

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
OCTOBER 19, 2011 at 7:00 p.m. in the Vernal City Council Room, 374 East Main,
Vernal, Utah 84078.

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

WELCOME: Mayor Showalter welcomed everyone to the meeting.

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

INVOCATION OR UPLIFTING THOUGHT: Councilmember Cal Dee Reynolds gave the invocation.

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

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF OCTOBER 5, 2011:
Councilmember Clark moved to approve the minutes of October 5, 2011 with a few minor corrections. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

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

REQUEST FOR SPONSORSHIP FROM THE UTAH RECREATION DISTRICT FOR BREAKFAST WITH SANTA – SHAUNA JO EVES: Shauna Jo Eves explained that the “Breakfast with Santa” event is now on its 10th year and has always been sponsored by Vernal City. This year, Santa Clause will mingle with the families during the breakfast, and meet with the children afterwards. This event will be held at the Junior High starting at 8 am on December 10th, with pictures at the Recreation Center in the afternoon. The Council suggested the pictures also be taken at the Junior High, rather than having the families travel to the Recreation Center. *Councilmember JoAnn Cowan moved to sponsor the Breakfast with Santa event in the amount of \$700. 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.*

REQUEST FOR APPROVAL OF EASEMENT TO NAPLES CITY FOR TURN AROUND ON 1000 SOUTH AT AIRPORT – MIKE DRECHSEL & KELLY HARVEY:

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Kelly Harvey explained that in order to expand the airport, property had to be purchased along 1000 South for a runway zone to allow for the construction of a fence. This property runs along the roadway which is actually a dead end street. Naples City has agreed to vacate the street if a turnaround can be placed at the end of the street for emergency vehicles and snow plows. Ken Bassett noted that the City Attorney and the County Attorney have reviewed the easement documents which allows Naples City to have a turnaround at the end of 1000 South Street next to the airport, and found no issues with allowing the easement. *Councilmember JoAnn Cowan moved to authorize the Mayor to sign the documents needed for the airport easement. Councilmember Bert Clark 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 CERTIFICATION OF THE VERNAL CITY JUSTICE COURT – RESOLUTION NO. 2011-15: Ken Bassett explained that every four years the City has to recertify the justice court with the State Court Administrators Office. He stated that Judge Petry has completed the necessary documents, and Dennis Judd has issued an opinion that the City is complying with the requirements for the court. The final step is for the City Council to approve the certification. *Councilmember Bert Clark moved to approve Resolution No. 2011-15 certifying the Vernal City Justice Court for the next four years. Councilmember JoAnn Cowan 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 CIVIL ATTORNEY CONTRACT WITH DENNIS JUDD: Ken Bassett explained that the contract with Dennis Judd expired in July, and needs to be renewed. The terms will be the same as last year. *Councilmember Cowan moved to approve the civil attorney contract with Dennis Judd for another year at the same price as last year. 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.

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REQUEST FOR APPROVAL OF INDIGENT DEFENSE CONTRACT WITH SAM, REYNOLDS AND EVERSHERD: Ken Bassett explained that the indigent defense services for patrons of the Justice Court are being provided by the law firm of Sam, Reynolds and Evershed, and their contract will expire at the end of October. The law firm is willing to renew the contract at the same rate of \$2500 per month. Councilmember Cowan asked if the City was pleased with the work of these attorney's. Ken Bassett stated that he has not received any complaints. Councilmember Cowan explained to the students present that if someone has to appear in the Vernal City justice court and cannot afford an attorney, the City has to pay for their attorney. *Councilmember Bert Clark moved to approve the indigent defense contract with Sam, Reynolds and Evershed in the amount of \$2500 a month. 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 UTAH TRANSPORTATION SPECIAL SERVICE DISTRICT INVOICES FOR PATCH WORK AND 500 SOUTH IRRIGATION LINE REPLACEMENT: Mayor Showalter explained that the Uintah Transportation Special Service District is asking the City to pay for 1/3 of the cost to replace the irrigation line along 500 South. The cost to the City would be \$64,212.69. Ken Bassett explained that when 500 South was reconstructed, the culvert from Vernal Avenue to 500 East had to be replaced. The funds for the City's share of the cost would come out of the CIB grant funds for storm water repair. Also, several areas had to be patched before the roadway could be chipped. The cost for the repair work is \$16,112. The Special Service District provided \$350,000 of chip and seal work this year for the City. *Councilmember Sonja Norton moved to approve paying the invoices from the Uintah Transportation Special Service District for the irrigation line work and patch work on 500 South in the amounts of \$64,212.69 and \$16,112.00. Councilmember JoAnn Cowan 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 INFRASTRUCTURE FOR SILVER PINES WATER AND SEWER LINES: Allen Parker explained that Phase I of the Silver Pines development at 800 South and 200 East is finished and occupied. The developers are now requesting that the City accept the water and sewer utilities. The Water / Sewer Superintendent for the City has inspected the lines, and they do meet City specifications. Councilmember Norton voiced

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concern over the other infrastructure items that have not been completed. Allen Parker explained that the water and sewer lines are the only infrastructure items that are ready for acceptance by the City. Councilmember Clark asked where these lines intersect with the main lines. Allen Parker stated that they extend out to the neighboring field and eventually connect to 1500 South. After further discussion, *Councilmember Norton moved to accept the water and sewer lines for Silver Pines. Councilmember Cal Dee Reynolds seconded the motion. The motion passed with Councilmembers Norton, Reynolds, Clark, Munford and Cowan voting in favor.*

REQUEST TO RESCIND DEVELOPMENT AGREEMENT BETWEEN VERNAL CITY AND P.E.G. DEVELOPMENT FOR ASHLEY CREEK APARTMENTS: Allen Parker explained that the City approved the plat for Ashley Creek Village approximately a year ago, and that plat included a small section of roadway that would eventually connect with the undeveloped road in Silver Pines. Ashley Creek apartments was ready to move forward with their project, but it was not known how fast Silver Pines would proceed with their next phase and build the connecting road. Therefore, the City required PEG Development to sign a development agreement for this segment of roadway to make sure the road was managed and maintained until the City could take over ownership. Now that Silver Pines has actually finished the roadway, the development agreement with PEG Development is no longer necessary. Matt Hansen, representing PEG Development, noted that it has been a challenge to get the financing for this project, and they now have a firm commitment from HUD to move forward. Councilmember Norton asked for confirmation that rescinding the agreement will not preclude PEG Development from building the connecting road. Allen Parker answered that they would be required to place funds in escrow for a roadway to go through their parcel. Councilmember Norton asked why the roadway does not go straight through the development. Matt Hansen answered that they do have an agreement with Mr. Swain to use the south west corner of the development for a road to connect with his property. Ken Bassett stated that a development this size is required to have two accesses. The second access will be to the north connecting to 600 South. Matt Hansen stated that their main reason for requesting the agreement be rescinded is to be able to close on the financing with HUD. Mayor Showalter asked how many apartments will be built. Matt Hansen stated that Phase I will have 96 units and Phase II will include 72 units. Allen Parker stated that if this request is approved, the City Attorney will prepare the necessary documents. *Councilmember Bert Clark moved to rescind the development agreement between Vernal City and PEG Development contingent on the City Attorney completing the necessary documents.* Allen Parker reminded the Council that an escrow account will also be needed for the road improvements. *Councilmember Bert Clark amended his motion to rescind the development agreement between Vernal City and PEG Development contingent on the City Attorney completing the necessary documents, and require PEG Development to provide the necessary escrow account for the road. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR APPROVAL OF CHANGES TO THE PLANNING COMMISSION APPOINTMENTS: Allen Parker explained that the Council approved new appointments to the Planning Commission at the last meeting. However, he noted that the Council was not informed that Anders Fillerup is an alternate on that Board, and normally alternates are moved into regular Commission member spots when they become available. He stated that the Planning Commission is making that recommendation now. Councilmember Sonja Norton agreed that typically alternates are moved up because they have the experience that is valuable to the Commission. She suggested that Anders Fillerup and Mike Dreschal be appointed as regular members of the Planning Commission and Brenda Erskwine and Mike Weber be appointed as alternates. Councilmember Cowan asked if these residents had been contacted to see if they were willing to serve. Allen Parker stated that he has talked to Michael Dreschal, but wanted to get feedback from the Council before contacting the other residents. After further discussion, *Councilmember Sonja Norton moved to approve the changes to the Planning Commission members, appointing Anders Fillerup and Mike Dreschal as regular members and Brenda Erskwine and Mike Weber as alternates on the condition that they are willing to serve. Councilmember Reynolds seconded the motion. The motion passed with Councilmembers Norton, Reynolds, Clark, Munford and Cowan voting in favor for a unanimous vote.*

Mayor Showalter asked the staff to contact the new members before the next meeting.

ADMINISTRATIVE REPORTS

Council Meeting Schedule:

Ken Bassett explained that he will be in Salt Lake attending the arbitration hearing with U.S. General during the November 2nd meeting and suggested the meeting be canceled. If any critical decisions are needed, a special meeting can be held. Councilmember Reynolds moved to cancel the November 2nd Council meeting. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Reynolds, Munford, Cowan, Clark and Norton voting in favor for a unanimous vote.

Sewer Management Board:

Councilmember Bert Clark informed the Council that the Sewer Management Board does not anticipate any fee increase for 2012. A letter will be sent out notifying the entities of that decision.

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Snow Plowing on Aggie Blvd:

Councilmember Cowan asked what the arrangement is to plow snow along Aggie Boulevard. Ken Bassett stated that Uintah County has committed to plow the streets and the City will take care of the sidewalks. Councilmember Cowan asked if the staff will take care of the weeds by the senior center as they are blocking the sidewalk and it will be impossible to plow unless the weeds are cut down. Ken Bassett stated he will remind the County to take care of this problem. There was some discussion regarding turning off some of the lights along the Boulevard.

Workforce Housing Open House:

Councilmember Norton stated that the open house for Vernal Gardens will be Friday at noon.

ADJOURN: There being no further business, *Councilmember JoAnn Cowan moved to adjourn. Councilmember Ted Munford 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)