

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

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

WELCOME: Mayor Gary Showalter welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Bert Clark.

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

APPROVAL OF CITY COUNCIL MINUTES OF JUNE 16, 2010 REGULAR CITY COUNCIL MEETING: Councilmember Ted Munford moved to approve the minutes of June 16, 2010 as written. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Munford, Cowan and Reynolds voting in favor and Councilmember Clark abstaining.

APPROVAL OF CITY COUNCIL MINUTES OF JUNE 23, 2010 SPECIAL CITY COUNCIL MEETING: Councilmember Bert Clark moved to approve the minutes of June 23, 2010 with the correction to the time. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Munford, Reynolds and Clark voting in favor and Councilmember Cowan abstaining.

REQUEST FOR SPONSORSHIP OF STATE BASEBALL TOURNAMENT HOSTED BY VERNAL YOUTH BASEBALL – HEATHER SMUIN: Heather Smuin explained that the Baseball Association has the chance to host the little league Cal Ripken tournament. She noted that this event will bring families to Vernal which will help tourism. Councilmember Clark asked what the age group is for the ball players. Heather Smuin stated that the teams consist of 11 & 12 year olds. Ms. Smuin presented an outline of the items needed for the tournament and the cost. She explained that some items have been donated by businesses, and Uintah County has donated \$2000. Also, the Chamber of Commerce will be providing travel packets so families will find things to do when they are not at playing ball. Heather Smuin asked the Council to consider sponsoring this event in the amount of \$1000. Mayor Showalter asked if a welcome event is planned. Heather Smuin explained that a barbeque will be held the night before the tournament begins to welcome the teams. Councilmember Cowan suggested the Chamber of Commerce dinosaur make an appearance and the Mayor make an opening speech. After further discussion, Councilmember JoAnn Cowan moved to support the baseball tournament in the amount of \$1000. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

- Councilmember Ted Munford aye;
- Councilmember JoAnn Cowan aye;
- Councilmember Cal Dee Reynolds aye;
- Councilmember Bert Clark aye.

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REPORT OF DINO TRIATHLON EVENT – MARK MASON: Mark Mason thanked the City Council for the sponsorship of the Dino Triathlon event that was recently held in Vernal. The event included adult and youth triathlon participants from ages 5 through 68. The number of children participating was larger than expected with over 60 entrants and 157 adult entrants. Mr. Mason explained that the expenses totaled \$27,361, and the amount collected was \$28,825. Councilmember Cowan noted that it takes enthusiastic volunteers to make these events successful, and she thanked Mr. Mason and Mr. Hadlock for their work. Councilmember Clark asked if the Recreation District helped with the event. Mark Mason explained that approximately 15 employees from the Recreation District helped the day of the event especially keeping the spectators entertained until the participants crossed the finish line. Mr. Mason presented a plaque made out of sandstone to the City for their sponsorship. The Council thanked them for their report.

Mr. Mark Mason stated that he will be working on building a bike path in Vernal and would like the City to consider participating. Councilmember Clark suggested he start with the Uintah Transportation District as they are widening several roads to include bike paths.

DINALAND CAR SHOW: Mayor Gary Showalter explained that the Dinaland Car Show is scheduled for July 10th, and Mr. and Mrs. Bob Osteveen would like to explain this activity. He stated that this recreational activity has carried on through the years with their diligence and perseverance. Bob Osteveen explained that there are large car shows in other areas that he attended, and he thought it would be a good for Vernal to host a similar event. Mayor Showalter explained that car shows attract a wide, diverse population, and this year the newly painted police charger and fire truck will be on display. Councilmember Cowan suggested the old DARE car be displayed if it can be found. Bob Osteveen stated that this is the 9th year the car show has been held in Vernal with the help of area merchants, but with the drop in the economy, there is not as much support. Councilmember Cowan asked where the vehicles will be displayed. Bob Osteveen stated that it is scheduled for the park on 500 North by the Vietnam Memorial. After further discussion, the consensus of the Councilmembers were to contribute \$800 for this event and help promote the 10th anniversary event next year. This will be ratified at the next Council meeting.

REQUEST TO PROCLAIM AUGUST AS KEEPING BABIES SAFE MONTH - THE SHAKEN BABY SYNDROME FOUNDATION: Ken Bassett explained that there is a non-profit foundation asking for support to keep babies safe, particularly educating parents that newborns cry for no apparent reason. They are asking the Mayor to declare August as Keeping Babies Safe Month. Councilmember JoAnn Cowan moved to authorize the Mayor to sign a proclamation declaring August as “Keeping Babies Safe Month.” Councilmember Ted Munford seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Munford, Reynolds and Clark voting in favor.

REQUEST TO PROCLAIM JULY 14, 2010 AS MARCH OF DIMES DAY : Councilmember Cowan noted that this item speaks for itself. Councilmember Cal Dee Reynolds moved to authorize the Mayor to sign a proclamation declaring July 14th as “March of Dimes Day.” Councilmember Bert Clark seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Munford, Reynolds and Clark voting in favor.

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REQUEST FOR APPROVAL OF BID AND AWARD OF CONTRACT FOR STREET LIGHT INSTALLATION PROJECT: Allen Parker explained that bids have been received to bore under the street so Rocky Mountain Power can install street lights on east Highway 40. The low bid was submitted by BHI in the amount \$40,000. This type of trenching is significantly less than open trenching. The funding for this project will come from the Street Construction Fund. Councilmember Clark asked when the work will be completed. Allen Parker stated the boring will take approximately two weeks, and then Rocky Mountain Power will install the lights. After further discussion, Councilmember JoAnn Cowan moved to accept the low bid of BHI in the amount of \$40,000. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

- Councilmember Ted Munfordaye;
- Councilmember JoAnn Cowanaye;
- Councilmember Cal Dee Reynolds.....aye;
- Councilmember Bert Clark.....aye.

PUBLIC DEFENDER SERVICES: Ken Bassett explained that as previously reported, proposals were solicited for public defender services and only one proposal was submitted from Mr. Lance Dean. The staff extended the deadline, but no additional proposals were received. Several law firms were contacted, and indicated they are willing to consider providing these services. Also, Ken explained that he discussed this situation with the Judge, and she is able to assign cases involving indigent defendants to local attorneys at a cost of \$50 an hour. He suggested that the Council take no action on this item and simply allow the Judge to assign cases to attorneys until a reasonable proposal is received. Councilmember Cowan asked if the City could negotiate with an interested attorney. Ken Bassett stated that he has spoken with Mr. Dean and his concern is that with the drop in the economy, the case load has actually increased as there are more defendants who cannot afford to pay an attorney. Councilmember Cowan asked for a report showing the number of cases being handled. Ken Bassett stated he would compile the report.

REQUEST FOR APPROVAL OF BID AND AWARD OF CONTRACT FOR WATER BUILDING ROOF REPAIR: Mayor Showalter explained that the City building structure to the west of the Public Works building needs to have the roof repaired after the last windstorm. Ken Bassett stated that the insurance company adjuster has inspected the roof and suggested that the entire roof be replaced as the south side of the roof shows signs that it could lift off similar to the north side. Councilmember Clark asked what failed. Ken Bassett explained that there are strips of metal and screws underneath the metal roofing material. However, under that is the decking board and the roof was only stapled to that board and that is what lifted with the heavy wind. The insurance company has estimated the repairs to cost around \$19,000, and they have issued payment for that amount. Bids were received for the repairs, and the low bid is for \$11,700 from Ashley Valley Construction. Councilmember Cowan suggested the current metal roofing be salvaged and sold. After further discussion, Councilmember JoAnn Cowan moved to accept the low bid from Ashley Valley Construction and repair the water building roof. Councilmember Ted Munford seconded the motion. The motion passed with the following unanimous roll call vote :

- Councilmember Ted Munfordaye;
- Councilmember JoAnn Cowanaye;
- Councilmember Cal Dee Reynolds.....aye;

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Councilmember Bert Clark.....aye.

DISCUSSION OF GRAFFITI PROBLEM: Councilmember Ted Munford explained that the owner of an apartment complex approached him for help dealing with the neighboring property, a storage unit complex. The storage unit buildings have graffiti painted on them including inappropriate language. The concern is that the storage unit owner is actually a victim as well, however, the graffiti needs to be cleaned up. Mayor Showalter stated that he drove by the complex to see the problem, and the part of the structure that is visible from the roadway is not painted. The graffiti damage actually faces the apartment complex. Ken Bassett asked if the business owner of the storage units would be willing to pay for the paint if kids from the juvenile court system would paint them. Councilmember Munford stated that could help while a long term solution is found. Ken Bassett stated that as the City deals with nuisances and property owners are given time to take care of the problem. In this case, the property owner has not caused the problem, but ends up with the expense that could be continuous. The current code does not include graffiti as a nuisance, yet it can have a devastating effect on a neighborhood and community. Councilmember Cowan suggested the staff research other ordinances to see what other communities are doing to combat this problem. After further discussion, Councilmember Bert Clark moved to direct the staff to research ordinances from other cities and bring ideas back. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Clark, Munford, Cowan and Reynolds voting in favor for a unanimous vote.

REQUEST FOR AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES - CAUSES FOR DISCIPLINARY ACTION – RESOLUTION NO. 2010-14: Ken Bassett explained that Resolution No. 2010-14 clarifies that if an employee violates any City policy approved by the Council, it could be cause for disciplinary action. Councilmember JoAnn Cowan moved to adopt Resolution No. 2010-14. Councilmember Ted Munford seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Munford, Reynolds and Clark voting in favor.

REQUEST FOR AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES - ACCIDENT REPORTING - RESOLUTION NO. 2010-15: Ken Bassett explained that Resolution No. 2010-15 changes the requirement that an accident involving a city vehicle or motorized equipment be investigated by an outside police agency. Councilmember Cowan stated that the wording “within jurisdictional limits’ should be removed. After further discussion, Councilmember Cowan moved to approve Resolution No. 2010-15 after striking the words “within jurisdictional limits.” Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Cowan, Munford, Reynolds and Clark voting in favor for a unanimous vote.

REQUEST FOR AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES - CAREER LADDER SUSPENSION – RESOLUTION NO. 2010-17: Ken Bassett explained that this resolution suspends career ladder promotions as part of the City’s employee compensation program. The career ladder program is used to acknowledge police officers years of service and increasing responsibilities. However, with the current economic situation, this program is being suspended along with any merit increases. Councilmember Ted Munford moved to approve Resolution No. 2010-17. Councilmember JoAnn Cowan seconded the motion. The motion

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passed with Councilmembers Cowan, Munford, Reynolds and Clark voting in favor for a unanimous vote.

REQUEST FOR AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES - LACTATION BREAK - RESOLUTION NO. 2010-16: Ken Bassett explained that the recently enacted Health Care Reform Act requires employers to allow nursing mothers to have unpaid time to express milk for their infants. Resolution No. 2010-16 complies with this federal law. Councilmember JoAnn Cowan moved to approve Resolution No. 2010-16. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Cowan, Munford, Reynolds and Clark voting in favor for a unanimous vote.

AMENDMENT OF THE VERNAL CITY MUNICIPAL CODE, REQUIRE PROPERTY OWNER PERMISSION FOR FIREWORKS STANDS - ORDINANCE NO. 2010-17: Ken Bassett explained that as the City was processing temporary merchant licenses for fireworks stands, it was noted that there is no requirement to obtain permission from the property owner to place a stand on their property. Ordinance No. 2010-17 amends the fireworks section of the business license code to add that provision. Councilmember Cal Dee Reynolds moved to adopt Ordinance No. 2010-17. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

- Councilmember Ted Munfordaye;
- Councilmember JoAnn Cowanaye;
- Councilmember Cal Dee Reynolds.....aye;
- Councilmember Bert Clark.....aye.

500 NORTH STORM DRAIN PROJECT CHANGE ORDER REQUEST: Ken Bassett explained that the engineers are recommending the City approve a change order request to increase the contract amount on the 500 North Storm Drain project by \$4916.25 to provide realignment work on the grade of the ditch and the storm pipe. Also, the change order will include a time extension for the weather that prevented work from being completed. Councilmember Bert Clark moved to approve the 500 North Storm Drain project change order #1. Councilmember Cal Dee Reynolds seconded the motion. the motion passed with the following unanimous vote:

- Councilmember Ted Munfordaye;
- Councilmember JoAnn Cowanaye;
- Councilmember Cal Dee Reynolds.....aye;
- Councilmember Bert Clark.....aye.

CONVENE INTO CLOSED SESSION: Councilmember Bert Clark moved to convene into closed session to discussion of the character, professional competence, physical or mental health of an individual. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

- Councilmember Clark.....aye;
- Councilmember Reynolds.....aye;
- Councilmember Cowanaye;
- Councilmember Munford.....aye.

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

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

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)