

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JANUARY 18, 2012 at 7:00 p.m. in the Vernal City Council Room, 374 East Main,
Vernal, Utah 84078.

PRESENT: Councilmembers Ted Munford, Dave Everett, Sonja Norton, Bert Clark, and JoAnn Cowan and Mayor Gary Showalter,

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

WELCOME: Mayor Showalter welcomed everyone to the meeting.

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

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

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF JANUARY 4, 2012:
Councilmember Bert Clark moved to approve the minutes of January 4, 2012 as written. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton, and Clark voting in favor for a unanimous vote.

INTRODUCTION OF NEW POLICE OFFICER, ANYA BRENNAN: Chief Dylan Rooks introduced Anya Brennan to the elected officials. He explained that Ms. Brennan has worked as a police officer in Tooele, is working on her master's degree and has significant experience working with troubled youth. Councilmember Cowan stated that she had the opportunity to participate in the interviews for this position, and she was impressed with Ms. Brennan. Anya Brennan stated she was happy to be here. The Council and Mayor welcomed Ms. Brennan to Vernal City.

YOUTH CITY COUNCIL REPORT: Mayor Showalter stated that he was pleased to get to know the next generation of leadership in the community, and the Youth Council are bright young men and women. Youth Mayor Grayson Massey explained that there are approximately thirty students participating with the Youth City Council for 2012. Brianne Timothy, Youth Treasurer, explained that they have a lot of activities planned over the next few months and requested the Council approve a budget of \$8500 to carry out the activities for the community. She explained that next week 15 students will travel to Salt Lake to visit the Legislature. The Youth Council will assemble hygiene kits for families at the shelter and the food pantry, blankets will be made for the homeless shelter, an Easter egg hunt is planned for disabled children, and a garage sale will be held to purchase bikes for needy kids. Mayor Showalter asked if there was a budget for each event. Brianne stated that they have not split them out individually, and additional projects will be added. Councilmember Cowan suggested the Youth Council approach the police department to see if they can possibly refurbish the bikes that they have found. Councilmember Norton asked if the \$8500 was for the entire calendar year. Grayson

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Massey stated that they understand the City is on a fiscal year. There was some discussion regarding the funds that have already been spent. Ken Bassett suggested the Youth Council develop a budget for each project and come back to the Council next month. Mike Davis suggested the Council approve a budget for the projects that are planned for January and possibly February. Brianne Timothy stated that they need \$1500 for the trip to Salt Lake, the hygiene kits and the blankets. Councilmember Ted Munford moved to approve \$1500 for the Youth Council for their January and February events. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

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

VICTIM ADVOCATE REPORT – ALISHA GOWEN, ADVOCATE DIRECTOR: Alisha Gowen reported that in 2011, the victim advocate office helped 472 victims of crime which is down slightly from the previous year. The VOCA grant, which is received from the State, is being used to track family violence, and there have been 323 primary victims and 94 secondary victims. The advocates also responded to 95 mobile crisis calls. Alisha explained that the Eighth District Court is now directing victims directly to them for help to file protective orders and 214 orders have been filed. Further, 836 referrals were made for services to other agencies with the majority going to the Utah Department of Child and Family Services. One service that has shown a significant decrease is that of businesses asking for help with restitution. Councilmember Cowan explained that the victim advocate program has been tracking the number of cases where the stress of working in the oilfield has caused problems on the family, and those statistics helped the City make a case that the oil and gas industry is impacting the community in this way. The Community Impact Board has tentatively approved funding for a new women’s shelter based on those statistics. Alisha Gowen stated that they are also tracking the percentage of victims who are affected by unemployment issues as well as substance abuse. Mayor Gary Showalter saluted the victim advocates for their difficult job and thanked them on behalf of the Council and the City.

FY2011 AUDIT REPORT – SMUIN, RICH AND MARSING: Doug Rasmussen, representing Smuin, Rich and Marsing public accountants, presented the FY2011 audit. He read the auditors opinion which outlined the City’s conformity with standard accounting principles. Further, Mr. Rasmussen explained that the City’s assets exceed their liabilities, and there is over \$2.3 million dollars in liquid assets available to meet obligations. The current unreserved general fund balance is \$1.688 million dollars, showing an increase in sales tax of 4%. Also, the City has paid off \$1 million dollars of debt obligations over the past year. However, the utility funds of the City had a decrease of \$110,000. Mr. Rasmussen advised that overall, the City has

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done a good job of managing their funds. He noted that there are two restrictions outlined in State law that the Council needs to keep in mind.

1. The City must have at least 5% unreserved or unappropriated funds in the general fund; and
2. The general fund unreserved revenues cannot exceed 18% at the end of this fiscal year. The current fund balance is \$1,957,744, so that amount will need to be lowered to \$1.5 million dollars.

Doug Rasmussen suggested the Council consider transferring money to other funds to reduce the general fund balance this fiscal year. Councilmember JoAnn Cowan moved to accept the FY2011 audit as presented. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

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

Mr. Rasmussen thanked the staff for their help in preparing the audit.

PUBLIC HEARING: REQUEST TO CONSIDER AMENDING TO THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE: CHAPTER 16.04 - DEFINITIONS -

ORDINANCE NO. 2012-01: Allen Parker explained that Ordinance No. 2012-01 spells out the definition of “family” in the planning and zoning code of the City. He stated that the Utah League of Cities and Towns provided guidance on this verbiage to make sure the City had an adequate definition especially when dealing with group homes. Councilmember Cowan asked if this language would only apply to group homes. Allen Parker stated that it would apply to all zones of the City. Ken Bassett stated that this definition of “family” is the most current and will keep the City in compliance with federal housing laws. Councilmember Norton asked who will enforce this restriction. Ken Bassett stated that the code enforcement officer will enforce this ordinance very cautiously. He stressed that the City does not want to end up in a federal lawsuit dealing with fair housing issues. Allen Parker stated that the Planning Commission has forwarded a positive recommendation for this ordinance. Mayor Showalter asked for public comments on this issue. There were no public comments. Councilmember Sonja Norton moved to approve Ordinance No. 2012-01 as presented. Councilmember Bert Clark seconded the motion. The motion passed with the following majority roll call vote:

Councilmember Munfordaye;
Councilmember Cowan.....nay.
Councilmember Everettaye;
Councilmember Norton.....aye;
Councilmember Clark aye.

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Mayor Showalter suggested the local realtors be notified of this change so they can communicate to their clients what is allowed.

PUBLIC HEARING: REQUEST TO CONSIDER AMENDING TO THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE CHAPTER 16.10 – BOARD OF ADJUSTMENT - ORDINANCE NO. 2012-02: Allen Parker explained that another ordinance that the Planning Commission is recommending is a change to the number of members on the Board of Adjustment. The current code requires five members and Ordinance No. 2012-03 drops that number to three members with one alternate. This Board serves as an appellant board for land use decisions and to grant variances. Mayor Showalter asked how often this Board meets. Allen Parker stated they last met approximately six years ago. Mayor Showalter asked since they meet so seldom, is it necessary to have them. Allen Parker stated that they are necessary. Councilmember Clark stated that when he was assigned to the Planning Commission, the Board of Adjustment met three times. Ken Bassett advised the Council that State law requires an appeal board be in place. Also, the Board of Adjustment reviews requests for a variance to the planning and zoning code. A variance is a very unique situation and is only allowed under very specific circumstances. For example, if a property owner wanted to build closer to the neighboring property than what the code allows, they would have to meet specific criteria before asking for a variance. There was some discussion regarding the appropriate number of Board of Adjustment members. Mayor Showalter asked for public comments on this ordinance. There were no public comments. Councilmember Bert Clark moved to approve Ordinance No. 2012-02 amending the number of Board of Adjustment members. Councilmember Ted Munford seconded the motion. The motion passed with the following unanimous roll call vote:

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

2012 COUNCIL COMMITTEE ASSIGNMENTS: Mayor Gary Showalter presented the City Council Committee & Board Assignments for calendar year 2012. Councilmember Bert Clark moved to acknowledge and approve the Committee assignments as presented. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Clark, Munford, Cowan, Everett and Norton voting in favor.

Councilmember Clark asked who he should contact for the recycling committee. Ken Bassett stated that the City and County have jointly helped with recycling in the past.

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REQUEST FOR APPROVAL OF INDUCEMENT AGREEMENT WITH GARDNER TOWNE CENTER, LLC: Ken Bassett informed the Council that once a Community Development and Renewal Agency (CDRA) is formed, the agency determines which tool to use for specific developments. The inducement agreement with Gardner Towne Center LLC outlines what expenses they will be required to pay, such as all reasonable professional and technical costs associated with their development. For example, the City is required to produce a plat showing the boundaries of the agency, and that expense will be turned over to Mr. Gardner. Scott Gardner expressed his hope that this agreement will be a fair remedy to keep the development moving forward and not stall out because of a disagreement that cannot be settled in a timely manner. Ken Bassett suggested that Section 5 of the agreement be amended, eliminating the last sentence and simply state that the expenses should be agreed to by both parties. Mayor Showalter stated that the City does not want another abandoned, bankrupt project. The current site for this development, in front of Lowes, will increase in value if this development moves forward. The CDRA possibly will allow a portion of the increased property tax be allocated back to Gardner Towne Center to attract quality tenants. He expressed his hope that this will be a plus for the community by bringing in more shopping opportunities. Councilmember Munford stated he appreciates having all the issues spelled out. After further discussion, Councilmember JoAnn Cowan moved to approve the Inducement Agreement with Gardner Towne Center LLC, changing the language in Section 5 for the expenses to be approved by both parties. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

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

AN ORDINANCE OF VERNAL CITY, UTAH, APPROVING THE CREATION OF A COMMUNITY DEVELOPMENT AND RENEWAL AGENCY IN ACCORDANCE WITH THE PROVISIONS OF THE UTAH CODE – ORDINANCE NO. 2012-05: Ken Bassett presented Ordinance 2012-05 to the Council for consideration to create the Community Development and Renewal Agency City-wide. He explained that the agency will be a separate body from the City Council, although the Council serves as the Board for the agency. The staff will have ten days to get the necessary information to the Lieutenant Governor’s office for their review and approval. Councilmember JoAnn Cowan moved to adopt Ordinance No. 2012-05 and move forward to form the CDRA. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

- Councilmember Munfordaye;*
- Councilmember Cowan..... aye.*

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Councilmember Everettaye;
Councilmember Norton.....aye;
Councilmember Clark aye.

REQUEST FOR APPROVAL OF FINAL PLAT FOR ASHLEY ESTATES PHASE II:

Allen Parker explained that Mr. Kimball Glazier is requesting approval of the final plat for Phase II of Ashley Estates. The development includes nine acres divided into 10 residential lots located at 1065 South 500 West in Vernal City. The infrastructure has already been built which is not the standard procedure for a subdivision, but is allowed. He drew the Council’s attention to the face of the plat which states who will be responsible to maintain the storm water basin next to lot #10. Councilmember Clark noted that this area of the City has a high water table which might affect the storm water pond. Allen Parker agreed, and stated that the pond has been engineered for a 100 year storm. Councilmember Sonja Norton moved to approve the final plat for Ashley Estates phase II. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Norton, Munford, Clark and Everett voting in favor. Councilmember Cowan was not present for the vote.

REQUEST FOR AMENDMENT TO THE VERNAL CITY MUNICIPAL CODE, ADDING ELECTRIC UTILITY FRANCHISE, APPROVING FRANCHISE AGREEMENT WITH ROCKY MOUNTAIN POWER – ORDINANCE NO. 2012-03:

Mayor Showalter pointed out that the franchise agreement with the power company is fifty years old and needed to be revamped before renewing it. Ken Bassett agreed that there have been a lot of changes the last fifty years, and a lot of legal issues needed to be addressed before a new franchise agreement could be presented to the Council. Ordinance No. 2012-03 incorporates language from the Utah League of Cities and Towns as well as Salt Lake County addressing technical issues involved in a franchise agreement. The term of the new agreement will be for twenty years to allow Rocky Mountain Power to conduct long term planning. Also, Rocky Mountain Power will move poles necessary for City improvements at no expense to the City, however, private development will have to cover the cost of moving poles. Rich Bolte, representing Rocky Mountain Power, thanked the staff for their cooperation in developing a new franchise agreement. Mayor Showalter asked Brett Hunter to look into why the street lights along Aggie Blvd are on all night long. The Council suggested sensors be installed to turn the lights off in the early morning hours.

Councilmember Sonja Norton moved to approve Ordinance No. 2012-03. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

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

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REQUEST FOR APPROVAL TO ADOPT UPDATED SPECIFICATIONS FOR PUBLIC WORKS – ORDINANCE NO. 2012-06: Ken Bassett explained that from time to time it is necessary to amend how City infrastructure is built. Ordinance No. 2012-06 provides an update to these specifications. The staff and engineers have completed a lot of research and work to develop these new regulations. Councilmember Munford stated that he did review the changes and feels confident the needs of the community have been taken into consideration as well as fiscal concerns. Councilmember Bert Clark moved to approve Ordinance No. 2012-06. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

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

REQUEST FOR APPROVAL OF AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES – RETIREMENT BENEFITS – RESOLUTION NO. 2012-02 AND REQUEST FOR APPROVAL OF AMENDMENT TO THE VERNAL CITY BENEFIT PACKAGE – RESOLUTION NO. 2012-03: Ken Bassett explained that the Utah Retirement System has made changes recently to their regulations pertaining to elected officials. In order to comply with their new regulations, Resolution No. 2012-02 has been prepared amending the City’s personnel policies and procedures for retirement for elected officials. Currently Council members are not eligible to join the Utah Retirement System due to their small salary. However, the Mayor is eligible, but has the option to not participate, which he has done. Further, Ken Bassett explained that Resolution No. 2012-03 defines the retirement contribution rate that will be placed in ICMA for the elected officials not in URS. Therefore, Resolution No 2012-02 refers to Resolution No. 2012-03. Councilmember JoAnn Cowan moved to approve Resolutions No. 2012-02 and 2012-03. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

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

REQUEST FOR APPROVAL OF SOFTWARE MAINTENANCE AGREEMENT WITH CASELLE: Mike Davis explained that Caselle is the current software package that the City uses for the accounting systems of the City. Caselle has developed a major upgrade which has an expensive price tag. Bids were requested from other vendors that can provide software for the same functions as Caselle, and two bids were received. One is from a national chain at a cost of

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\$140,000 and the other did not have the same capabilities as Caselle. Further, Mike stated that Caselle is willing to upgrade the software package if the City signs a premium technical support contract. Councilmember Munford asked what the current technical support contract is costing and what the cost would be to buy, outright, the upgraded software. Mike Davis stated that the bid from Caselle to upgrade the software was \$30,000. Ken Bassett stated that the City is currently paying \$1500 a month for support. Mike Davis stated that the premium support cost is \$2500 a quarter plus \$10,000 annually. The obligation from the City is only for one year, then a monthly fee of \$875 is charged after that. Councilmember Cowan asked how often the staff uses the technical support. Mike Davis stated that it varies. With the premium package, the City will get faster service and any additional upgrades at no cost. Councilmember Cowan asked if citizens will be able to pay their utility bill on-line with the new software. Mike Davis stated that the premium Caselle package will make it easier to implement electronic payments. After further discussion, Councilmember JoAnn Cowan moved to accept the recommendation from the Finance Director and upgrade the Caselle software package. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

Councilmember Munfordaye;
Councilmember Cowan..... aye.
Councilmember Everettaye;
Councilmember Norton.....aye;
Councilmember Clarknay.

ADMINISTRATIVE REPORTS:

Joint City / County Meeting:

Ken Bassett explained that the next joint City / County meeting have been scheduled for February 10, 2012 at the County building at 3:00 p.m.

CIB Funding:

Ken Bassett noted that the City received a \$270,000 grant to purchase a new women’s crisis center. This is the first time the Community Impact Board has approved this type of project.

Drug Court Graduation:

Councilmember Everett stated that he and Councilmember Clark attended the graduation ceremony for the Drug Court conducted by Judge’s McClellan and Peterson. Four members graduated from this program which is remarkable.

Swearing in of new Justice Court Judge.

Ken Bassett explained that Judge Richards has completed the orientation course and will be sworn into office on January 23rd.

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ADJOURN: *There being no further business, Mayor Showalter and Youth Mayor Grayson Massey declared the meeting adjourned.*

ATTEST:

Roxanne Behunin, Deputy Recorder

Mayor Gary Showalter

(S E A L)