

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
AUGUST 18, 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, Sonja Norton and Bert Clark and Mayor Gary Showalter.

WELCOME: Mayor Gary Showalter welcomed everyone to this meeting.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Sonja Norton.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Bert Clark.

APPROVAL OF CITY COUNCIL MINUTES OF AUGUST 4, 2010: *Councilmember Cal Dee Reynolds moved to approve the minutes of August 4, 2010 as written. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, and Clark voting in favor. Councilmember Sonja Norton abstained.*

PUBLIC HEARING: REQUEST FOR AMENDMENT TO THE VERNAL CITY GENERAL PLAN MAP – ORDINANCE NO. 2010-20: Allen Parker explained that an amendment needs to be made to the general plan map at the location of 700 West and 500 North from low density residential to commercial. The Council originally approved this amendment in 2008, but the change did not get transferred to the new map when the general plan was updated. The current map shows the area as medium density residential. The Planning Commission has reviewed this requested change and is forwarding a positive recommendation. Mayor Showalter asked for public comments. Councilmember Cowan stated that at the time when the area of 500 West and 500 North was designated as commercial, the intent was to include that entire block for businesses that are appropriate to be near a park and housing. Councilmember Clark clarified that this only applies to the south side of the roadway. Allen Parker stated that this is the area between the medical clinic and the walking park, and a new funeral home has been approved for this location. There were no further public comments.

Councilmember JoAnn Cowan moved to approve Ordinance No. 2010-20 amended the general plan map as presented. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

Councilmember Ted Munfordaye;
Councilmember JoAnn Cowanaye;
Councilmember Cal Dee Reynoldsaye;
Councilmember Sonja Nortonaye;
Councilmember Bert Clarkaye.

UBAG PUBLIC TRANSPORTATION PROGRAM: Mayor Showalter explained that he attended a meeting with the Uintah Basin Association of Governments (UBAG) where they discussed starting a public transit system. The City would be directly involved with the Vernal loop bus route with scheduled pick up times and locations. There is federal funding available for the first year, but after that initial year, there would be a cost to local entities to continue the public transit system. There would also be additional costs such as benches and weather shields at the bus stops. Lee Hill,

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regional planner for UBAG, explained that the transit plan for the Uintah Basin was originally initiated in 2005, however, the progression of that program slowed. Now, the FTA, once again, has allocated funds for rural communities to provide a public transportation system. Several types of systems can be provided, and each has specific rules and regulations. The deviated fixed route system, which is being considered for the Uintah Basin, requires a specific schedule, but must include door-to-door transportation for qualified individuals such as the disabled. This type of service would be accomplished through appointment only with a specified amount of notice required to schedule the pick-up. The bus would be allowed to deviate from the set route a certain distance in order to accommodate these special needs or another type of transportation could be utilized for appointment pick-ups. The buses will be equipped with lifts and strap downs to handle certain populations, and the scheduling would have to be flexible taking into account the added time to load / unload wheel chair or other types of equipment. The Vernal loop would be a continuous loop that would provide more personal and local availability of transportation in Vernal, Naples and the surrounding areas. Local businesses are also interested in this system so employees can ride to work. Mr. Lee stated that there will also be a commuter route between Roosevelt and Vernal for students, and UBATC is interested in supporting that route. This program was just recently approved by the Utah Department of Transportation (UDOT) for “frontier” areas that do not have transit systems. Organizations within the Uintah Basin that offer some type of para transit or senior transportation will coordinate with this system to get the population to their destinations. The federal government will provide the funding for the first year, with additional funds being applied for through the year 2014. Further, Mr. Hill stated that Duchesne County has already pledged financial support for this program after the first year for their cost of this pilot program. The budget has been configured using an operations costs of 50/50 for each county, and capital and administration costs being split 80/20. The routes, schedules and needs of the riders will be re-evaluated every 90 days to make sure the population is being served. Councilmember Cowan asked who would do the dispatching. Lee Hill answered that the UBAG Transit Director, Richard Wallis, would be in charge of that. Councilmember Cowan asked what would be the route for the Vernal area. Lee Hill stated that the general route will include Highway 40 to Naples, the high school, hospital, USU and Wal-Mart as a loop. Councilmember Clark stated that he would like more time to review the program and costs. Councilmember Munford asked what would be the target population for this service and how restrictive it would be. Lee Hill explained that they will not restrict who rides the bus. However, those who do not qualify simply need to pay the fare. Councilmember Munford asked why this is not perceived as competition for the local cab company. Lee Hill stated that these are scheduled routes and not a demand response system like a taxi service. Councilmember Cowan asked what the projected cost will be to Vernal City for the second year. Lee Hill stated that Uintah County has said that they support this program and will discuss the costs with the communities within their County to determine how it should be funded. One suggestion has been to have the Uintah Transportation District support this system financially. Councilmember Cowan asked if this would be a seven day a week program. Lee Hill answered that the transit system would only operate five days a week. Ken Bassett explained that during a recent meeting with UBAG, Laurie Brummond, UBAG director, indicated that Duchesne County is willing to pick up all the costs of this program for that area with the municipalities paying nothing. Mayor Showalter asked if they had conducted a study of the ridership of the UBATC bus. Lee Hill indicated that they do not have that information. Mayor Showalter asked if the funds could go to a third party contractor. Lee Hill comment that the issue of a private administrator has not been determined, and possibly a voucher system could be used for the taxi company. Mayor Showalter

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asked if they would be willing to look at a proposal from a private contractor if they have a way of running the program at a substantially lower cost. Lee Hill stated that the entities involved would have to determine that based on the availability of the FTA funds to a private company. He stated that the private company probably would not qualify for the funds.

Tony Wagner, manager of Vernal Cab Company, stated that his company does provide many of the same services such as taking a patron to the temple at a discounted rate or helping someone go to the grocery store and taking their items into their home for them. Also, there is a voucher program available that is currently being used. He stated that it will be difficult to stay in business if he has to compete with a government organization. There was some discussion regarding what would be needed to have a private company run the Vernal loop. Councilmember Munford asked if the workload was heavy. Tony Wagner stated that their workload has dropped in half with the current economy. Councilmember Munford asked what the rate is for a taxi ride. Tony Wagner answered that they currently charge \$5 for the first mile, and 70 cents for every 1/10 of a mile after that. Lee Hill invited a representative from the taxi service to attend the steering committee meetings for this program. Councilmember Norton stated that she does see a need for public transport, and if the public and private systems work together, it can be a win-win situation. Further, she stated that a private company would not be able to run the system as inexpensively as a non-profit organization that receives a subsidy. Tony Wagner stated they would be willing to work with the public system. Councilmember Munford stated that if the cab company is not busy, there may not be enough riders for a public system. Councilmember Norton noted that the program will not be a success overnight. Councilmember Cowan and Councilmember Munford voiced their concern that they would like to see the costs and route before making any commitment. Ken Bassett stated that the cost to the City will not be known until the joint meeting on Friday with the County Commissioners. He explained that the Commissioners are aware of City's plummeting revenue sources and will bring up all options for financing. Richard Wallis reminded the Council that a decision needs to be forwarded to UDOT by the first of next week.

Councilmember Cowan stated that this program may be able to help school children who do not qualify for transport to school if there is flexibility in the scheduling. Richard Wallis stated that if the neighborhood children needing transportation are within the service area and there is enough demand, it can be added to the route. He stated that if the Counties determine they are interested in a pilot public transport system, then the details will be worked out.

Lee Cheves stated that this system will have a cost to the taxpayers, and this area is not big enough to support a public system. Tony Wagner asked if this issue required a public comment period. Richard Wallis stated he thought those requirements were met in 2005.

The consensus of the Council was to wait until the meeting on Friday with the County Commissioners before making a decision if this program should be supported by the City.

REQUEST FOR APPROVAL OF VEHICLE LEASE AGREEMENT AND RESOLUTION NO. 2010-23: Finance Director Mike Davis explained that the City entered into a lease with Ken Garff for eleven police vehicles. The first lease was financed by the dealership and runs through 2011, and the second lease is with Zion's Bank and runs through the year 2014. Resolution No. 2010-23 outlines the conditions of the lease with Zion's Bank at a cost of \$348,326 and 3.9%

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interest. Also, there is a commitment of a \$180,000 value when the vehicles are turned back in and new cars are leased. Councilmember Norton asked how this program compares to purchasing vehicles. Ken Bassett stated it is hard to compare, but the major difference is the police vehicles are replaced every two years and there is very little maintenance. Mike Davis detailed the buyout costs and the trade in value if the City decides not to continue with the lease program. Councilmember Munford stated that this program was covered in detail during the Public Safety meeting, and the Committee is recommending approval. Councilmember Bert Clark moved to approve Resolution No. 2010-23. Councilmember Sonja Norton seconded the motion. The motion passed with a unanimous vote with Councilmembers Clark, Norton, Cowan, Reynolds and Munford voting in favor.

Ken Bassett explained that the City attorney did request one minor change to the lease agreement where the City would only be responsible for the transport of the vehicles within the State of Utah.

FINAL SUBDIVISION PLAT APPROVAL FOR PEG DEVELOPMENT, 200 EAST 600 SOUTH: Allen Parker explained that this development contains four lots, with the largest parcel being accessed from 600 South Street. This development was approved by the Council in the past, but the plat was not recorded because of finances. Now they are requesting approval again. The Planning Commission has reviewed this request and is forwarding a positive recommendation. One item that is significant with this final plat is the small roadway shown on the plat that does not connect to another road. The City code requires that when a public road is build and adjacent property is developed, the road must be continued. Even though this roadway does not connect to another road, it must be platted to connect. Allen Parker explained that the developer will need to enter into a development agreement as to the disposition of this road when the neighboring property is developed. Robert Schmidt, PEG Development, stated that with this slower economy, they had to rethink this project. The original development included 168 apartments, but now the plan is to build 96 units in two phases. Councilmember Reynolds asked if it would be condos or apartments. Mr. Schmidt answered that it would be apartments with a management company taking care of it. The roadway would be guaranteed to be built through the development agreement. Ken Bassett stated that the final plat will not be able to be recorded until the development agreement is signed. Councilmember Bert Clark moved to approve the final plat for the subdivision at 200 East and 600 South with the requirement of a development agreement being entered into between the City and Peg Development for the roadway development. Councilmember Sonja Norton seconded the motion. The motion passed with a unanimous vote with Councilmembers Clark, Norton, Munford, Reynolds and Cowan voting in favor.

REQUEST FOR APPROVAL OF AGREEMENTS FOR HOLLY DAY ENTERTAINMENT:

Ken Bassett explained that three agreements have been received for the Holly Days entertainment. These agreements include the fireworks display, camel rides, and strolling clowns on stilts. The total cost is approximately \$15,000. Further, Ken explained that local businesses help sponsor this event. Mayor Showalter asked Councilmember Norton to ask the downtown businesses to be embrace this event and build retail sales around it. Councilmember Norton stated she would ask them to plan a special sale. Councilmember Clark moved to approve all three agreements for the Holly Day entertainment. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

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Councilmember Ted Munfordaye;
Councilmember JoAnn Cowanaye;
Councilmember Cal Dee Reynoldsaye;
Councilmember Sonja Nortonaye;
Councilmember Bert Clarkaye.

REQUEST FOR APPROVAL OF CONTRACT FOR SIDEWALK REPAIRS: Ken Bassett explained that the City needs to enter into an agreement with Precision Concrete Cutting to “shave” the sidewalks where the cement is lifted, causing trip hazards. The City has budgeted \$50,000 for this work, and some sections of the sidewalk will need to be totally replaced. Councilmember Cowan stated that there is a section of the sidewalk at approximately 200 North and 400 East that has been removed and needs to be replaced. Ken Bassett explained that this is the only contractor that can bring the cement down to the zero tolerance level. Councilmember Cowan moved to approve the contract with Precision Concrete Cutting, not to exceed \$25,000. 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 Reynoldsaye;
Councilmember Sonja Nortonaye;
Councilmember Bert Clarkaye.

REQUEST FOR APPROVAL OF AMENDMENT TO CHARGES FOR SERVICES – PLANNING PERMIT WAIVER – RESOLUTION NO. 2010-24: Ken Bassett explained that the Council agreed to waive the impact and building permit fees for the workforce housing project being built by Neighborhood Non-Profit. However, the planning fees were not waived, and Kim Datwyler, with Neighborhood Non-profit, is asking the Council to consider waiving these fees. Resolution No. 2010-24 adds a waiver provision for affordable housing projects to the planning fees similar to the waiver for building permit and impact fees. Councilmember JoAnn Cowan moved to approve Resolution No. 2010-24. Councilmember Bert Clark seconded the motion . The motion passed with Councilmembers Cowan, Clark, Reynolds, Munford and Norton voting in favor for a unanimous vote.

APPOINTMENT OF BOARD OF ADJUSTMENT MEMBERS: Allen Parker explained that there is one vacancy on the Board of Adjustment for an alternate member, and as discussed before there is one person, Chrissie Knibbe, interested in serving. Councilmember Sonja Norton moved to approve that recommendation. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Norton, Munford, Cowan, Clark and Reynolds voting in favor for a unanimous vote.

CHANGE ORDER REQUEST #78 – MECHANICAL ROOM (CHASE) CHANGES: Ken Bassett explained that in the new city office building, there is a mechanical room on both floors, which contains the pipes or chases for the heating units and the original plans do not show any access. Change order request #78 includes the cost to add access and finish the rooms. The cost to add access is \$4,143.12. Councilmember Ted Munford moved to accept Change Order Request #78. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

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Councilmember Ted Munfordaye;
Councilmember JoAnn Cowanaye;
Councilmember Cal Dee Reynoldsaye;
Councilmember Sonja Nortonaye;
Councilmember Bert Clarkaye.

REQUEST FOR AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES – ADD CHAPTER 14.04 – JOB ABANDONMENT – RESOLUTION NO. 2010-22:

Ken Bassett explained that Resolution No. 2010-22 outlines the steps that need to be taken to terminate an employee who simply stops coming to work. He stated that this situation has only occurred once over the last 30 years, but there was another recent occurrence with another agency. The basic policy is if an employee does not show up for work for at least three days and does not notify his supervisor, the City will assume he has resigned and will send him a notice that he has been terminated. The Administrative Committee reviewed this policy and is recommending approval. Councilmember JoAnn Cowan moved to approve Resolution No. 2010-22. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Norton, Munford, Cowan, Clark and Reynolds voting in favor.

CDL COST DIFFERENTIAL RECOMMENDATION OF ADMINISTRATIVE COMMITTEE:

Ken Bassett explained that in April of 1990, the City Council provided some cost differentials for the new CDL requirement for public works employees. The purpose was to offset the additional cost between a chauffeurs license and the CDL license up to \$150. However, employees hired after 1990 are required to pay for their CDL license requirements. There have also been changes to the CDL requirements and costs by the State. Further, significant adjustments have been made to employee wages based on the demand for CDL drivers. Ken Bassett stated that with those changes, the Administrative Committee decided it was best to rescind the action of the Council and recommend the employees pay the fees for their CDL license. Councilmember Bert Clark moved to rescind the cost differential payment for the CDL license. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Norton, Munford, Cowan, Clark and Reynolds voting in favor.

ADMINISTRATIVE REPORTS:

Dinosaur Costumes:

Mayor Showalter explained that there is considerable cost to change the decorations on the green dinosaur. Also, the T-Rex is in need of extensive repair, and is actually missing one foot. Councilmember Clark agreed that funding needs to be approved for the repair soon. Councilmember Cowan stated that part of the character of the City is the simple attraction of the dinosaur in costume. However, in the zeal to make the dinosaur more attractive, some of the decorations have become too expensive. Councilmember Reynolds agreed and suggested the decorations focus more on T-Rex itself and remain simple. Mayor Showalter suggested that the City Manager speak with the street superintendent about scaling back the costumes.

Utah League of Cities and Towns:

Ken Bassett reminded the Council that the Utah League of Cities and Towns conference is scheduled for the 15th through the 17th of September. The regularly scheduled meeting for the Council would

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normally be held on September 15th. He suggested the meeting be changed to September 22nd. The consensus of the Council was to move the meeting to the following week.

Nuisance prevention:

Councilmember Cal Dee Reynolds stated that there is a dirt parking lot on Main Street being used by residents to advertise items for sale. He asked if there was some way for the City to require the lot be cleaned up. Ken Bassett stated that the City does have a requirement that parking lots be paved if they are being used for commercial reasons. In this case, it is not known if the owner is giving permission or monitoring what is happening on his property. Mayor Showalter stated that occasionally big trucks will park there and drag dirt onto the street or patrons of the café will park there. Ken Bassett indicated that he would have a discussion with the owner about paving the lot.

State Parks Dinner:

Ken Bassett explained that Utah State Parks recently sent out postcards regarding their upcoming dinner at Steinaker. However, the date has been changed to September 21st. If the weather does not cooperate, the dinner will be held at the museum.

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

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)