or materials under \$100,000, the City would tell the low bidder that they do not get the bid, and instead the City would pay more to a local vendor. Mayor Showalter stated that there are not a lot of local vendors that can come within 5% of a State bid unless they are granted concessions from the supplier. Councilmember Bert Clark moved to table this item and present a new resolution at the next meeting with the \$100,000 limit for local vendor preference. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with a unanimous vote with Councilmembers Clark, Reynolds, Munford, Cowan and Norton voting in favor.

REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, TITLE 13 - PUBLIC UTILITIES - ORDINANCE NO. 2010-04:

Allen Parker explained that Ordinance No. 2010-04 pertains to developers of apartment complexes and shopping centers who want to install one meter to the property. Currently the code allows only one main connection to one parcel. Section A of the ordinance adds language to allow a single utility connection to provide service to multiple parcels if one corporate entity agrees to be responsible for payment and maintenance of the utility line. Councilmember Clark stated this would be the same as Esquire Estates. Ken Bassett agreed stated that similar to a trailer park, if the property owner does not pay the utility bill, the water will be turned off and multiple people would be affected. Ken explained that with the commercial development, there could be individual tenants who eventually want to own the property, but do not want to have to run separate utilities to each parcel. Councilmember Bert Clark asked what happens if the line breaks. Ken Bassett stated that the entity is responsible for the maintenance. Mayor Showalter asked if each individual apartment building currently has its own water meter. Ken Bassett stated that many apartment complexes have only one meter, and this ordinance allows commercial properties to have only one meter. Councilmember Bert Clark stated that the industrial zone should also be added. Councilmember Munford asked if a business could purchase their own meter if they are not happy with the utility billing situation. Ken Bassett agreed. Allen Parker stated that a document will be recorded to show who is responsible. Councilmember Sonja Norton moved to approve Ordinance No. 2010-04 with the addition of the industrial zone and use. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following unanimous roll call vote:

Councilmember Munford aye;
Councilmember Cowan aye;
Councilmember Reynolds aye;
Councilmember Norton aye;
Councilmember Clark aye.

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The Council took a brief recess before entering closed session.

CONVENE INTO CLOSED SESSION: Councilmember Bert Clark moved to convene into closed session to hold a strategy session to discuss pending or imminent litigation. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

- Councilmember Clark aye;
- Councilmember Norton aye;
- Councilmember Reynolds aye;
- Councilmember Cowan aye;
- Councilmember Munford aye.

RECONVENE INTO OPEN SESSION: Mayor Showalter declared the meeting back into open session.

ADMINISTRATIVE REPORTS:

Utah League of Cities and Towns:

Ken Bassett explained to the Council that the Utah League of Cities and Towns spring conference is scheduled for the week of April 7 which is the same date as the City Council meeting. He suggested the meeting be changed Tuesday, April 6th. After discussion, the consensus of the Council was to cancel the April 7th meeting and schedule a special meeting if necessary

500 South Sewer and Storm Water Project:

Ken Bassett explained that the Uintah Transportation District Director, Cheri McCurdy, notified him that the engineering firm who designed the re-paving project for 500 South Street did not match UDOT specifications so those specs need to be redrafted. Therefore, the project will be held up by four to five weeks. The District has asked that the City consider including the culverting portion of that project in with the City’s sewer and storm drain project and have the same contractor do the work to prevent the area from being torn up again. The consensus of the Council was to draft an interlocal agreement for this project with the Uintah Transportation District.

Committee Meetings:

Ken Bassett reminded the Council that an Administrative Committee meeting has been set for February 18th at 8 a.m. and a Public Works Committee meeting at 2 p.m.

ADJOURN: There being no further business, Councilmember Cal Dee Reynolds moved to adjourn. Councilmember Munford seconded the motion. The motion passed with a unanimous vote and the meeting was declared adjourned.

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder