

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
NOVEMBER 3, 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, Sonja Norton, and Mayor Gary Showalter. Councilmember JoAnn Cowan 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 OCTOBER 20, 2010: Councilmember Sonja Norton moved to approve the minutes of October 20, 2010 as written. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Munford, Reynolds and Norton voting in favor and Councilmember Clark abstaining.

APPROVAL OF CITY COUNCIL MINUTES OF OCTOBER 27, 2010: Councilmember Cal Dee Reynolds moved to approve the minutes of October 27, 2010. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Reynolds and Clark voting in favor and Councilmember Norton abstained.

CDBG SMALL CITIES PROGRAM POTENTIAL PROJECTS FOR 2011 – 1ST PUBLIC HEARING: Ken Bassett explained that the City has opportunity to apply for federal funds through the Community Development Block Grant (CDBG) program. Part of the requirement for funding is to hold two public hearings with the first hearing to receive ideas on what the funds should be applied for, and the second hearing after the application has been submitted to receive comments on the specific project that was selected. The amount of money available for the tri-county area is approximately \$450,000 or similar to last year. Uintah Basin Association of Government (UBAG) officials will rate and rank the applications submitted and determine who receives funding. Last year the City received funding for the acquisition of property for the workforce housing project. Mr. Bassett explained that the Council has discussed applying for funds to expand the women's shelter and that project should score high points. Housing projects that help low income residents typically score the most points and receive funding. Previously the City received funds for improvements for low to moderate income housing, ADA ramps and weatherization projects. Other uses of funding include utility projects or other capital expenditures affecting low to moderate income individuals or families. Mayor Gary Showalter opened the public hearing for comments. There were no public comments. Councilmember Ted Munford stated that he favors the idea of supporting the women's shelter. Councilmember Reynolds agreed. Mayor Showalter asked if the funds are allocated to one project. Ken Bassett explained that usually several projects in the tri-county area are awarded funding. After further discussion, Councilmember Bert Clark moved to direct the staff to apply for CDBG funding for the women's shelter addition. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

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Councilmember Munford aye;
Councilmember Reynolds..... aye;
Councilmember Norton aye;
Councilmember Clark..... aye.

REQUEST TO PURCHASE COMPUTER STORAGE & RECOVERY SYSTEM FOR NEW MUNICIPAL OFFICE BUILDING: GJ Searle, Vernal City’s IT Technician, explained that he received proposals for the sans storage device as well as disaster recovery equipment to be installed in the new City building. This equipment will allow better storage and recovery of electronic data with one central device in the building and another storage system at another location. Councilmember Clark asked where the second server will be placed. GJ Searle stated he is still working on that, but possibly in Roosevelt. Mr. Searle presented proposals from EMC, HP and Dell. He recommended the Council consider the second option from EMC based on features and reliability. Councilmember Munford asked if the police department video camera system would be stored on this system. GJ Searle answered that their data will be stored on the san system. Councilmember Munford acknowledged that disaster recovery hardware and software is critical and agreed with Mr. Searle’s recommendation. Mayor Showalter asked if the City currently has any of this type of equipment. GJ Searle explained that right now the data is stored on each server, and if something happened, the server would have to be sent off for recovery. There was some discussion regarding the need for recovery equipment. Councilmember Norton asked what the difference was between the systems being proposed. GJ Searle explained that EMC is known for reliability in this area with specific software that is fully optimized out of the box. Councilmember Munford stated that there may be a more economical solution. He noted that once the equipment starts to age, it goes down more frequently and is affected by even small power spikes. Also, there are viruses that need to be filtered out, and the iron port is more aggressive in this area. After further discussion, Councilmember Sonja Norton moved to table this item until more research is done. Councilmember Ted Munford seconded the motion. The motion passed with a unanimous vote with Councilmembers Norton, Munford, Reynolds and Clark voting in favor.

Mike Davis clarified that the software used for financial data is actually stored on the network and backed up from the server and is not stored on individual computers.

REQUEST FOR APPROVAL OF ASHLEY CREEK VILLAGE DEVELOPMENT AGREEMENT: Allen Parker explained that Ashley Creek Village will be developed as apartment units and has a short roadway on the south side of the property. This agreement outlines the status of that roadway requiring completion by occupancy of the apartment units or an adjoining road. Councilmember Clark asked if the agreement includes a warranty. Allen Parker stated that warranty conditions begin with acceptance of the road by the City. The agreement runs with the land, and any owner has an obligation to follow the agreement. He explained that the developer would like to build the road through a special assessment area. Ken Bassett explained that the purpose of a special assessment area is to provide improvements, at the property owners expense, using the bonding ability of a municipality. The City will need to go through specific

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steps to complete the special assessment district and the property owner can then pay off the improvements over time. Both Ashley Creek Village and Silver Pines are interested in using a special assessment district to complete infrastructure improvements. The benefit to the City is the surety that the improvements will be completed. Councilmember Clark asked how long they can go to pay off the assessment. Ken Bassett stated that the City Council makes the decision to go ten or twenty years. After further discussion, Councilmember Bert Clark moved to approve the development agreement with Ashley Creek Village. Councilmember Ted Munford seconded the motion. The motion passed with a unanimous vote with Councilmembers Norton, Munford, Reynolds and Clark voting in favor.

APPOINTMENT OF INDIGENT DEFENSE COUNSEL: Ken Bassett explained that when defendants come to court and it is determined that they cannot afford an attorney, an attorney is appointed for them by the judge. The City is required to pay the indigent defense attorney for his time representing these defendants. He reminded the Council that the City received a proposal from the law firm of Sam, Reynolds and Evershed to provide indigent defense services for \$2500 a month. After further discussion regarding the effective date of the contract, Councilmember Sonja Norton moved to approve the appointment of Sam, Reynolds and Evershed as indigent defense counsel for the City. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

Councilmember Munford aye;
Councilmember Reynolds..... aye;
Councilmember Norton aye;
Councilmember Clark..... aye.

AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE SECTION 9.16.030 – PROHIBITED NOISES - ORDINANCE NO. 2010-21: Ken Bassett explained that periodically situations happen where neighbors feel like noises are difficult to deal with and police officers are asked to help reduce the volume. This ordinance clarifies when citation can be issued for causing a loud noises. Ken Bassett then read Section 9.16.030 (B) of the noise control ordinance. He explained that if the noise disturbs the peace, it becomes a nuisance, particularly between the hours of 11 pm and 7 am, or in such a manner as to be plainly audible from 50 feet. If the officer can hear the noise from that distance, it is prima facie evidence that the noise is a nuisance and in violation of City code. Mayor Showalter asked if the patrol officers will have a distance measuring device and a decibel meter to determine the extent of the noise. Ken Bassett answered that they do have the necessary equipment in their patrol cars. In fact, the officer must log into the meter first before issuing a noise citation for a vehicle. Councilmember Munford asked if ordinary noises, such as a construction tools or lawn mower, could be mixed into this ordinance. Ken Bassett stated that normal sounds happen in neighborhoods, and under the terms of this ordinance, the sounds would have to be amplified. Councilmember Norton stated that garbage collection and construction work is starting before 7 am. Ken Bassett stated that these violations are tracked by complaint. Brad Sorenson asked if helicopters creating noise are included in this ordinance. Councilmember Reynolds stated that he can relate living close to the hospital. Ken

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Bassett stated there is no regulation on helicopters. Stefanie Betties asked if the City needs to receive a complaint or if an officer can stop if they hear loud noises. Ken Bassett stated either way, although they usually are responding to a complaint. Levi Watkins asked about animals making noise such as dogs barking. Ken Bassett stated those issues are covered under a different section of the City code. After further discussion, Councilmember Ted Munford moved to adopt Ordinance No. 2010-21. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

Councilmember Munfordaye;
Councilmember Reynolds.....aye;
Councilmember Nortonaye;
Councilmember Clark.....aye.

AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES

– SECTION 9.07.020 – TRAVEL - POLICY – RESOLUTION NO 2010-28: Ken Bassett explained that at a recently meeting with the City’s liability insurance carrier, they discussed the liability exposure created when an employee uses his own vehicle to conduct City business, whether he is traveling out of town or making a quick trip to the bank. Resolution No. 2010-28 clarifies that the employee is responsible for both personal injury or property damage if he has an accident in his own vehicle and he is at fault even if he is doing City business. It is understood that there are situations where, by choice or convenience, the employee uses his own vehicle and he receives reimbursement from the City based on the IRS rate which includes the cost of insurance. Mayor Showalter asked what the recommendations is in regard to travel. Ken Bassett stated that normally an employee uses a City vehicle. If they chose to use their own vehicle or a City vehicle is not available, their own automobile insurance is primary coverage. Councilmember Bert Clark moved to approve Resolution No. 2010-28. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

Councilmember Munfordaye;
Councilmember Reynolds.....aye;
Councilmember Nortonaye;
Councilmember Clark.....aye.

REQUEST FOR APPROVAL OF CHANGE ORDER REQUEST #88 FOR MUNICIPAL

OFFICE BUILDING: Ken Bassett explained that this change order request adds two microphones to the staff table in the Council chambers along with a wireless microphone at a cost of \$4521. These changes will allow the staff and audience to be recorded during a Council meeting. Mayor Showalter asked what the cost is for all the change orders. Ken Bassett stated the total is approximately \$180,000 with most of that cost being associated with ground water issue. Councilmember Ted Munford moved to approve Change Order Request #088. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

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Councilmember Munford aye;
Councilmember Reynolds..... aye;
Councilmember Norton aye;
Councilmember Clark..... aye.

REQUEST FOR APPROVAL OF CHANGE ORDER WITH SILVER SPUR CONSTRUCTION FOR STORM DRAIN DETENTION BASIN: Ken Bassett explained that two major storm drain projects were recently completed along 500 North and 500 South. As a test project to compliment the storm drain projects, a below ground storm basin will be completed in Spring Meadows subdivision on 500 South. The reason for this basin is to collect the storm water draining into this subdivision from the north and west and not create a nuisance with an above ground drainage pond. Silver Spurs Construction is willing to add the additional basin to their storm drain contract and will be paid using Community Impact Board funds. Mayor Showalter asked if this subdivision substantially increased the amount of storm water. Ken Bassett explained that the storm water actually used to puddle in this subdivision before it was developed coming from the adjacent neighborhoods. After further discussion regarding this project, Councilmember Bert Clark moved to approve the change order for Silver Spurs in the amount of \$76,478.80 to install the storm basin. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

Councilmember Munford aye;
Councilmember Reynolds..... aye;
Councilmember Norton aye;
Councilmember Clark..... aye.

CONVENE INTO CLOSED SESSION: Councilmember Ted Munford moved to convene into closed session to hold a strategy session to discuss the purchase, exchange, or lease of real property. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

Councilmember Munford aye;
Councilmember Reynolds..... aye;
Councilmember Norton aye;
Councilmember Clark..... aye.

RECONVENE INTO OPEN SESSION: Mayor Showalter declared the meeting back into open session.

REQUEST TO PURCHASE PROPERTY: Councilmember Bert Clark asked the Mayor and Councilmember Cowan to pursue discussion with the property owner to acquire their property.

ADMINISTRATIVE REPORTS:

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Special Olympics:

Councilmember Clark stated that \$2000 is needed for uniforms for the Special Olympics and asked if the Impact Mitigation Board would consider participating in the purchase of uniforms for the Special Olympians. Councilmember Norton stated she would ask the Board.

Joint City / County Meeting:

Ken Bassett explained that the next joint meeting was scheduled for the day after Thanksgiving. Since there are no agenda items, the meeting will be postponed until December.

ADJOURN: There being no further business, Councilmember Sonja Norton 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)