

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
SEPTEMBER 21, 2011 at 7:00 p.m. in the Vernal City Council Room, 374 East
Main, Vernal, Utah 84078.

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

WELCOME: Mayor Showalter welcomed everyone to the September 21st meeting.

STAFF PRESENT: Ken Bassett, Roxanne Behunin and Allen Parker.

INVOCATION OR UPLIFTING THOUGHT: Councilmember Bert Clark gave an invocation.

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

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF SEPTEMBER 7, 2011:
Councilmember Sonja Norton moved to approve the minutes of September 7, 2011 as written. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Munford, Cowan, Reynolds, Norton, and Clark voting in favor.

REQUEST FOR SPONSORSHIP FROM THE UINTAH RECREATION DISTRICT FOR THE ANNUAL MAYOR'S HALLOWEEN WALK: Shauna Jo Eves, with Uintah Recreation District, explained that the Recreation Staff is preparing for the annual Mayor's Halloween Walk and carnival. She asked the Council to consider a \$1200 sponsorship for this event to help offset the financial costs. Also, Shauna noted that the Youth City Council will be involved with the carnival. Mayor Showalter stated that the Youth Council helped with the carnival last year, and there was an overwhelming turnout for this event. Councilmember Clark stated that his daughter and women from the church also volunteered last year for this event, and will do so again. Shauna Jo Eves stated that this year they will also be putting on the high school Halloween dance. Councilmember Clark asked if the Uintah Recreation District would have enough employees to help with the event. Shauna stated they will draw from the all the departments to cover the event. *After further discussion, Councilmember Bert Clark moved to approve sponsoring the Mayor's Halloween Walk in the amount of \$1200. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:*

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

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Mayor Gary Showalter explained that the next two items on the agenda are public hearings to receive public input for funding from the Community Impact Board (CIB). The Community Impact Board is a funding source which helps the City pay for capital projects, with the money coming from the extraction of minerals in our County.

PUBLIC HEARING: COMMUNITY IMPACT BOARD FUNDING FOR THE PURPOSE OF SECURING FUNDING FOR A WOMEN'S CRISIS CENTER: Ken Bassett explained that the City plans to submit an application to the Community Impact Board is for the purpose of securing a larger facility for the Women's Crisis Center in Vernal City. The Center is generally used by women and children who need safe housing when they have become victims of domestic violence. The current home used for the center only has two bedrooms, and a larger home is needed to provide temporary housing to more families. Ken noted that Uintah County will be assisting the City with the application process through the Community Impact Board. The requested funding amount will be \$300,000. In addition, the City has secured \$41,000 in Community Development Block Grant funding to install the necessary security systems and an office. Councilmember JoAnn Cowan stated that the City agreed to help with the victim advocate program if the County would handle the homeless shelter. Also, the State of Utah will take care of the staff and monthly costs of the new shelter. Councilmember Cowan noted that an existing home will be purchased that is near schools and shopping.

Kevin Ashby with the Vernal Express asked what the use is of the shelter. Councilmember Cowan answered that there are families or individuals living there all the time, and with the fluctuation in the economy, there is more tension and need for a larger shelter. Mayor Showalter asked if there were any further public comments. There were no further public comments.

Councilmember JoAnn Cowan moved to support submitting an application to the Community Impact Board for a new women's crisis center, and continue to work with Uintah County for this funding. Councilmember Ted Munford seconded the motion. The motion passed with Councilmember Cowan, Munford, Clark, Reynolds and Norton voting in favor for a unanimous vote.

PUBLIC HEARING: COMMUNITY IMPACT BOARD FUNDING FOR THE PURPOSE OF SECURING FUNDING FOR WATER SYSTEM IMPROVEMENTS AND A WATER SYSTEM MASTER PLAN: Ken Bassett explained that the City needs to replace five miles of water line in Dry Fork Canyon which is a substantial project. The Public Works Committee has reviewed this project and is suggesting the City approach the Community Impact Board for funding. This water line delivers raw water for the Vernal City water system and also provides support for the Maeser Water District and Ashley Valley Water and Sewer Improvement District. In the early 90's, the City experienced a lot of leaks and breaks with this line, so an inspection was done to see what was happening. From that inspection, the decision was made to repair the line by installing a liner which did give the line a longer life. Now the City is experiencing

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several more leaks on that line again, and since it is the main source of water for the City, something must be done. Mike Davis, Vernal City water and sewer superintendent, explained that this line starts at the top of Ashley Springs and delivers the raw water to the treatment plant. The line is a mortar lined, steel pipe and will be replaced with a 24" PVC pipe. The bids will request two different options, one using standard PVC pipe and the other using a thicker, more expensive pipe. Further, Mr. Davis noted that there have been 17 leaks on this pipe over the last few years. Ken Bassett explained that the Community Impact Board generally looks more favorably at applications that include both grant and loan requests, with the percentage of loan usually being determined by the Board. In addition to this water line project, the City needs to update the water master plan which took the City through the year 2005. There have been minor updates completed, but now a comprehensive plan of the entire system needs to be done which includes hydraulic modeling which the Utah State Drinking Water Board is requiring. The maximum amount of funding being applied for is \$4.5 million dollars. Councilmember Munford noted that the raw water line is 60 years old, and he asked what the original life expectancy was for this line. Mike Davis answered 25 years. Councilmember Munford thanked the water crew for their diligence to get this line to operate so long. Mayor Showalter asked for any public comments. There were no further comments. *Councilmember Bert Clark moved to support an application to the Community Impact Board to replace the raw water line and complete a water master plan. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:*

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

PUBLIC HEARING: REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE - SECTION 16.14.030 – PERMIT--APPLICATION--HEARING-- ORDINANCE NO. 2011-17: Mayor Gary Showalter explained that this item is a change to the City code for a conditional use permit and a public hearing is necessary before any changes are made. He asked the staff to explain a conditional use permit (CUP). Allen Parker explained that a conditional use allows a property owner to do a specific activity or construct something within Vernal City that may or may not have a negative impact on a neighborhood. An example is if a neighbor wants to have a pig farm, and requests a conditional use permit, the City would consider the impacts such as waste and odors, and apply conditions to mitigate those negative impacts. The neighboring property owners are notified of the request so they can voice their concerns. Councilmember Bert Clark asked how long the permit is good for. Allen Parker stated that as long as the property owner does not violate any conditions of the permit, it will remain in force for perpetuity.

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Allen Parker explained that the current City code requires the staff to notify neighboring property owners at least 14 days in advance of any public hearing, which is not consistent with State law. Ordinance No. 2011-17 changes the requirement to match State code. The current State requirement is a 10 day notice. Mayor Showalter asked for public comments. There were no further public comments. *Councilmember JoAnn Cowan moved to approve Ordinance No. 2011-17. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

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

Councilmember Clark asked why the Ordinance was approved by a roll call vote. Ken Bassett stated that State law requires it. Kevin Ashby stated that the City Council is the group that tries to keep the public informed on what is happening in the community and the City does the best job of that of the local government entities. It is their responsibility to look out for the citizens and these meetings are an important part of government.

PUBLIC HEARING: REQUEST FOR RECOMMENDATION AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE - SECTION 16.58.050 - PLATTING AND RECORDING REQUIREMENTS - ORDINANCE NO. 2011-20:

Allen Parker explained that Ordinance No. 2011-20 amends the requirements to subdivide land. The current code does not require a land survey review or the County Treasurer’s review. Councilmember Clark asked why the ordinance is changing the requirement to just the local health department to approve the land division. Allen Parker answered that there is no water system to review when the property is simply being divided. When a site plan is submitted to develop the land, then the environmental reviews for the water and sewer systems are required. Councilmember Cowan suggested that additional sections be updated, such as removing the requirement to submit the plat on tracing linen.

John Slaugh, Uintah County Surveyor, stated that typically plats are submitted on Mylar paper using indelible ink. He noted that usually some type of digital or cad drawing is used to generate the Mylar. Councilmember Cowan suggested this ordinance reflect current technology that is being used.

Allen Parker stated that Ordinance No. 2011-20 adds the requirement for a review of the survey by a professional land surveyor to make sure the developer is doing the land division correctly. The Uintah County Treasurer will also verify that the taxes are current on the property being divided. The Planning Commission had considerable discussion on this ordinance and is recommending approval.

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Sawyer Fitzpatrick asked for a clarification on the survey work. Allen Parker explained that the developer will have an engineer and surveyor do the initial work to subdivide the land, and the City will have their own engineer and surveyor review that work.

Wendy Long, Uintah County Treasurer, stated that her interest in this ordinance is to require a developer to bring their property taxes current on any property they wish to develop. She voiced her appreciation of the Council considering adding that language to the code.

Mayor Showalter asked for any additional public comments. There were no more comments. Mayor Showalter suggested that Ordinance No. 2011-20 be tabled until the Council has had time to further review item C, linen paper. *Councilmember Sonja Norton moved to table Ordinance No 2011-20 until further review. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL OF I.T. BACK-UP SOLUTION TO CURRENT I.T. PROGRAM: GJ Searle, Vernal City’s IT manager, explained that he has been researching back-up solutions for the City’s computer systems. The current system is four years old and designed for a much simpler system, and has to be monitored. With the new systems in City Hall, the back-up system is inadequate. GJ Searle explained that after researching several options, he is recommending the City purchase an EMC Avamar back-up system through Cache Valley Electric. This system will support the entire computer system and licensing covers the storage space that is used. The Administrative Committee met to review the options and asked for opinions from other users who have this same system. He explained that Lehi City has been using this system since 2009, and are happy with this solution. Councilmember Clark asked if there would be a quick response if there is a problem. GJ Searle answered that Cache Valley Electric would respond through their technology division based in Salt Lake City. The system would include a device in City Hall and an additional back-up system at a secondary location. Councilmember Cowan stated that if there was a catastrophic event in the Uintah Basin, the system would be down, and the secondary location should be in a separate power grid. GJ Searle stated that he is hoping to establish a disaster recovery site in Richfield. Councilmember Munford explained that companies that specialize in this type of service have redundant systems and understand how critical it is for their clients to have access to their data. If the power is out in Vernal City, the data will be available on their Salt Lake City servers. Also, Councilmember Munford stated that this is a nice system with important features that will integrate with rest the system that was installed by Cache Valley. Allen Parker stated that eventually documents in his

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department will need to be stored digitally, and a quality and reliable back-up system will be needed.

Councilmember Cowan asked if the computer system can track what an employee is doing on their computer system. GJ Searle stated that the current security system can track which web sites employees are accessing. There was some discussion regarding the use of Facebook. Mayor Showalter noted that the original price was \$299,040, and the staff received a \$92,534 discount for this system, making the total cost \$206,506. After further discussion, *Councilmember Ted Munford moved to accept the bid from Cache Valley Electric in the amount of \$206,506 for the EMC Avamar back-up solution. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL OF COMPLYING WITH UTAH STATE STATUTORY REQUIREMENTS FOR RETIREMENT BENEFITS FOR ELECTED OFFICIALS –

RESOLUTION NO. 2011-12: Ken Bassett explained that in order to conform to recent policy changes made by the Utah Retirement System, the City must categorize elected officials as either full-time or part-time. Resolution No. 2011-12 lists elected officials as part-time employees. Also, elected officials are not eligible to be enrolled in the Utah Retirement System unless their salary meets a certain amount. Therefore, the policy simply says that elected officials are ineligible for Utah State Retirement benefits. In the future, the Council will need to clarify if newly elected officials qualify for ICMA retirement benefits. *Councilmember Bert Clark moved to approve Resolution No. 2011-12. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL OF ELECTION JUDGES:

Ken Bassett presented a list of poll workers that have been trained by the County to use the electronic equipment for voting. The poll workers, or election judges, will be called upon to conduct the City election at either the Western Park or the Junior High School. He noted that not all of the poll workers would be called upon to serve, but the County will draw from this list. Also, he asked the Council to please let the staff know if any of the poll workers are relatives of any of the candidates as they cannot serve. After further discussion, Councilmember JoAnn Cowan moved to approve the list

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of poll workers as presented. Councilmember Clark seconded the motion. The motion passed with Councilmembers Cowan, Clark, Reynolds, Norton and Munford voting in favor for a unanimous vote.

PLANNING COMMISSION APPOINTMENT: Allen Parker presented a list of candidates who may be interested in serving on the Planning Commission. He explained that currently there are two vacancies on the Planning Commission. Councilmember Clark noted that he recommended contacting Brenda Erkwine, who expressed an interest several months ago. Mayor Showalter asked if any of these people had been contacted. Allen Parker stated he has not approached them yet, but they all expressed interest as some point. He stated he is simply asking for recommendations. Councilmember Cowan suggested Missy Huber be added to the list. Allen Parker stated he would present these names to the Planning Commission and bring back a recommendation.

BIENNIAL HOUSING UPDATE REPORT: Ken Bassett explained that in 2009, the City Council adopted the moderate income housing plan, and in 2010 that plan was incorporated into the City's General Plan. The State of Utah Department of Housing and Community Development is now asking the City to review the housing plan and report any progress in accomplishing the goals established by the plan. The progress so far is the Vernal Gardens project which is now being occupied by low income families. Councilmember Cowan noted that when the Vernal Garden's project was originally started, the Housing Authority pledged three Section 8 vouchers to guarantee federal support. However, those vouchers are not available.

Ken Bassett noted that data in the housing plan is still relevant even with the updated census numbers. He recommended the Council adopt the biennial housing update. *Councilmember JoAnn Cowan moved to adopt the biennial housing report as presented. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Cowan, Munford, Norton, Reynolds and Clark voting in favor.*

DECLARING OLD PUBLIC WORKS FURNITURE AS SURPLUS: Ken Bassett explained that the Public Works Department received permission to use some of the furniture from the old City Hall to replace their extremely old equipment. Now the old furnishings from the public works offices need to be disposed of. He explained that he looked at the furniture, and it needs to be taken to the landfill. In order to dispose of it, the Council needs to declare it as surplus. Mayor Showalter asked if the public would have the opportunity to look through it. Ken Bassett stated that the staff can set it out. After further discussion, *Councilmember Bert Clark moved to declare the old furniture from the public works departments as surplus. Councilmember JoAnn Cowan seconded the motion. The motion passed with a unanimous vote.*

ADMINISTRATIVE REPORTS:

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Nuisance Abatement:

Councilmember Bert Clark stated that he requested Allen Parker to design a flyer to be inserted with the local paper to remind citizens to keep their property cleaned up. Councilmember Norton suggested social media, such as Facebook, be used instead to keep the cost down. Kevin Ashby stated that a flyer to reach approximately 5000 households would cost around \$600. He suggested the City simply do an ad with an editorial, and submit a picture of a lot with weeds or the snow plow having to divert around a car parked on the street. Mayor Showalter agreed that several articles over a period of time would help more than a single flyer.

Energy Summit:

Mayor Showalter reminded the Council that the Energy Summit is scheduled for September 28, 2011 at the Western Park and is sponsored by the City, Chamber of Commerce, Ute Tribe, Uintah County and several local energy companies. He suggested the Council attend.

City – County Meeting:

Ken Bassett explained that the joint City / County Meeting is scheduled for Friday, September 30th here at the City office at 3:00 pm. One critical item is the recommendation for the essential air service for the airport.

Special Recognition of Mr. Rance Searle:

Ken Bassett explained that Teddy Evans and Linda Anderson have designed a plaque honoring Rance Searle for his vision of downtown Vernal and the flower project. The dedication of the plaque is scheduled for Friday, September 23rd at 10:00 am.

Ribbon Cutting Ceremony for Dinosaur Quarry.

Ken Bassett reminded the Council that the ribbon cutting ceremony for the rebuilt Dinosaur Quarry building is scheduled for October 4th at 11 am.

Justice Court Judge Recruitment:

Ken Bassett explained that Utah State Court Administrators Office has started the process to replace Judge McRae who is retiring at the end of the year. Anyone interested in applying will need to follow the procedure outlined by the Court Administrator's office. Councilmember Cowan asked who will select the new Judge. Ken Bassett stated that the applications will be given to the Nominating Commission who will make a recommendation to the Mayor. He will make the decision, which then has to be ratified by the Council.

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

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

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

ADJOURN: There being no further business; *Councilmember Bert Clark 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

(S E A L)