

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 1, 2010 at 7:00 p.m. in the Vernal City Council room, 447 East Main,
Vernal, Utah 84078.

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

SELECTION OF MAYOR PRO-TEMPORE: Councilmember Bert Clark moved to appoint JoAnn Cowan as the Mayor Pro Tempore for this meeting. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with a unanimous vote.

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember JoAnn Cowan.

APPROVAL OF CITY COUNCIL MINUTES OF AUGUST 18, 2010: *Councilmember Bert Clark moved to approve the minutes of August 18, 2010 as written. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton and Clark voting in favor.*

PRESENTATION OF HISTORICAL PLAQUE: Teddy Evans, Vernal City resident of 491 West 300 North, explained that she and Linda Anderson came up with the idea of developing a plaque recognizing how the community flower beautification project started. The historical plaque will match the other plaques displayed down town and can be mounted wherever the Council decides. She stated that Vernal is known for the beautiful flowers as well as the dinosaurs. Councilmember JoAnn Cowan thanked Teddy for her thoughtfulness and tribute to Rance Searle who helped start and continue the flowers being planted along Main Street. Teddy Evans explained that Rance Searle was an artist who believed in beauty and has enriched the City with this project. She stated that she and Joe Evans, and John and Linda Anderson are donating the plaque to the City. The Council thanked Teddy and Joe Evans.

REQUEST TO PAY PARKING FEE IN-LIEU OF ADDITIONAL PARKING SPACES - KYLE BATTY AND DEARMON BATTY: Allen Parker explained that the City received a request from Mr. Kyle Batty to pay the parking fee into the parking fund instead of providing the necessary parking required by City code to expand their furniture store and sleep center. He showed the Council a map of how the two stores will be connected with a structure being built between them. The amount of parking spaces will need to be increased to comply with City code. The number of parking spaces needed is based on square footage for this type of use, but they do not have enough room for the amount of parking required. Therefore, under a separate provision of the code, the business owners can petition the Council to pay a fee in-lieu of providing all the necessary parking. The funds are then used to build public parking in the future. Councilmember Cowan stated that the policy explains the in-lieu fee, but asked how the amount is determined. Allen Parker stated that we asked an engineer to come up with a recommended amount per space based on the cost to purchase land and construct a parking lot. The amount recommended is \$2750/

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per parking space. Councilmember Cowan clarified that the Council has become uncomfortable with this provision of the code and will be re-examining all parking provisions. DeArmon Batty stated that they understand the current code and want to comply, however, their retail business does not ever become busy enough to need 46 parking spaces. The configuration of the property with the expansion to the buildings as shown to the Council, will allow only 40 parking spaces. Mr. Batty stated that it is difficult to have to ask to buy parking spaces that are not needed. He asked the Council to consider revising the ordinance where the parking needs more closely match each type of retail establishment. He asked the Council for permission to purchase parking even though any public parking that is built will not benefit their businesses. Councilmember Munford stated that he makes a good point, however, the property may not always remain this type of business and additional parking may be necessary. Councilmember Norton stated that she is aware of the downtown parking issues and does not agree with the fee in-lieu of parking. She stated that the City will look at all options for parking.

Ken Bassett explained that this ordinance was adopted in the 1980's and was intended more for the central downtown area where buildings often change uses, such as from an office to a restaurant, and more parking is needed. The ordinance was fashioned after other municipalities and what they were doing with their central commercial areas. The only contributor to the parking fund over the years has been the City, and at that time a parking lot was placed close to the Cobble Rock Park property to accommodate the parking needs in that area. Now the Council has voiced their concern regarding the parking fund, how it should be used, and where more parking should be developed. With the request from Mr. Batty to use the fee in-lieu of parking, the Council should also look at parking space requirements in more detail as a furniture store does not need as much parking as a grocery store. Mr. Bassett recommended the Council approve the payment of the parking fee with the understanding that if the standards are changed and the fee is no longer needed or is eliminated, the business owner receive a refund of any fee that is not necessary. Councilmember Norton stated that as a general rule the City does not go back. Ken Bassett explained that this is simply a timing issue with the staff already having been directed to bring this issue before the Planning Commission. He stated that this consideration is valid enough to trigger a conditional payment into the parking fund. Councilmember Reynolds agreed that they should be allowed to pay into the fund with these conditions rather than hold up their project waiting for the ordinance to be changed. Allen Parker stated that when the City is looking at changing a development requirement and an application is submitted during that process, it is considered to be within the zone and all parties are notified that they must comply with any new requirements. This issue falls under the same legal principle.

After further discussion, Councilmember Ted Munford moved to have the Batty's pay into the parking fund, and when the ordinance is rewritten, they will comply with the new regulations. Councilmember Cal Dee Reynolds seconded the motion.

Allen Parker reminded the Council that they would need to set the fee. DeArmon Batty stated that he recently repaved his parking lot for Basin Sports and the cost was considerably less. Ken Bassett stated that the cost estimate from the engineers includes purchasing the land.

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Councilmember Munford moved to amend his motion to have the Batty's pay \$2750 per parking space as recommended by the engineers, into the parking fund and when the ordinance is rewritten, they will comply with the new regulations. Councilmember Cal Dee Reynolds withdrew his second to the motion. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

Councilmember Ted Munford.....aye;
Councilmember JoAnn Cowanaye;
Councilmember Cal Dee Reynolds nay;
Councilmember Sonja Nortonaye;
Councilmember Bert Clark..... aye.

The Council thanked Mr. Batty for his understanding of the ordinance process.

TELEPHONE AND NETWORK SYSTEM WIRELESS ACCESS: GJ Searle explained that as the staff was evaluating the telephone and network proposals for the new office building, some items were cut to bring the project down to match the budget. However, after reviewing the needs of the departments, it would be beneficial if the wireless infrastructure was added back into the contract with Cache Valley Electric. Councilmember Cowan agreed that the best technology with all the necessary accessories should be purchased now. GJ Searle stated that he does have a concern with network switches. A minimum standard was requested in the bids, however, it would be better if the switches were upgraded. Councilmember Munford stated that he spoke with GJ regarding the switches and the issue is speed. He agreed that the upgraded switch would be better for data transfer. GJ Searle explained that with the change in technology, especially in the police department, the transfer of video files or other digital transfers will occur more efficiently. Ken Bassett stated that the wireless system will cost \$12,000 and the switch upgrade is another \$15,000. GJ Searle stated that the other accessory, being able to record telephone conversations through the phone, has a cost of \$13,000. Mike Davis stated that the recording accessory would help with irate customers. Ken Bassett stated that the consoles for the main switch boards were also downgraded from the original bid. He suggested the original consoles be purchased. Councilmember Munford asked if the consoles use a software utility. GJ Searle answered yes they are an attendance console. Councilmember Munford asked GJ to look into a "soft phone". GJ Searle stated that there are actually three different versions with two consoles or up to six at a cost of approximately \$1800. Councilmember Reynolds noted that two consoles would not be enough. After further discussion, *Councilmember Reynolds moved to approve purchasing the wireless infrastructure, switch upgrade, recording and other phone accessories discussed. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Ted Munford.....aye;
Councilmember JoAnn Cowanaye;
Councilmember Cal Dee Reynoldsaye;
Councilmember Sonja Nortonaye;
Councilmember Bert Clark..... aye.

Ken Bassett explained that after receiving the bids, the staff double checked with each department to see what equipment was needed. There are several offices that will not be occupied, but will need to have a phone, and the additional equipment added a cost of \$7000 to the bid.

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REQUEST FOR APPROVAL OF CHANGE ORDER REQUEST #64 ON MUNICIPAL OFFICE BUILDING PROJECT: Ken Bassett explained that the City office building project has obligations of \$15,080,000 including a \$550,000 contingency, leaving \$1.9 million dollars of grant funding not obligated yet. With the project moving closer to being finished, the staff needs to consider how the furnishings and move will be accomplished. Also, the ancillary building, which is directly behind the office building to the south, does not have any data lines coming from the main building. These lines will be needed to use the phone or log inventory into the computer system. The cost to add this connectivity is \$4800. Councilmember Cal Dee Reynolds moved to approve Change Order Request No. 64 for the new city office building. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

- Councilmember Ted Munford.....aye;*
- Councilmember JoAnn Cowanaye;*
- Councilmember Cal Dee Reynolds.....aye;*
- Councilmember Sonja Nortonaye;*
- Councilmember Bert Clark.....aye.*

Roxanne Behunin introduced Sherri Montgomery to the City Council. She explained that Sherri will be working as an administrative clerk for the City in the administration department. Sherri Montgomery stated that she grew up in Roosevelt and currently lives in LaPoint. The Council welcomed her to Vernal City.

REPLACEMENT OF POLICE OFFICER POSITION: Chief Dylan Rooks explained that his department recently had an officer take other employment, and he would like to replace that position. The Public Safety Committee reviewed the staffing needs for the police department and are recommending that an entry level police officer be hired. Councilmember Norton stated that in the past the police department has hired from the register. Roxanne Behunin indicated that the register has expired. Councilmember Cowan stated that the work load for the justice court has dropped. Chief Dylan Rooks stated that those filings are only one issue the department deals with. In the past the department had one officer dedicated to traffic citations, but that position has not been replaced. Also, a majority of the work being conducted by the detectives is handled through the other court system. Councilmember Cowan asked if with the population and traffic going down, does the department need to be maintained at the same size. Chief Rooks stated that the calls for service have actually increased over the last year, and many times the cases, such as burglaries or identity theft, are very labor intensive and require more follow-up. Councilmember Clark asked who does the majority of the follow-up calls. Chief Rooks stated that it depends on the case, but both the detectives and patrol do follow-up calls. After further discussion, *Councilmember Ted Munford moved to authorize hiring a replacement police officer. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Munford, Norton, Clark, Reynolds and Cowan voting in favor for a unanimous vote.*

REQUEST FOR APPROVAL OF WATER CONSERVATION PLAN – RESOLUTION NO. 2010-25: Councilmember Cowan explained that the City needs to submit the water conservation plan to the State. Councilmember Sonja Norton moved to approve Resolution No. 2010-25,

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approving the Water Conservation Plan. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Norton, Clark, Reynolds and Cowan voting in favor for a unanimous vote.

REQUEST FOR APPROVAL OF FUN SERVICES CONTRACT FOR HOLLY DAYS EVENT: Ken Bassett explained that Fun Services, which is the company that has the blow up toys, will be providing various activities at the Western Park as part of the Holly Days event. The cost for this contract is \$10,500. Councilmember Cal Dee Reynolds moved to approve the contract with Fun Services. Councilmember Norton seconded the motion. The motion passed with the following roll call vote:

- Councilmember Ted Munford.....aye;*
- Councilmember JoAnn Cowanaye;*
- Councilmember Cal Dee Reynoldsaye;*
- Councilmember Sonja Nortonaye;*
- Councilmember Bert Clark..... aye.*

REJECTION OF WATER PROJECT BID: Ken Bassett explained that the City received funds from the Community Impact Board (CIB) to complete two water projects, and there was funding remaining after those projects were completed. The City will use the remaining funds for related water projects connected to those main projects which will improve the water service in those areas. Bids were solicited for this additional work which includes the water lines along 1500 West and Hwy 40 and Canal road and 500 South. Only one bid was submitted from Chapman Construction, and the bid was significantly higher than the engineers estimate. Ken recommended the bid be rejected and the project be rebid. *Councilmember Bert Clark moved to reject the bid for the water projects. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Clark, Munford, Cowan, Reynolds and Norton voting in favor for a unanimous vote.*

ENGINEERING SERVICES FOR HAVEN ESTATES: Ken Bassett explained that the City is moving forward with the water infrastructure installation in Haven Estates so the development can be completed. The contract for this work has been awarded to Chivcon Construction and they will be starting the project within a few weeks. The inspection of the work will be completed by Engineering Services, and a contract must be approved for the inspection work. Councilmember Clark asked if the property owners can occupy the homes once the water is installed. Ken Bassett stated that all the infrastructure must be completed first. He explained that this work will be paid for with the funds placed in the escrow account. After further discussion, Councilmember Bert Clark moved to award the construction engineering contract to Engineering Services at a cost of \$12,840. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

- Councilmember Clark.....aye;*
- Councilmember Norton.....aye;*
- Councilmember Reynoldsaye;*
- Councilmember Cowan not present for the vote;*
- Councilmember Munford..... aye.*

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The motion passed with a majority vote. JoAnn not present for the vote.

CONVENE INTO CLOSED SESSION: *Councilmember Sonja Norton moved to convene into closed session to discuss pending litigation. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:*

*Councilmember Clark.....aye;
Councilmember Norton.....aye;
Councilmember Reynoldsaye;
Councilmember Cowanaye;
Councilmember Munford.....aye.*

CONVENE BACK INTO OPEN SESSION: Councilmember JoAnn Cowan declared the meeting back in regular session.

CONSENSUS TO ENTER INTO AGREEMENT FOR HAVEN ESTATES: The consensus of the Council was to enter into a negotiated agreement with the parties involved with the Haven Estates development. Dennis Judd indicated he would notify the other parties and bring the finalized agreement to the Council for approval. The Council will ratify the approval of this agreement at the next meeting

ADMINISTRATIVE REPORTS:

Dedication of USU Energy Building:

Councilmember JoAnn Cowan reminded the Council that the Bingham energy building will be dedicated on September 24th.

Public Works Committee Meeting:

Ken Bassett asked the Public Works Committee members to check their schedules and set a time for a meeting. The consensus was to meet next Wednesday at 4 pm.

Nuisance Abatement Issue:

Allen Parker explained that he spoke with Phil Timothy regarding vehicles that are for sale being parked on is property. He is aware that the property needs to be paved in order to be used for commercial purposes, and agrees the property is an eyesore. However, Allen noted that he thinks he is doing a good service. Further, Allen indicated that he informed Mr. Timothy that he would have to remove the vehicles or receive a citation for non-conformance. Ken Bassett stated that a written notice will need to be sent giving him 14 days to comply before receiving a zoning violation. He stated that the notice will be sent immediately.

ADJOURN: There being no further discussion, *Councilmember Bert Clark moved to adjourn. Councilmember Sonja Norton seconded the motion. The motion passed with a unanimous vote.*

Mayor Pro Tempore JoAnn Cowan

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ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)