

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
FEBRUARY 15, 2012 at 7:00 p.m. in the Vernal City Council Room, 374 East Main,
Vernal, Utah 84078.

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

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

SELECTION OF MAYOR PRO TEMPORE: *Councilmember Ted Munford moved to appoint Councilmember Bert Clark as Mayor Pro Tempore for this meeting. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Clark, Munford, Everett and Cowan voting in favor. Councilmember Norton was not present for the vote.*

INVOCATION OR UPLIFTING THOUGHT: Councilmember Ted Munford gave an invocation.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Dave Everett.

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF FEBRUARY 1, 2012: *Councilmember Ted Munford moved to approve the minutes of February 1, 2012 as written. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett and Clark voting in favor. Councilmember Sonja Norton was not present for the vote.*

DINO-TRIATHLON REQUEST FOR FUNDING – MARK MASON: Mark Mason explained that last year in order to promote the Dino-triathlon free entries were given to the writers of Cycle Utah magazine. The article that they wrote complimented the volunteers and motivators during the run as well as the entire community, and indicated that even though this was a smaller event, it was the best in the State. The hope is to increase the participation by building on that momentum. The website has a video showcasing the area, and registrations are coming in. Councilmember Ted Munford asked Mr. Mason for a budget for the event. Mr. Mason presented a budget and requested a sponsorship from the City Council in the same amount as last year. *Councilmember JoAnn Cowan moved to approve the sponsorship of \$2000 for the Dino-triathlon. 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.

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Councilmember Bert Clark asked Mr. Mason to attend the next Uintah Recreation Board meeting to coordinate their participation.

FIRE SERVICES REPORT AND UPDATE REVIEW: Jeremy Raymond, Uintah Fire Suppression District director, and Fire Chief Sam Howard displayed a slide show outlining the number of fire calls that were responded to, the types of calls, and the public service hours the fire fighters are giving to the community. Also, Jeremy indicated that there has been a tremendous increase in training hours. Councilmember Clark asked if there were any mandated training to stay certified. Jeremy Raymond answered that the fire fighters are required to attend 40 hours of training each per year, and re-certify every 3 years. Sam Howard noted that there has been over 2000 students tour the fire station this school year, and three more schools have scheduled tours which requires a lot of man hours. He explained that the Vernal fire fighters responded to 106 calls, provided 592 service hours and attended 1164 training hours. Councilmember Everett asked what is counted as stand-by time. Sam Howard explained the fire fighters attend events such as the rodeo, fireworks etc. which may require services. Councilmember Norton asked for an explanation of the alarm calls. Sam clarified that the alarm calls include fire, carbon monoxide or other alarms and approximately 50% of those calls are false alarms or a malfunction. There have been three families hospitalized with carbon monoxide over the last four months. Councilmember Clark stated that he noticed when the alarm goes off, the fire station doors go up and the response is quick. He asked if someone is at the station. Sam Howard explained there are several fire fighters that live or work close to the station and are able to roll out the trucks within 3 to 4 minutes after an alarm. Councilmember Everett stated that it is a privilege to live close to Mr. Howard and see the level of commitment from the fire department to the community. Jeremy Raymond noted that the Vernal fire department is very busy. Councilmember Clark asked when the yard clean-up window is open to burn. Jeremy Raymond stated that the spring clean-up has a thirty day window which is handled by the fire chiefs. In the fall a burn permit is required. Sam Howard reported that the fire station has been remodeled with additional storage on the back of the building, and a generator has been installed in case of a power outage. Also, the upstairs has been remodeled and insulated as a training room. Jeremy Raymond noted that last year the District purchased a fire truck for the airport which uses a dry chemical system specifically designed for jet fuel fires. Sam Howard stated that a new pumper truck will be purchased for the Vernal fire station as well, making it easier to respond with water. The Council thanked Mr. Raymond and Mr. Howard for their report and service to the community.

REQUEST FOR APPROVAL OF AMENDMENTS TO THE VERNAL CITY POLICE DEPARTMENT PROCEDURES (LEXIPOL) – RESOLUTION NO. 2012-04: Chief Dylan Rooks explained that in March of 2009, the Chief of Police came into contact with Lexipol which is a risk management tool available to police departments. This company has risk managers and attorneys that evaluate state law and court cases to standardize police policies. The City contracted with Lexipol to bring the police department policies into compliance with

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laws and adopt the best practice for police procedures. Lexipol sends out revisions every six months to keep the policies in compliance. Also, they provide daily training bulletins for the officers which counts toward their annual training requirement. Further, Chief Rooks explained that they provide interesting concepts that can be incorporated into the personnel policy. Resolution No. 2012-04 amends the police department policy based on the lasted update from Lexipol including child endangerment, victim rights and pursuits. Councilmember Clark asked if the policy was geared toward specific department sizes. Dylan Rooks stated that some aspects of the policy are geared toward a larger agency and need to be adjusted such as changing the “watch commander” to a “sergeant.” Seth Allred asked what happens when a fugitive crosses jurisdictions. Chief Rooks stated that the pursuit will be based on several factors such as the type of crime and the time of day, and each scenario is different. After further discussion, *Councilmember JoAnn Cowan moved to approve Resolution No. 2012-04 amending the police department procedure manual. 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 TO ADD SERGEANT POSITION TO POLICE DEPARTMENT: Chief Dylan Rooks explained that as he reviewed the scheduling needs for the department, it has become apparent that another sergeant is needed to cover all the shifts. There are currently only three patrol sergeants leaving a night shift without a supervisor. He requested the Council consider adding an additional sergeant to the department. Councilmember Clark asked if this will then add another patrol officer to the department. Chief Rooks answered that the number of officers will remain the same, simply one officer will be promoted to a sergeant. The budget impact for the remainder of this fiscal year is approximately \$2500. Councilmember Munford stated that the Public Safety Committee reviewed this request and is returning a positive recommendation. Ken Bassett noted that one of the concerns is the liability exposure by not having a supervisor on all the shifts. After further discussion, *Councilmember JoAnn Cowan moved to authorize promoting a police officer to an additional patrol sergeant position. Councilmember Sonja Norton 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 OF INTERLOCAL AGREEMENT WITH UINTAH TRANSPORTATION DISTRICT – RESOLUTION NO. 2012-05: Ken Bassett explained that Resolution No. 2012-05 refers to an Interlocal agreement with the Uintah Transportation District who will be repaving 500 South Street from 1500 West to Vernal Avenue using federal funds. Because Vernal City is the eligible entity for the federal funds, the money comes to the City first and will then be transferred to the Uintah Transportation District. The City will not receive the \$1 million dollars of federal funds until 2016. The Transportation District is requesting that a termination clause be added to the agreement before approval. Councilmember *Ted Munford* moved to approve Resolution No. 2012-05 with a termination clause provision added to the Interlocal Agreement with the Uintah Transportation Special Service District. Councilmember *Sonja Norton* seconded the motion. The motion passed with the following roll call vote:

Councilmember Munfordaye;
Councilmember Cowan..... not present for the vote.
Councilmember Everettaye;
Councilmember Norton.....aye;
Councilmember Clarkaye.

REQUEST FOR APPROVAL OF AGREEMENT ADDENDUM WITH SMUIN RICH AND MARSING FOR AUDITING SERVICES: Mike Davis explained that the contract with the auditors will be expiring. However, the current contract does have an option to extend the contract for 2012 and 2013. The auditors do an excellent job, and he requested the Council consider exercising the option to extend the contract. Ken Bassett stated that the cost will increase by \$600 for each year. Councilmember *Sonja Norton* moved to approve extending the contract with Smuin Rich and Marsing for two more years. Councilmember *Dave Everett* seconded the motion. The motion passed with the following roll call vote:

Councilmember Munfordaye;
Councilmember Cowan..... not present for the vote.
Councilmember Everettaye;
Councilmember Norton.....aye;
Councilmember Clarkaye.

CLOSED SESSION: Councilmember *Ted Munford* moved to convene into closed session to hold a strategy session to discuss pending or imminent litigation and to discuss the purchase, exchange or lease of real property and to return to open session at the conclusion of the discussions. 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 Everettaye;
Councilmember Norton.....aye;

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Councilmember Clark aye.

RECONVENE INTO OPEN SESSION: The meeting was declared back in open session.

ADMINISTRATIVE REPORTS:

Budget Meetings:

Ken Bassett asked the Council to look over the tentative dates for upcoming budget meetings and let the staff know if there are any conflicts.

Nuisance Abatement:

Councilmember Bert Clark asked the staff to watch for oilfield trucks and RV's being used in residential areas. He asked that a news release be placed in the paper reminding residents that camp trailers cannot be used as housing units for the summer. Ken Bassett stated the public can be educated on what is allowed.

Community Development and Renewal Agency:

Mr. Dan Dilsaver, 201 North 1500 West, explained that he attended a recent Chamber of Commerce meeting where it was mentioned that the City would be offering an inducement for major retail businesses to locate in the community. He asked why a thriving community would find it necessary to bring large retailers using an incentive program. Ken Bassett explained that there are several different tools that Community Development and Renewal agencies (CDRA) can use to encourage development including commercial, retail and industrial. The City set up the CDRA which incorporates the entire City limits and anyone that is interested in putting a project together can approach the Agency with their development plan. There are a lot of hoops that the developer must jump through before the taxing entities, which include the County and the School District, can consider any incentives. The property tax incentive may be approved for a period of time to encourage the development to happen. Otherwise, the property would just remain vacant or the development would take a long time without the incentive. This incentive is not exclusive to any one area, and can be used throughout the City. Councilmember Cowan stated that the reason she supported the CDRA is to keep the business local. The bulk of the City budget is comprised of sales tax and this would allow the City to recapture that tax that is being spent elsewhere. Also, if there is more retail, Vernal City becomes more attractive as a shopping hub. Mr. Dilsaver stated that he agrees to a certain extent, but felt there City was doing an injustice to businesses that open without any help. There was some discussion about when Wal-Mart first opened a store in Vernal. Councilmember Cowan explained that the entities will not lose any of the current property tax, only any additional tax based on the increased value. Councilmember Ted Munford stated that he is also a business owner and understands the frustration, however, he thought the increase in merchants also increases the shoppers who will visit other stores. Councilmember Cowan stated that this is not an unusual tool and has been used in other areas. In fact, in Box Elder County there was a City that was approached for this

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type of incentive. When the decision took too long, the developer went to the neighboring community. Councilmember Norton agreed that there are programs available to help businesses, and this developer approached the City. She stated that this program will not only help the large retailers, but also the mom and pop stores that are important to a community. Mr. Dilsaver stated that he realizes it is difficult to allow growth and not lose the sense of community, and the Council faces difficult decisions. He stated he wanted to know how these programs work. The Council gave an example to Mr. Dilsaver of how the property tax incentive works. Mr. Dilsaver thanked the Council for their explanation.

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

Mayor Pro Tempore Bert Clark

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)