

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 7, 2011 at 7:00 p.m. in the Vernal City Council Room, 374 East
Main, Vernal, Utah 84078.

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

STAFF PRESENT: Ken Bassett, Mike Davis, and Roxanne Behunin.

WELCOME: Mayor Gary Showalter welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: Councilmember Cal Dee Reynolds gave an uplifting thought.

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

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF AUGUST 23, 2011:
Councilmember Cal Dee Reynolds moved to approve the minutes of August 23, 2011 as written. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Reynolds, Norton, and Clark voting in favor and Councilmember Cowan abstained.

AWARD PRESENTATION TO OFFICER DUSTIN GRAY FROM THE NATIONAL PEACE OFFICER'S HALL OF FAME: Chief Dylan Rooks explained that on October 31, 2009, the police department was faced with a situation where lives were in jeopardy. He explained that Officer Dustin Gray was on patrol and received a call of a suspicious person, dressed in black. These types of calls are, unfortunately, very frequent and routine, and was not a surprise on Halloween. When Officer Gray responded to the call, he recognized the person and immediately took gunfire from that person and was shot in the leg. As the situation escalated, Officer Gray had the presence to signal other officers with his flashlight, and his actions saved lives that night. The Chief explained that he went over every aspect of the officer's response and determined that the department did an outstanding job, especially Officer Gray even though he had been shot. Officer Smith requested to stay with Dustin at the hospital, and other department members kept checking in to see how he was doing. This incident shaped the department and proved that the officers were as close as family. Chief Rooks explained that Officer Gray's co-workers forwarded his heroism to the National Peace Officers Association for consideration of their Hall of Fame award. The Association found it to be worthy of their purple heart honor, and will place his name in the Police Officer's Hall of Fame. Chief Rooks read the certificate presented to Officer Gray, and the department officers participated in delivering the award to him and his wife. Mayor Showalter indicated that in the short time that he has been Mayor, he can sincerely say that the City has the best law enforcement agency within the Uintah Basin. He thanked the officers on behalf of the City Council and Administration for their professionalism and dedication to this community. The Council congratulated Officer Dustin Gray for receiving the purple heart award from the National Peace Officers Association.

REQUEST TO APPROVE INTERLOCAL AGREEMENT WITH UINTAH COUNTY FOR ELECTION SERVICES – RESOLUTION NO. 2011-10: Ken Bassett presented

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Resolution No. 2011-10 to the Council for approval of an Interlocal agreement with Uintah County for the upcoming municipal election. He explained that elections have changed over the years, and voters are now casting their ballots using electronic equipment which is owned and managed by the County. This equipment is a great improvement to the voting process, particularly speeding up the counting. The County will manage the electronic equipment and train the judges. There are six candidates running for three Council seats. Two polling locations will be set up at the Junior High and Western Park. Councilmember Cowan asked if there were any concerns regarding the cost. Ken Bassett stated the agreement is within the budget. Also, absentee balloting will be available at the City offices. After further discussion, *Councilmember JoAnn Cowan moved to approve the Interlocal Agreement with Uintah County, Resolution No. 2011-10. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Cowan, Clark, Reynolds, Norton and Munford voting in favor for a unanimous vote.*

REQUEST TO APPROVE LEXIPOL POLICE MANUAL REVISIONS – RESOLUTION NO. 2011-09: Mayor Gary Showalter noted that Resolution No. 2011-09 makes numerous changes to the police department manual. Chief Dylan Rooks agreed and stated that every six months Lexipol sends release notes to update the police policies so there is not a conflict with state or federal laws or court decisions. In summary, the major policy changes address issues with the tasers, officers who want to fly armed, the use of license plate readers for official business only, photographic lineups, body armor and interrogations. Also, with the increase of identity theft cases, the officers no longer provide information over the radio unless the information is needed to lessen the threat to an officer. Ken Bassett stated that the officers now need to learn these changes for their day-to-day operations. Chief Rooks thanked Roxanne Behunin for her work on this resolution. After further discussion, *Councilmember Ted Munford moved to approve Resolution No. 2011-09. Councilmember JoAnn Cowan seconded the motion. The motion passed with Councilmembers Munford, Cowan, Clark, Reynolds and Norton voting in favor for a unanimous vote.*

REQUEST TO APPROVE CHANGES TO RETIREMENT POLICY FOR POST RETIRED EMPLOYEES – RESOLUTION NO. 2011-11: Ken Bassett explained that during the last two years the State Legislature has addressed issues dealing with the financial stability of Utah Retirement System. One of the issues they addressed is members who retire and come back to work for a City and how their retirement is affected. Resolution No. 2011-11 amends the City's retirement benefits policy to be administered in accordance with Utah Retirement System policies. *Councilmember Sonja Norton moved to approve Resolution No. 2011-11 amending the personnel policies and procedures. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Norton, Reynolds, Munford, Cowan and Clark voting in favor for a unanimous vote.*

REQUEST TO APPROVE MAYOR'S RECOMMENDATIONS FOR JUSTICE COURT JUDGE NOMINATION COMMISSION: Mayor Gary Showalter explained that the State has outlined the procedure for Vernal City to replace the Justice Court Judge which will take effect in January of 2012. He reminded the Council that Judge Pat McRae is retiring and presently

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Judge Petry is handling Vernal City's case load. The procedure requires a nominating committee with the first individual being appointed by the Mayors within Uintah County - Mayor Nordstrom of Ballard Town, Mayor Baker of Naples and Mayor Showalter of Vernal. The Mayor's have met and selected Ralph Dart to serve on the Committee. Vernal City has to appoint two individuals to the Committee. Mayor Showalter submitted the names of Sam Howard and Herb Snyder to the Council for consideration to represent Vernal City. After further discussion on the process, *Councilmember JoAnn Cowan moved to accept the Mayor's nominations, Sam Howard and Herb Snyder, as part of nominating committee to select candidates for justice court judge. Councilmember Ted Munford seconded the motion. The motion was voted on with the following roll call vote:*

Councilmember Munfordaye;
Councilmember Cowan..... aye.
Councilmember Reynoldsaye;
Councilmember Norton.....aye;
Councilmember Clark aye.

CLOSED SESSION: *Councilmember Ted Munford moved to convene into closed session to hold a strategy session to discuss pending or imminent litigation. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote and the meeting was convened into closed session:*

Councilmember Munfordaye;
Councilmember Cowan..... aye.
Councilmember Reynoldsaye;
Councilmember Norton.....aye;
Councilmember Clark aye.

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

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

ATTEST:

Roxanne Behunin, Deputy Recorder

Mayor Gary Showalter

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