

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
JANUARY 5, 2011 at 7:00 p.m. in the Vernal City Council room, 447 East Main,  
Vernal, Utah 84078.

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

**SELECTION OF MAYOR PRO TEMPORE:** Councilmember Ted Munford moved to select Councilmember JoAnn Cowan as the Mayor Pro Tempore for this meeting. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with a unanimous vote with Councilmembers Munford, Reynolds, Clark, Norton and Cowan voting in favor.

**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 DECEMBER 15, 2010:** Councilmember Bert Clark moved to approve the minutes of December 15, 2010 as written. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton and Clark voting in favor.

**LEGISLATIVE REPORT – REP. JOHN MATHIS & SEN. KEVIN VAN TASSELL:** Councilmember JoAnn Cowan stated that she was pleased to have Senator Kevin Van Tassell, and Representative John Mathis, who represents the City with the State Legislature, here to discuss concerns with this upcoming legislative session. Representative John Mathis stated that it is nice to be able to meet, face to face, with the citizens and listen to local voices. Ken Bassett stated that he had the opportunity to talk to Senator Van Tassell regarding house bill 206 that was passed in 2008, which changed the distribution of sales tax and has had a large impact on Vernal City. The bill redistributed what is considered indirect sales tax to where the service is rendered or inventoried. One example is a salesman sells a product in our area, but the sales tax goes to the entity where the item is inventoried or stored rather than the point of sale. With the decrease in the economy, it was assumed that the significant decrease in sales tax in Vernal was because of the downturn. Now, the staff is finding that a major portion of the decrease is because of this redistribution of indirect sales tax. Representative Mathis stated that they rely heavily on the Utah Association of Counties and Utah League of Cities and Towns to keep them informed of bills that will impact cities and towns in the Uintah Basin. He stated that the tax code is so complicated, that it is difficult to decipher how a bill will impact any one entity. However, he stated he is concerned about the tax being charged by inventory rather than point of sale. Senator Van Tassell stated that he will look into the issue. The consensus was that possibly many entities along the Wasatch Front benefited from the tax code change. Councilmember Cowan asked what amount of revenue was lost because of the redistribution. Ken Bassett stated it has been around \$700,000 per year.

Councilmember JoAnn Cowan asked the Legislators to comment on upcoming immigration reform legislation. Senator Van Tassell stated that several bills have already been filed, and there are many aspects that need to be considered. Chief Dylan Rooks explained that his department has limited resources to deal with illegal immigrants. In the past, the Immigration and Naturalization Service

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(INS) have responded in a timely manner picking up illegal immigrants who have committed a crime. Councilmember Cowan stated that communication is also an issue, and more translators are needed to deal with illegal immigrants. Councilmember Norton stated that from her perspective the federal government is relying more on States and local governments to enforce their laws with no additional funding. Representative Mathis asked for any recommendations and asked if illegal immigration is a problem in the Uintah Basin. Chief Rooks stated that it is a problem because they are bringing criminal enterprises into the area and with the anonymity that they enjoy, it is hard to detect their activities. One of the largest problems is identity theft with the victim not being aware of the problem until months after the crime and after the perpetrators are long gone. Senator Van Tassell stated that he personally sees people trying to correct their credit after identity theft problems, and this is a tough issue to address. Councilmember Cowan asked if drugs are being imported by Mexican nationals. Chief Rooks stated that a substantial amount of the drug trafficking in this area is by illegal immigrants. Councilmember Norton voiced her concern that illegal immigrants are also receiving services that burden the taxpayers. She noted that there needs to be some consideration of how the public feels and some compassion, however, they are still here illegally. Councilmember Cowan stated that she understood the current problems, however, almost every ethnic group has migrated to the US illegally. Representative Mathis stated that he recently visited Arizona to see the impact created by illegal immigration, and he noted that billions of dollars are being spent trying to secure the US border. The message being sent to these people is once they get to the US they can receive free health care, employment and food. The message should be that if you want to improve your quality of life, you need to do it through the legal process. There was some discussion regarding the length of time it takes to receive a visa. Councilmember Clark asked if there were any other legislative bills that could affect Vernal City. Senator Van Tassell stated that he is working on a bill dealing with public land issues. There was some discussion regarding the recent announcement from Mr. Ken Salazar allowing BLM managers to protect areas they consider wilderness without congressional action. Representative Mathis noted that everything created comes from mother earth, and if the State loses the ability to develop natural resources, the economy is damaged. Also, he stated that there are major water issues that could affect the Uintah Basin. He stated that his hope is to guide the State through wilderness and water issues that they will be facing in the next few years. Representative Mathis and Senator Van Tassell also thanked the City, especially Ken Bassett, for his active role in keeping them informed of local issues and needs.

**REQUEST FOR APPROVAL OF AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE CHAPTER 812 - GARBAGE COLLECTION AND DISPOSAL - ORDINANCE NO.**

**2011-02:** Ken Bassett explained that Ordinance No. 2011-02 clarifies that multi-family housing units fit into the commercial category when it comes to garbage collection. The contract the City has with G & H Garbage to pick up residential garbage is for single family homes. Commercial and industrial businesses contract themselves with a local garbage provider. Most multi-family developments have dumpsters for their tenants, however, this ordinance allows them to have the City provide garbage collection through the contract with G & H Garbage if the garbage containers can be accommodated. The ordinance does require multi-family developments to have garbage collection. Councilmember Bert Clark moved to approve Ordinance No. 2011-02. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

Councilmember Munford     aye;  
Councilmember Cowan        aye;

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

**REQUEST FOR APPROVAL OF AMENDMENT TO THE VERNAL CITY POLICE DEPARTMENT POLICIES - RESOLUTION NO. 2011-01:** Chief Dylan Rooks explained that the police department has policies drafted by Lexipol, who are experts in the field of law enforcement. Updates are provided by Lexipol on a quarterly basis incorporating new case law and legislation that dictates how officers do their jobs. Resolution No. 2011-01 incorporates the updates that apply to Vernal City. Further, Chief Rooks explained that as part of the contract with Lexipol, the officers receive daily training bulletins. Councilmember Cowan asked if Section 63 - gang loitering – meets the State standard. Chief Rooks stated that State law gives the City Council the ability to dictate what areas of Vernal City are designated as gang restricted so the officers can deal with situations that are unforeseen. Councilmember Cowan noted that if someone is tazered, a doctor needs to look at them. Chief Rooks agreed that they must be seen by the emergency room or ambulance staff. After further discussion, Councilmember Bert Clark moved to approve Resolution No. 2011-01. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

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

**REQUEST FOR APPROVAL OF CHANGE ORDER REQUEST #115 FOR CITY HALL INTERIOR ROOM SIGNAGE:** Ken Bassett explained that this change order is to purchase additional signs for the new building. Councilmember JoAnn Cowan stated that rooms such as the evidence and weapons storage should not have signs. Ken Bassett stated that they need to have a room number for the keying system. Councilmember Norton stated that emergency personnel will need to be aware that there is ammunition in the weapon room. The consensus was to have the Chief decide which of these rooms needed specific signage. Ken Bassett explained that there are 165 areas that needed signs and only 75 were included in the specifications for the building. Each office, elevator, mechanical rooms etc must be labeled. Councilmember Bert Clark asked how large the signs will be. Ken Bassett explained that the signs will have the room number and use under the City logo. There was some discussion regarding having the logo on the signs. The consensus was to leave the logo. Councilmember Bert Clark moved to approve the change order in the amount of \$5592.62. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:

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

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**REQUEST FOR APPROVAL OF AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES - SECTION 9.07.020 - TRAVEL POLICY AND SECTION 9.04.040 - TAXATION OF UNIFORM ALLOWANCE - RESOLUTION NO. 2011-03:**

Finance Director Mike Davis explained that during the annual audit, the auditors brought up the possibility of the IRS completing an audit also. One item the IRS has been looking for is meal expenses and uniforms. Resolution NO. 2011-03 amends the personnel policies to be consistent with IRS guidelines. If an employee goes somewhere for one day they must submit the receipt for their meals rather than receiving per diem. If they are required to stay overnight, the employee does not have to submit receipts. Councilmember Norton asked if this policy will save the City money. Mike Davis stated that there are not a lot of one day events, so there will not be a noticeable savings. He explained that the change for uniforms is based on the type of clothing. If the items can be worn outside of work, then the uniform allowance for those items is taxable as income. Councilmember Cowan asked about the uniform allowance for detectives. Mike Davis stated that their funds are given to the police department to manage, but the funds can be used for the police uniform and cleaning. Ken Bassett explained that one method to have the allowance non-taxed is to have the Vernal City logo put on clothing. There was considerable discussion regarding the police uniform funds being placed in a fund. Councilmember Cowan asked that the uniform funds be audited and this issue be discussed at the next Public Safety Committee meeting. Ken Bassett stated that clarification needs to be made regarding the taxation of the uniform allowance for police officers. Councilmember Cal Dee Reynolds moved to approve Resolution No. 2011-03 with the clarification. Councilmember Bert Clark seconded the motion. The motion passed with a unanimous vote with Councilmembers Reynolds, Clark, Cowan, Munford and Norton voting in favor.

**ADMINISTRATIVE REPORTS:**

Local Officials Day At The Legislature:

Ken Bassett reminded the Council that the Local Officials Day at the Legislature is scheduled for January 26<sup>th</sup> and the Youth Council will go out on the 25<sup>th</sup>. Councilmembers Munford and Norton stated they would attend.

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

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Mayor Pro Tempore JoAnn Cowan

ATTEST:

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Roxanne Behunin, Deputy Recorder

( S E A L )