

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
OCTOBER 6, 2010 at 7:00 p.m. in the Vernal City Council room, 447 East Main,
Vernal, Utah 84078.

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

WELCOME: Mayor Showalter welcomed everyone to the meeting.

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

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

APPROVAL OF CITY COUNCIL MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 22, 2010: *Councilmember Bert Clark moved to approve the minutes of September 22, 2010. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Munford, Cowan, Norton and Clark voting in favor.*

REQUEST TO DECLARE OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH: Mayor Gary Showalter introduced the director of the Victim Advocate program, Alicia Gowan, and stated that she provides a necessary service in today's world. Alicia Gowan thanked the Council for their support of the victim advocate program. She stated that the program served 362 victims in 2009 who were experiencing domestic violence and another 130 victims of other crimes. This year, 321 victims have received services so far which is up 18% over last year. She explained some of the services that are provided by the victim advocates including mobile crisis calls, protective orders, attending court with the victims and finding shelter. Alicia explained that there has been a significant increase with alcohol / drug related victims and those in the oil and gas related field. The most significant number is the violence associated with unemployment, which is almost double. Also, Alicia Gowan asked the Council to declare October as Domestic Violence Awareness month in Vernal City. Several projects will be done this month for domestic violence awareness such as the clothesline project and a candlelight vigil. Councilmember Cowan stated that these advocates are called out in the middle of the night to help officers with domestic violence calls. The officer can take the offender out of the home, and the advocate helps the victim by taking them to the hospital, or moving them to a safe place to provide food and clothing. She stated this is one of the best services the City provides, and the advocates are heroes in the community. Alicia Gowan read the proclamation to declare October as Domestic Violence Awareness Month to the Council. Councilmember Cowan moved to authorize the Mayor to sign the proclamation. Councilmember Norton seconded the motion. The motion passed with a unanimous vote with Councilmembers Cowan, Norton, Munford and Clark voting in favor.

Councilmember Clark asked if elder abuse is also happening in the community. Alicia Gowan stated that they have helped a few of these victims in the last year. The Council thanked the victim advocates for the services they are providing to the community.

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PUBLIC HEARING: CAPITAL PROJECTS LIST FOR 2010-2011: Ken Bassett explained that every year the City must submit a list to the Community Impact Board with potential capital projects that may be presented to them for funding. The City’s total capital project list identifies the needs of the City and include projects that have been budgeted. The list also includes items that may be needed within 5 or 10 years. Ken noted that the first page, under administration, includes downtown parking, although it has yet to be determine what should be done. Also, affordable housing has been placed on the list for future CDBG funds. Councilmember Cowan stated that possibly those funds could be used to remodel the women’s shelter. There was some discussion regarding the e-mail system upgrade. Ken Bassett reminded the Council that the City usually applies for funding from the Community Impact Board for water, sewer and street projects, and those items are shown on the list.

Mayor Showalter opened the public hearing for comments. He explained that the City depends, primarily, on sales tax to provide services, but occasionally receives funding from other sources such as the Community Impact Board to accomplish significant projects. Councilmember Cowan asked the public what the City should buy. A boy scout suggested a roller coaster. Another recommended the green dinosaur be remodeled or repaired. Councilmember Clark agreed refurbishing the green dinosaur should be on the list. The scouts suggested the City build a mall. There being no further comments, the public hearing was closed. Councilmember Bert Clark moved to approve the capital improvement list. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:

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

REQUEST FOR APPROVAL OF ADDITIONAL COSTS FOR SES ENGINEERING: Ken Bassett explained that he received information provided by SES Engineering regarding the extra costs associated with the technical inspections for work being done at the new City office complex. The City entered into a contract with SES Engineering to provide these inspections at a lump sum cost of \$38,500. However, during the course of completing the inspections, there were times that the inspector could not perform the tests for reasons such as the cement pour did not happen or there were added expenses when the inspector had to wait an extra day for density tests to be performed. Most of the delays are caused by the contractor, however, this contract is between the City and SES so the City is responsible to pay any additional costs. Ken explained that SES is requesting reimbursement for extra costs for a total of \$3524.50. He recommended that once payment is made by the City, the staff approach Big-D Construction to pick up this cost. Mayor Showalter stated that Ken has a good relationship with Big-D and should be able to work with them on this issue. After further discussion, Councilmember Sonja Norton moved to approve the added costs submitted by SES Engineering in the amount of \$3524.50. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

- Councilmember Munford.....aye;

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

FLOOD PLAIN MAP PRESENTATION: Mayor Gary Showalter explained that the Council asked the staff to present the new flood plain map provided by FEMA. Allen Parker presented the map and a letter from FEMA acknowledging the updated map. Councilmember Cowan expressed her surprise that the flood area along 400 North and 500 North was not significantly less with the work that has been done to that drainage area. Allen Parker explained that this channel actually does narrow starting at the City boundary and then widens up again. There was some discussion regarding the area by Kids Canal and 400 South. Allen Parker explained that after a local engineer researches what areas potentially will flood in a 100 year flood, that information is sent to FEMA who evaluates the data and sets the flood plain map. The Council thanked the staff for the information.

REVIEW OF CONCRETE BIDS AND REQUEST TO AWARD CONTRACT: Ken Bassett explained that every year the City solicits bids from interested contractors to do miscellaneous concrete work. This year, the only bid was received from Stearns Construction in the amount of \$43,094. The street department has a budget of \$50,000 for sidewalk repairs. Ken recommended the Council accept the bid from Stearns Construction. Councilmember JoAnn Cowan moved to accept the bid submitted by Stearns Construction for concrete work. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

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

REVIEW OF SCRAP IRON BID AND REQUEST TO AWARD CONTRACT: Ken Bassett explained that the public works departments end up with a lot of scrap metal that needs to be recycled. Bids were requested from local recyclers to purchase the scrap metal and provide a bin to load the metal in. One bid was received from Montgomery Brothers of \$105 per ton. After discussion, Councilmember JoAnn Cowan moved to accept the bid from Montgomery Brothers. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

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

AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES & PROCEDURES - CHAPTER 17.02 DRUG / ALCOHOL TESTING - RESOLUTION NO. 2010-26: Ken Bassett explained to the Council that all new employees are required to pass a drug test. Also, all CDL and

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safety-sensitive employees are subject to random, reasonable suspicion and post-accident drug testing. This ordinance will add drug testing for all employees pertaining to post-accident incidents that might occur or reasonable suspicion. However, only specified employees will still be subject to random testing. One reason to separate the type of employee who can be randomly tested for drugs is the protection by federal law that requires this testing. Also, the liability insurance carrier, Utah Local Governments Trust, has indicated their preference that that City include all employees in pre-hiring, post accident and reasonable suspicion drug testing only. Councilmember Clark asked if this excludes the police department from random testing. Ken Bassett stated those employees are randomly tested. Ken explained that this resolution also more specifically identifies the testing procedure. Councilmember Cowan clarified that if an employee has an accident while driving a City vehicle, that employee will be tested for drugs and alcohol. Ken Bassett answered yes. Councilmember Cowan asked how often the employees are tested randomly. Ken Bassett stated that the City belongs to a pool and random tests occur quarterly to comply with federal law for CDL drivers. Councilmember Clark noted that in one section the alcohol level is 0.04 or higher, while in another section the level goes down to 0.02. Ken Bassett stated that the 0.02 level is set by federal law. Councilmember Cowan asked if an employee seems to be incoherent and cannot walk can the supervisor require them to be tested for drugs. Ken Bassett stated once the supervisors are trained, they can send an employee for testing if they see at least 3 suspicious behaviors exhibited by an employee. Councilmember Norton asked what happens if an employee is acting strange due to a prescribed drug. Ken Bassett stated that it is the employee's responsibly to let the tester know what prescription drugs they are taking. Councilmember Cowan stated that an employee may have a valid prescription that impacts their ability to do their job. Ken Bassett stated that the supervisor can have the employee tested, and if the test is negative the employee can be asked to go home until the affects wear off. After further discussion, Councilmember JoAnn Cowan moved to adopt Resolution No. 2010-26. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

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

REQUEST FOR APPROVAL OF CONSTRUCTION ENGINEERING FOR HORIZONTAL DIRECTIONAL DRILLING PROJECT:

Ken Bassett stated that this item was discussed by the Council previously, however, the inspection for this project needs to be approved. The work consists of boring the conduit access for the street lights along east Highway 40. Councilmember Bert Clark moved to approve the construction engineering with Engineering Services for this project. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

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

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REQUEST FOR APPROVAL OF ADDENDUM TO G & H GARBAGE CONTRACT: Ken Bassett reminded the Council that this item was discussed during the last meeting to extend the contract with G & H Garbage for two years. Councilmember Cowan moved to approve the addendum to the G & H Garbage contract extending the time frame by 2 years beginning January, 2011. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

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

REQUEST FOR APPROVAL OF CHANGER ORDER REQUEST FOR THE MUNICIPAL OFFICE BUILDING FOR GROUND WATER PUMPING SYSTEM: Ken Bassett explained that last October as the excavation for the municipal office building commenced, it was determined that there was a source of ground water that is very consistent and continual on the property. The contractor began monitoring the amount of water to see if there were any fluctuations in order to determine the size of sump pumps that would be needed to manage this water. Based on the data collected, the determination was made that two pumps are needed. Mayor Showalter stated that this is a very perplexing and difficult item to deal with that was truly unforeseen. He recommended the Council approve the funds to install the pump system being recommended. Councilmember Cowan asked if this water will impact the ability to use the coils to heat and cool the building. Ken Bassett stated that the coils are much deeper and will not be affected. The cost for the pumping system is \$16,994.20. Councilmember Clark asked if this system has a back-up. Mayor Showalter stated the pumps can work simultaneous or alone as needed. Councilmember Clark asked about maintenance of the system. Ken Bassett stated that the system has an alarm to notify the staff of any problems. Mayor Showalter noted that the cost does not include the additional costs to compensate Big-D Construction for their time to monitor and gather data. After further discussion, Councilmember Bert Clark moved to approve the municipal building change order for the pumps in the amount of \$16,994.20. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:

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

ADMINISTRATIVE REPORTS:

Municipal Office Building Committee Meeting:

Ken Bassett asked the Councilmembers on the Building Committee to set a time for a meeting to discuss additional equipment needed for the office building. The Council determined any day next

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week would work. Also, Ken presented a mock up of the new City office complex to discuss how fencing should be placed.

ADJOURN: There being no further business, Councilmember Bert Clark moved to adjourn. Councilmember Ted Munford 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)