

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 22, 2010 at 7:00 p.m. in the Vernal City Council room, 447 East Main,
Vernal, Utah 84078.

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

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

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Sonja Norton.

APPROVAL OF CITY COUNCIL MINUTES OF SEPTEMBER 1, 2010: *Councilmember Ted Munford moved to approve the minutes of September 1, 2010 as written. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton and Clark voting in favor.*

DEVELOPMENT AGREEMENT FOR WORKFORCE HOUSING Ken Bassett explained that this development agreement is for the purpose of outlining key issues for the construction of the workforce housing apartments at 1350 West 300 South in Vernal City. He explained that Neighborhood Non-profit Housing and the State of Utah Housing Division have partnered with the City for this project which has been awarded \$1 million dollars from the Olene Walker Trust Fund to complete this project. The City Attorney has reviewed this agreement and is recommending several items be included as follows:

1. The agreement needs to designate that the affordable housing component will remain with the project by recording a document which outlines the affordability issue with at least a 99 year commitment.
2. The development will comply with a two-parking space minimum for each unit with limitations on the type of vehicle allowed to be parked at the complex. No recreational vehicles, trailers, large trucks etc. will be allowed and lease document should outline those restrictions.
3. The agreement needs to indicate a commitment by the developer that progress will continue on this project starting with Phase 1, and continuing to Phase 2, after phase one is totally rented and there is a market to support the next segment. However, the complex should be totally completed within 20 years.

Councilmember Clark asked if there is an immediate need will the entire complex be built. Ken Bassett stated that the City can communicate the housing need to them. Councilmember Cowan explained that in the recent past agencies hired employees such as school teachers or police officers. These new employees could not find appropriate, affordable housing which brought up the realization that affordable housing was needed for workers outside the oil and gas industry or on fixed incomes. Mayor Gary Showalter asked if there would be a management group over this complex to maintain the grounds and parking. Ken Bassett stated it was his understanding that there would be an on-site management company. Councilmember Reynolds stated that the Uintah Basin

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Housing Assistance Council oversees many of these types of housing units and they do maintain them.

Ken Bassett stated that one more item that needs to be deleted is the bonding requirement. The infrastructure will remain privately owned. Councilmember Cowan asked Ken to approach them about changing the name. After further discussion, *Councilmember Bert Clark moved to approve the development agreement with Neighborhood Housing for the workforce housing project with the corrections discussed. Councilmember JoAnn Cowan seconded the motion. The motion passed with Councilmembers Clark, Cowan, Reynolds, Norton and Munford voting in favor for a unanimous vote.*

REQUEST FOR SPONSORSHIP OF BREAKFAST WITH SANTA AND MAYOR'S HALLOWEEN WALK: Shawna Joe Eves, representing the Uintah Recreation District, explained that the District has been partnering each year with the City for the Mayor's Halloween walk and fall carnival. This year, Naples City will also be sponsoring this event. If the Youth City Council cannot participate in the fall carnival, the recreation center staff will step in and run that event. Councilmember Cowan suggested that other high school groups be approached to help. Shawna Eves asked the City Council to consider contributing \$1200 for this event.

Shawna Joe Eves stated that another annual event that the City helps sponsor is Breakfast with Santa. The amount of sponsorship funds being requested for this event is \$700. After further discussion, *Councilmember JoAnn Cowan moved to support these two activities in the amount totaling \$1900. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Cowanaye;*
- Councilmember Munford.....aye;*
- Councilmember Reynoldsaye;*
- Councilmember Nortonaye;*
- Councilmember Clark.....aye.*

PUBLIC HEARING: REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, CHAPTER 16.18 – FLOOD DAMAGE PREVENTION – ORDINANCE NO. 2010-19: Allen Parker explained that the City participates in the National Flood Insurance program to help property owners obtain affordable flood insurance. As part of that program, FEMA requires the City to adopt regulations to help prevent flood damage. A revised Ordinance has been transmitted to the City which needs to be approved by October 6th to continue in the National Flood Insurance Program. Councilmember Clark asked if the flood plain maps have been updated. Allen Parker stated that FEMA completed a study last year which includes the maps. Mayor Showalter asked for any public comments regarding this ordinance change. Caro Norton asked when the flood plain map would be available for the public. Councilmember Cowan asked the staff to present a simplified map showing the designated flood plain areas. Allen Parker stated that he would present the map at the next meeting. There being no additional public comments, and the

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public hearing was closed. Allen pointed out that a few housekeeping items needed to be corrected, such as changing Vernal to Vernal City. *Councilmember JoAnn Cowan moved to adopt Ordinance No. 2010-19 with minor corrections noted. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Cowanaye;
Councilmember Munford.....aye;
Councilmember Reynoldsaye;
Councilmember Nortonaye;
Councilmember Clark.....aye.

PUBLIC HEARING: REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, CHAPTER 16.26 – OFF-STREET PARKING AND VEHICLE ACCESS STANDARDS – ORDINANCE NO. 2010-18: Mayor Showalter explained that this Ordinance is still under review by the Planning Commission and the Council is waiting for a recommendation before moving forward with this item. He encouraged the Planning Commission to fully investigate all the parking issues and present policies for adoption. Mayor Showalter noted that the public hearing will be continued to a future meeting when this issue is ready for discussion.

DISCUSSION ON REPLACING PUBLIC WORKS EMPLOYEES: Ken Basset explained that an employee in the parks department terminated, and one employee in the street department is scheduled to retire. Both these employees are under the supervision of Glade Allred. He explained that with this being a tight budget year, the Public Works Committee decided to bring the replacement of these two positions to the Council for discussion. Glade Allred reminded the Council that he lost an employee in the spring who was not replaced, and this would be the second position in that department, if this employee is not replaced. In the parks department, there are usually three full-time employees that have to cover the work load and they also help the street department if time permits. Councilmember Ted Munford stated that this position will be needed in the spring, and it will be easier to hire someone now and have them trained before the flowers are planted. He suggested both these positions be filled immediately. Councilmember Reynolds agreed and stated that these positions have already been budgeted.

Ken Bassett presented a sales tax report which shows the revenue of the City being very close to what was budgeted. The FY2010 budget ended very close to the 18% cap for unexpended revenue of \$1,687,000 million dollars. This fiscal year the revenues are at 98.7% of the amount received last year which is a good indication that revenues will come close to what was budgeted. After further discussion, *Councilmember Bert Clark moved to replace both employees. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:*

Councilmember Cowanaye;
Councilmember Munford.....aye;
Councilmember Reynoldsaye;
Councilmember Nortonaye;

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Councilmember Clark.....aye.

REQUEST FOR APPROVAL OF CONTRACT FOR INCENDIARY CIRCUS FOR HOLLY DAYS: Glade Allred explained that this contract is for the fire dancers and stilt walkers who perform during the Holly Days festival. Mayor Showalter asked what the cost is for this contract. Glade Allred stated that the cost is \$2600. *Councilmember Bert Clark moved to approve the contract with the Incendiary Circus for \$2600. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:*

Councilmember Cowanaye;
Councilmember Munford.....aye;
Councilmember Reynoldsaye;
Councilmember Nortonaye;
Councilmember Clark.....aye.

REQUEST FOR RATIFICATION OF AWARD OF CONTRACT FOR HIGH DENSITY STORAGE UNITS: Ken Bassett explained that the City requested bids for high density storage units for the new City hall building. Proposals were submitted and presentations were made by SpaceSaver Intermountain and Nationwide Shelving so the staff would have the opportunity to review their products. After the presentations, the recommendation is being made to accept the proposal from Nationwide Shelving for these shelving units which will be installed in the court area and police department. Ken explained that he spoke with the Council regarding this item previously, and requested ratification. *Councilmember Sonja Norton moved to ratify the contract with Nationwide Shelving in the amount of \$64,410 for the high density storage units. Councilmember Ted Munford seconded the motion. The motion passed with the following unanimous roll call vote:*

Councilmember Cowanaye;
Councilmember Munford.....aye;
Councilmember Reynoldsaye;
Councilmember Nortonaye;
Councilmember Clark.....aye.

REVIEW OF BIDS AND AWARD OF CONTRACT FOR FREE STANDING FURNITURE: Ken Bassett explained that the City solicited bids for the free standing furniture for the new City hall building. Two bid packages were solicited, with package A including the HON brand furnishings for the enclosed office areas and package B including specific seating units. The City received two proposals for package A - one from Desks Inc in the amount of \$154,702 and the other from Northeastern Office Supply in the amount \$189,552. As the staff reviewed these bids, there was a notation on the Desks Inc. bid that the purchase order needed to be with the manufacturer, HON, instead of Desks Inc. After discussing this oddity with representatives of Desk Inc., they indicated that in order to get that pricing the contract needed to be directly through HON. Ken indicated, however, with the bid being presented from Desk Inc., the purchase order must be with that company so there are no bidding irregularities to explain to the auditors. Also, the vendor is

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requesting that the City approve an addendum to their agreement that they have with Canyon’s School District, or they will have to withdraw their bid. Ken Bassett recommended the City not be involved with this type of arrangement and instead approve the bid from Northeastern Office Supply. Mayor Showalter pointed out that the bid from Northeastern Office Supply is still under budget and the City will be working with a local vendor who will be able to make needed adjustments easily. After further discussion, Councilmember Ted Munford moved to accept the bid from Northeastern Office Supply for package A. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

Councilmember Cowanaye;
Councilmember Munford.....aye;
Councilmember Reynoldsaye;
Councilmember Nortonaye;
Councilmember Clark.....aye.

Ken Bassett explained that CCG Howells submitted a bid for package B, however, they left out two items. A complete bid was received from Interior Solutions in the amount \$126,650. He recommended the Council accept the complete bid. Councilmember Norton asked if references are checked on these vendors. Ken Bassett stated that the architect has worked with this vendor in the past. Councilmember Sonja Norton moved to accept the proposal from Interior Solutions for package B at a cost of \$126,660. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

Councilmember Cowanaye;
Councilmember Munford.....aye;
Councilmember Reynoldsaye;
Councilmember Nortonaye;
Councilmember Clark.....aye.

REQUEST TO DECLARE PROPERTY AS SURPLUS, INCLUDING SCRAP IRON: Mike Davis explained that several departments would like to get rid of old equipment that is no longer useful and there are a lot of metal items that need to be sold as scrap. Mike presented a list of surplus property to the Council for review. He explained that the City will request bids for the scrap iron, and the remaining property will be taken to auction. Councilmember Clark asked if the City crew will take the scrap iron to the recycler. Mike Davis stated that the proposal is to have the recycler leave a bin that can be filled with metal and then weighed. After further discussion, *Councilmember Clark moved to declare the property presented as surplus and solicit bids for the scrap iron. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Cowan not present for the vote;
Councilmember Munford.....aye;
Councilmember Reynoldsaye;

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Councilmember Nortonaye;
Councilmember Clark.....aye.

REVIEW OF BIDS AND REQUEST TO AWARD CONTRACT FOR 1500 WEST WATER

PROJECT: Kyle Marchant, with Engineering Services, explained that this project includes looping the main water line that runs along Highway 40 from the old USU building to the corner of 1500 West. The material for this project will include 1200 feet of fusible PVC pipe which is required by the State because of the proximity to the main sewer line. The second part of this project is to add three valves intermittently along 1500 West to 500 South. This will help to isolate the line in case of any problems. The low bid of \$384,604 for this project was presented by Silver Spurs Construction, and there is \$378,000 of funds available from the Community Impact Board. Councilmember Cal Dee Reynolds asked if their work performance has been satisfactory on the 500 South project. Kyle Marchant indicated that they are good contractors and respond to issues as they arise. After further discussion, *Councilmember Bert Clark moved to approve the bid of Silver Spurs Construction for the 1500 West water project. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:*

Councilmember Cowan not present for the vote;
Councilmember Munford.....aye;
Councilmember Reynoldsaye;
Councilmember Nortonaye;
Councilmember Clark.....aye.

DISCUSSION TO EXTEND CONTRACT WITH G & H GARBAGE:

Ken Bassett explained that the City entered into a three year contract for residential garbage collection with G & H Garbage in 2007. That contract has an option for a two year extension if both parties agree to the same terms. Ken explained that he spoke with Mr. Dave Chivers, owner of G &H Garbage, and he is willing to extend the contract at the same terms. The Public Works Committee reviewed this issue and are recommending the contract be extended through December of 2012. After further discussion, *Councilmember Sonja Norton moved to go forward with the extension of the G & H Garbage contract. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Cowanaye;
Councilmember Munford.....aye;
Councilmember Reynoldsaye;
Councilmember Nortonaye;
Councilmember Clark.....aye.

REQUEST FOR RATIFICATION OF HAVEN ESTATES AGREEMENT:

Ken Bassett reminded the Council that they discussed the negotiated agreement with HRAF Holdings regarding the terms and conditions to complete the infrastructure in Haven Estates at the last meeting. Allen Parker stated that an amended plat will be recorded vacating a portion of this subdivision. Ken

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Bassett noted that the escrow account will be used to pay for the improvements. Caro Norton, resident at 7424 North Power Plant Road , asked which streets will be completed in that subdivision.

Allen Parker stated that 775 South off 500 West over to 250 West down the entire length of the property will be completed. Councilmember JoAnn Cowan moved to ratify the agreement as presented. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Cowan, Norton, Reynolds, Munford and Clark voting in favor for a unanimous vote.

REQUEST FOR APPROVAL OF STATE CONTRACT FOR FREE STANDING STORAGE UNITS WITH NATIONWIDE SHELVING, FURNITURE AND SEATING WITH CCG HOWELLS, TABLES AND SEATING WITH HERMAN MILLER, AND TABLES WITH MITY LITE:

Mayor Gary Showalter explained that the remainder of the furnishings for the municipal building can be purchased from the State contracts and do not require bids. He asked the Council to review the contracts. After review, *Councilmember Bert Clark moved to approve the State contract prices for the listed furnishings. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Cowanaye;*
- Councilmember Munford.....aye;*
- Councilmember Reynoldsaye;*
- Councilmember Nortonaye;*
- Councilmember Clark.....aye.*

DISCUSSION ON FENCING OF CITY HALL PROPERTY: Ken Bassett explained that fencing may be needed on the west and east side of the City office building. Mayor Showalter agreed that fencing would give the project a more finished look. Ken Bassett stated that fencing was not included in the original bid for the building and different materials will cost different amounts. A chain link fence with no slats will cost approximately \$12,000, while a vinyl fence is estimated to cost \$18,750. An ornamental iron fence would cost even more than the vinyl and a precast concrete fence would be the most expensive. Mayor Showalter stated that ornamental iron oxidizes within a short period of time. Ken Bassett stated that precast concrete is used along roadways. Different fencing options were displayed for the Council. Councilmember Cowan stated that she did not want a cheap fence put around the building. Councilmember Clark stated that vinyl fencing is not durable. Mayor Showalter and Councilmember Munford agreed. The consensus of the Council was to use a neutral shade for the fence. Mayor Showalter suggested the municipal building committee be involved in the selection of the fence. The consensus of the Council was to look at going with a chain link fence with non-see-thru slats.

ADMINISTRATIVE REPORTS:

Joint City / County Meeting:

Ken Bassett reminded the Council that the joint City /County meeting is scheduled for Friday.

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Planning & Zoning:

Councilmember Sonja Norton explained that David Brinkerhoff has resigned from the Planning Commission so another member will be needed. Councilmember JoAnn Cowan suggested that Kalynn Nervy with the USDA be contacted to see if she is interested in serving. Councilmember Norton stated that a special meeting will be held to go over the parking issues.

ADJOURN: There being no further business, Councilmember Clark moved to adjourn. Councilmember Norton 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)