

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD JULY 21, 2010 at 7:00 p.m. held in the Vernal City Council room, 447 East Main, Vernal, Utah.

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

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

PLEDGE OF ALLEGIANCE: Mayor Gary Showalter led the Pledge of Allegiance.

WELCOME: Mayor Showalter welcomed everyone to the meeting, with a special recognition to the little league players. The first portion of the meeting was conducted without electrical power.

APPROVAL OF THE MINUTES OF JULY 7, 2010: Councilmember JoAnn Cowan moved to approve the minutes of July 7, 2010 as written. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with a majority vote with Councilmembers Cowan, Reynolds and Clark voting in favor and Councilmember Norton abstaining.

REQUEST TO ADD TITLE OF MISS VERNAL CITY TO UTAH COUNTY PAGEANT: Angie North explained to the Council that the supporters of the Miss Uintah County pageant would like to add a second crown by naming the 1st attendant as Miss Vernal City. The benefit to Vernal City would be having a volunteer employee to represent the City at local events and fulfill service hours as directed by the City. The benefit to the pageant winner would be a scholarship, and the chance to continue on to the Miss Utah pageant. Ms. North presented a five year financial plan to the Council. Councilmember Sonja Norton noted that the cost increases over the years. Angie North stated that the scholarship amounts increase along with the fees. Mayor Showalter stated that the City must show some economic value before sponsoring events. He gave an example of the recent baseball tournament that the City helped to sponsor which brought 400 to 500 people to Vernal. Councilmember Cowan stated that there are exceptions such as Senior Night which benefits the entire community. There was some discussion regarding the contestant not living in Vernal City and the perception that the outlying areas are still considered part of Vernal City. Councilmember Cowan stated that if they fund this type of event which would include traveling to the next level, other organizations will expect support, and traditionally the Council only supports events that bring in revenue. Councilmember JoAnn Cowan moved to not extend support to the Miss Uintah County / Miss Vernal City program. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Cowan, Clark, Reynolds and Norton voting in favor.

Angie North requested that the Council consider allowing them to use the name of "Miss Vernal City" with the contestant funding her own advancement. After discussion, the consensus of the Council was to allow the name of Miss Vernal City to be given to the 1st attendant of the Miss Uintah County pageant.

VERNAL YOUTH BASEBALL CAL RIPKEN TOURNAMENT REPORT: Mayor Gary

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Showalter stated that he is very proud of the Vernal all-star team who had to win six straight games to win the championship. Also, the tournament was a tremendous boost to the economy. He presented a shirt, hat and baseball to the City that had been presented to him by the all-star team. Cam Pope, coach of the little league team, thanked the City for their support. He stated that the tournament went well with the new baseball complex, and he thanked Mike Davis for providing the umpiring for the tournament. He stated that now the team moves on to Long beach, California to play a team from Hawaii. If they can win that tournament, they will go to Maryland. Councilmember Clark asked him about playing the same team twice in the Vernal tournament. Cam Pope explained that they actually lost their first game which put them into the losers bracket. They then played against Millard, Delta, Beaver, North Sevier and Richfield and had to play Gunnison again. Cam Pope mentioned that this is the 12 year old players, and the 11 year old players also won their regional tournament and will travel to Taylorsville. The nine year old team will also advance to California. The Council, Mayor and staff congratulated the teams on their achievement and wished them luck in the next tournament.

PUBLIC HEARING - REQUEST FOR APPROVAL OF AMENDED PLAT FOR ASHLEY ESTATES LOCATED AT 1070 SOUTH 500 WEST: Allen Parker explained that Ashley Estates subdivision, owner Kimball Glazier, is requesting to amend the boundaries of the subdivision plat. He presented a map showing how the property line would be changed, extending to the north and reconfiguring the southeast corner. The Planning Commission did review this request and is forwarding a positive recommendation. Councilmember JoAnn Cowan asked what is next to this subdivision. Allen Parker stated the property to the north is vacant. Kimball Glazier stated that originally, part of this subdivision was going to be included in Haven Estates, but since that subdivision did not get completed, the property needs to be included with the lots in Ashley Estates. Councilmember Sonja Norton asked if the roadway will still connect with Haven Estates. Kimball Glazier answered it probably will not, and instead there will be a cul-de-sac with seven more lots in Ashley Estates. Allen Parker explained that there is a way to make the subdivision designs compatible. Mayor Showalter asked for public comments. There being no further comments, the public hearing was closed. Councilmember JoAnn Cowan moved to approve the plat amendment for Ashley Estates as presented. Councilmember Sonja Norton seconded the motion. Councilmember Bert Clark stated that initially the staff recommended two items be adjusted to bring the subdivision boundaries into compliance. Allen Parker stated that those items have been corrected. The motion passed with Councilmembers Cowan, Norton, Reynolds and Clark voting in favor for a unanimous vote.

APPROVAL OF MUNICIPAL WASTEWATER SELF ASSESSMENT PROGRAM – RESOLUTION NO. 2010-21: L. Mike Davis, Vernal City water / sewer superintendent, explained that the EPA requires an assessment of the sewer system annually. Once the report is completed and approved by the Council, it needs to be sent to the Utah Division of Water Quality. He requested the Council review and approve the report that was prepared by him and the Finance Department. Councilmember Clark asked if there were more stringent requirements for bio-solids. Mike Davis stated that the City only has a collection system and does not have to worry about those regulations.

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He noted that there are overflows and occasional damage to property, but there has not been a sanitary overflow due to equipment failure. After further review, Councilmember Bert Clark moved to approve Resolution No. 2010-21 approving the Waste Water Assessment Plan. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowan aye;
- Councilmember Cal Dee Reynolds aye;
- Councilmember Sonja Norton aye;
- Councilmember Bert Clark aye.

REQUEST FOR AWARD OF CONTRACT FOR HAVEN ESTATES WATER SERVICE IMPROVEMENTS:

L. Mike Davis explained that Haven Estates has 66 lots that potentially could be built upon once the infrastructure is completed. When this subdivision was started, the sewer system was put in and accepted by the City, but the water system was only partially finished. Over the last few years, parts of the system have deteriorated from being exposed to freezing temperatures and will need to be replaced. Engineering Services prepared specifications to complete the water system and bids have been received for the work. Councilmember Cowan asked if any of the system is usable. Mike Davis stated that the main line is solid. The low bid to finish the water system in Haven Estates was received from Chivcon in the amount of \$40,000. Ken Bassett explained that the funds placed in the escrow account for these improvements will be used to pay for the water line work. Councilmember JoAnn Cowan moved to accept the low bid from Chivcon Construction to finish the water system for Haven Estates. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowan aye;
- Councilmember Cal Dee Reynolds aye;
- Councilmember Sonja Norton aye;
- Councilmember Bert Clark aye.

Mayor Showalter noted that there will not be any cost to Vernal City for this project. Ken Bassett explained that Harbor Capital, the primary owner of Haven Estates, indicated their desire to have the opportunity to consider putting in the infrastructure themselves using the escrow funds. However, they have not notified the City if they are still interested in doing this. The staff will contact them and coordinate the completion of the project.

MUNICIPAL OFFICE BUILDING FURNISHINGS – PROCESS FOR PURCHASING:

Jim Child, the architect for the City office building, explained that his staff has been working with the Design Committee to select furnishings for the building. The Committee toured other facilities to see what is available from different vendors and suppliers. Jim Child then presented a proposal to the Council consisting of two major parts for the purchase of furnishings. Many items selected are available through the Utah State procurement system, and will meet the specific needs of the City for use, function, quality and availability. The other items not available through the State contract system, will be handled through a bidding process including local vendors. Councilmember JoAnn Cowan stated that some of the concerns the Design Committee considered were the needs of each

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department, and the staff has reviewed what will be purchased. Also, the furniture line was selected so it will match additional furniture in the future and is durable. Mayor Showalter asked if any of the furnishings from the current building would be transferred over. Councilmember Cowan stated that it would not. Jim Child noted that all the storage items will be moved to the new building. Also, the accessories items such as art work, framing and plants have not been identified yet. Mayor Showalter stated it would be more practical to use the existing furniture. Councilmember Norton stated that it is not functional. Councilmember Reynolds agreed that the furnishings need to be uniform throughout the building, especially the seating so if a large gathering happens, more chairs can be brought in. Ken Bassett stated that the local vendors need to have time to put together their proposals. After further discussion, Councilmember Cowan moved to approve the process to procure the office furnishings. Councilmember Reynolds seconded the motion. Ken Bassett noted that the furnishing budget is \$830,000. Once bids are actually received, the budget will need to be adjusted. Councilmember Cowan amended her motion to accept the process to procure the office furnishings and approve the \$830,000 budget. Councilmember Reynolds seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowan aye;
- Councilmember Cal Dee Reynolds aye;
- Councilmember Sonja Norton aye;
- Councilmember Bert Clark aye.

PHONE SYSTEM REQUEST FOR PROPOSALS AND SELECTION PROCESS: GJ Searle explained that he received seven proposals for the new phone system for the city office building. A committee was formed to review the proposals, and they narrowed it down to three vendors based on system design, vendor profile, technical support and pricing. These vendors were invited to demonstrate the phone system and options to the Committee and staff. After the demonstrations, the Committee is recommending the Cisco phone system with a single platform for telephone and network provided through Cache Valley Electric. The benefit with that type of system is there are no conflicts with the system, and if one part fails, the other side picks up so there is no downtime. The lowest priced vendor with the one platform system was Cache Valley Electric using the Cisco systems as their solution. Ken Bassett stated that Councilmember Ted Munford was also on the Committee and provided written comment on this issue. He read the comments submitted by Councilmember Munford agreeing with the decision to go with the Cisco system. Councilmember Cowan asked what the cost difference was between the Cache Valley bid and the local vendor. GJ Searle explained that the vendors were given the option to bring their bids down to \$80,000, however, Strata Networks did not lower their bid proposal of \$118,717 until today at which time they lowered their proposal to \$91,980. There was some discussion regarding specialized equipment. Ken Bassett explained that the City departments were invited to the final presentations to see equipment and note anything special that may be needed. Councilmember Cowan asked if specific employees would have hands free headsets. GJ stated that is an option, and those types of accessories are relatively inexpensive. After further discussion, Councilmember Sonja Norton moved to approve the bid from Cache Valley Electric for the phone system in the amount of \$80,000. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowan aye;
- Councilmember Cal Dee Reynolds aye;
- Councilmember Sonja Norton aye;

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Councilmember Bert Clark aye.

REQUEST FOR CEMETERY DEED APPROVAL: Ken Bassett explained that on the south side of the Vernal cemetery is a fence that has been in place for a long time. The fence crosses back and forth among property belonging to the cemetery, Mr. Goodrich and Ms. Hayes. In an effort to clean-up the boundaries for the cemetery, Uintah County deeded property to Mr. Goodrich and Mr. Goodrich deeded property to Uintah County evening out the property line. A map of the property exchange was shown to the Council. Ken explained that the County forgot to include Vernal City in this process as an owner of the cemetery. Therefore, Uintah County is asking the City to deed the small portion of cemetery property to Mr. Goodrich, and Uintah County will add Vernal City to the deed from Mr. Goodrich. Councilmember JoAnn Cowan stated that the document needs to reflect the correct year and signature. Ken Bassett agreed that it will be updated. The consensus of the Council was that Uintah County should put more time and effort into including Vernal City into decisions that affect the City. Councilmember JoAnn Cowan moved to authorize the Mayor to sign a corrected quit claim deed, in partnership with Uintah County for jointly owned property at the cemetery, to square up the boundaries. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

Councilmember JoAnn Cowan aye;
Councilmember Cal Dee Reynolds aye;
Councilmember Sonja Norton aye;
Councilmember Bert Clark aye.

REQUEST FOR AMENDMENT TO THE VERNAL CITY POLICE DEPARTMENT MANUAL – RESOLUTION NO. 2010-19: Chief Dylan Rooks explained that Lexipol released updated notes for the police department policies to comply with State law and federal law. Several changes have taken place over the last six months and have been incorporated into this resolution. Councilmember Cowan explained that the Public Safety Committee reviewed the changes and is recommending adoption. She moved to approve Resolution No. 2010-19. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

Councilmember JoAnn Cowan aye;
Councilmember Cal Dee Reynolds aye;
Councilmember Sonja Norton aye;
Councilmember Bert Clark aye.

RATIFY SPONSORSHIP OF DINALAND CAR SHOW: Mayor Gary Showalter explained that at the last meeting Bob Osteveen explained the upcoming car show, and the Council agreed to help out. Participants came from different areas, including Wyoming and Colorado, and hopefully the event will grow larger each year. Councilmember Bert Clark moved to ratify the \$800 sponsorship of the Dinaland Car Show. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

Councilmember JoAnn Cowan aye;
Councilmember Cal Dee Reynolds aye;
Councilmember Sonja Norton aye;
Councilmember Bert Clark aye.

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APPOINTMENT OF PLANNING COMMISSION MEMBERS: Allen Parker explained that several Planning Commission members have contacted residents to see if they would be interested in serving on the Commission. He stated that the names that are being submitted are Ken Latham and Kathleen Gray. Councilmember Cowan suggested the Mayor contact them to verify they are willing to serve. Mayor Showalter stated he knew both of them well and would see if they are willing to serve. Councilmember Norton stated that she has another name to submit – Gary Redden. Allen Parker stated that he has also been contacted by another person who wants to serve, Chrissie Knibbie. Ken Bassett asked which positions need to be filled. Allen Parker explained that there is a regular member position and an alternate needed. Ken Bassett stated that it has been the practice in the past to move an alternate into the regular position. Councilmember Cal Dee Reynolds asked if the alternates are required to attend the meetings. Allen Parker stated they do need to stay informed, and usually there is a missing member, and they become a voting member. After further discussion, Mayor Showalter asked Councilmember Norton to contact Mr. Redden and Mrs. Knibbie and he will speak with Mr. Latham and Mrs. Gray before a final recommendation is made.

REQUEST FOR AMENDMENT TO THE PLANNING COMMISSION BY-LAWS: Allen Parker explained that this amendment to the Planning Commission by-laws is a simple one to comply with the new City policy on approving minutes. The by-laws will reflect that minutes will now be approved in accordance with City code, so if no action is taken at the next meeting, the minutes are deemed approved. Councilmember Bert Clark moved to approve Resolution No. 2010-18. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowan aye;
- Councilmember Cal Dee Reynolds aye;
- Councilmember Sonja Norton aye;
- Councilmember Bert Clark aye.

REQUEST FOR AMENDMENT TO THE VERNAL CITY FEE SCHEDULE, ADDING GRADING PERMITS & PARKING FEES – RESOLUTION NO. 2010-20: Allen Parker explained that if a developer wants to disturb the surface of the land without building anything, a special grading permit should be issued so the staff can monitor storm water prevention, dust management and fencing. There is no current mechanism to monitor these items. If the property is over an acre, they can apply for a grading permit. The recommended fee is \$33 based on the minimal fee to issue a permit and inspect the property. Councilmember Clark asked what the violation would be if someone does not comply. Allen Parker stated it would be the same as a building permit. Mayor Showalter asked for an explanation of the parking fee. Allen Parker explained that under the parking ordinance there is a requirement for a specific amount of parking spaces based on the type of commercial use. If a new business is going into an existing building and the use changes, they have to comply with the parking requirement. If there is not enough spaces or land to provide parking, the business owner can pay into the parking fund in-lieu of providing all the parking spaces. Once payment is made for a particular site, the fee is paid permanently. Mayor Showalter asked if any businesses in the central business district had ever paid into the fund. Allen Parker answered that the only payment into the fund was from the City. Ken Bassett stated that the Council has set money aside in the parking fund for the last three years. Allen Parker stated that the cost, based on the study completed by the engineers, to develop a parking space is \$2750, and that is the fee being requested. Councilmember Cowan stated that the fee does not generate any parking spaces nor resolve the issues. Mayor Showalter stated that business owners are asking where their parking is when they pay for it. Ken Bassett explained that in the central downtown area

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the parking spaces are limited. If a developer adds a business, like a restaurant, money can be placed in the parking fund and the City will later develop the parking in a manner and at a time established by the Council. Mayor Showalter complained that there is essentially no parking for businesses in the down town area. He stated that something better is needed such as breaking the parking regulations into areas. Councilmember Cowan agreed that requiring money to be placed in the parking fund is not generating more parking. Ken Bassett stated that the fund is there to recognize that development will occur where there is no room for parking, but parking is still needed. Allen Parker agreed that the intent is to provide an opportunity for a business to open without a fixed amount for parking if the site cannot accommodate it. Mayor Showalter stated if he were the developer he would not pay for imaginary parking. There was some discussion regarding other locations with new businesses and the parking issue. Mayor Showalter suggested the parking issue be tabled for now. Councilmember Bert Clark moved to approve the grading permit fee, Section 1, in Resolution No. 2010-20 and table the parking fee section. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowan aye;
- Councilmember Cal Dee Reynolds aye;
- Councilmember Sonja Norton aye;
- Councilmember Bert Clark aye.

REQUEST FOR APPROVAL OF EXTENSION FOR PROSECUTING ATTORNEY CONTRACT:

Ken Bassett explained that the prosecuting attorney, Clark McClellan, has been appointed as a judge for the 8th Circuit Court, and his confirmation is expected to happen in August. Until then, he will continue to provide prosecuting attorney services. His contract needs to be extended to cover the amount of time that he remains the prosecuting attorney. Councilmember JoAnn Cowan moved to approve the extension of the prosecuting attorney contract. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Cowan, Norton, Clark and Reynolds voting in favor.

REQUEST FOR APPROVAL OF 8TH DISTRICT JUVENILE COURT MAINTENANCE AGREEMENT:

Ken Bassett explained that the Juvenile Court has been providing landscaping maintenance services for the City for the last few years. The City pays \$500 a month for their services, and they help maintain landscaped areas. Councilmember Sonja Norton moved to approve the agreement with 8th District Court. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

- Councilmember JoAnn Cowan aye;
- Councilmember Cal Dee Reynolds aye;
- Councilmember Sonja Norton aye;
- Councilmember Bert Clark aye.

ADJOURN: There being no further discussion, Councilmember Sonja Norton moved to adjourn. Councilmember Bert Clark seconded the motion. The motion passed and the meeting was adjourned.

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)