

MINUTES OF THE VERNAL CITY COUNCIL SPECIAL MEETING HELD
JUNE 27, 2012 at 4:00 p.m. in the Vernal City Council Room at 374 East Main,
Vernal, Utah 84078.

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

STAFF PRESENT: Ken Bassett, Allen Parker, Mike Davis and Sherri Montgomery.

ACKNOWLEDGEMENT AND APPROVAL OF SPECIAL MEETING: Mayor Gary Showalter welcomed everyone present. *Councilmember Bert Clark moved to acknowledge and approve the special meeting. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munfordaye;
Councilmember Clark.....aye;
Councilmember Nortonaye;
Councilmember Everettaye.

PUBLIC HEARING: FY2012 BUDGET REOPENER #2 – ORDINANCE NO. 2012-27: Mayor Showalter explained that the administrative staff, Council, and Mayor have met to review the financial demands of each department. *Councilmember Bert Clark moved to open the public meeting. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munfordaye;
Councilmember Clark.....aye;
Councilmember Nortonaye;
Councilmember Everettaye.

Ken Bassett stated that he and Mike Davis have met with the department heads to go over any adjustments for the end of the fiscal year June 30, 2012. Mr. Bassett referenced Page 1 in the revenue section under general fund which shows an increase in sales tax beyond the first reopener. General use and sales tax has changed from \$4 million to \$4.3 million dollars. Sales tax for streets and highways increased from \$1.7 million to \$1.917 million dollars. The total tax has increased from \$7.4 million to almost \$8 million dollars, which is a significant increase for the end of this fiscal year. Mr. Bassett explained that the intergovernmental revenue section under DOJ secure our schools is a grant that Vernal City is administrating to purchase security cameras for a couple of the schools in the district. Mr. Bassett stated that the City has received \$40,500 for the grant as well as an offsetting expenditure line item in the police department. Mr. Bassett referred to Page 2 to review the Justice Court fines. There has been an increase since the first reopener from \$315,000 to \$375,000. The actual was \$382,000; therefore, the fines will be increased to \$390,000 for this fiscal year. Councilmember Bert Clark asked if these are collected fines. Mr. Bassett answered yes. *(Councilmember JoAnn Cowan arrived to the*

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meeting at 4:05 p.m.) Mr. Bassett explained that he will not cover a department if there are no changes or the budget has decreased. Mr. Bassett referenced Page 9 in the budget under services and supplies for government facilities and asked Mike Davis to change the amount under other rent: Municipal Building Authority to \$81,000 to reflect added utility costs. Mr. Bassett reported that the revenues exceed the expenditures by approximately \$900,000 of which \$700,000 was placed in capital funds. Mr. Bassett referenced Page 34 to show that they are recommending transferring \$500,000 of the \$700,000 into the Municipal Building Project Fund. During the first reopener, \$500,000 was added, and it is being recommended to add another \$500,000 to be used to pay for the debt of the new building. In the equipment replacement fund, \$450,000 was added during the first reopener, which has been changed to \$700,000 by adding another \$250,000 due to the continual program with the police vehicle lease program.

Councilmember Bert Clark asked if the Uintah Basin Narcotics Strike Force Fund is still a grant or a budgeted item. Mr. Bassett explained that there is a budget for that as well as a grant from the Department of Justice. All participating entities pay a portion of that total budget in addition to the grant money. Councilmember JoAnn Cowan mentioned that this fund has been healthy with the grants, and the proposed share from all the entities is much lower than it has been in previous years. She added that in the future there likely would be no contribution needed from the cities and towns. Mike Davis stated that the grant is actually slowly decreasing, which could increase the contribution from all the entities in the future. Councilmember Clark asked if the Red Fleet water pumping costs are variable costs that change according to the years that the City pumps, and also asked if there is enough money budgeted due to the dry year. Mr. Bassett explained that there will not be any pumping for this reopener; therefore, the City should be fine. Red Fleet is normally used in the spring time and Ashley Springs in the winter months. At this point in time, the City is not aware there will be a need for pumping Red Fleet. Councilmember Clark stated that if needed, it can go into the reopener for next year.

Mayor Gary Showalter opened the public hearing for comments. Councilmember Bert Clark referenced the last page on CIB bonds where item one is zeroed out and asked if that is the last payment for the golf course. Mike Davis stated that it is due at the end of the month and has not been paid yet. He added that there is three or four more payments left. Councilmember Sonja Norton asked if the reopener is supposed to be more than what the actual is year to date. She gave an example of the State liquor fund allotment which shows \$35,728 as the actual year to date and \$35,700 for the reopener; therefore, she asked if the budget amount should be \$35,800. Mr. Davis explained that revenue needs to be close; however, expenses need to be over and not under. Mayor Showalter closed the public hearing for this item. ***Councilmember JoAnn Cowan moved to adopt the FY2012 Budget Reopener #2 – Ordinance No. 2012-27. Mr. Bassett requested including the two transfers in capital funds. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:***

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

REQUEST TO APPROVE PRIVATE FIREWORKS RESTRICTIONS – ORDINANCE

NO. 2012-26: Mayor Gary Showalter commended City Manager Ken Bassett for the time he has spent with the public and media regarding the fireworks restrictions for the County as well as the City. Mayor Showalter recommended to the Council to carry a copy of Ordinance No. 2012-26 on the restriction of fireworks with them as they receive calls from the community. Councilmember Bert Clark reported to the Mayor that Chief Sam Howard and Jeremy Raymond are in attendance at the meeting. Mayor Gary Showalter thanked Jeremy Raymond and Sam Howard for attending the meeting and for their work with the media as well as the County Commissioners. Mr. Bassett explained that this has been an extremely difficult issue. In order to restrict or place a ban on fireworks, the rules are different with cities and towns as compared to other unincorporated areas. On June 14, 2012, the State of Utah issued a restriction notice, which became a law in the unincorporated areas of the State and on Federal and State lands to ban fireworks completely. Mr. Bassett explained that they had to take a look at State law to determine what could be done as a City. There has been some confusion as to whether the City can prohibit fireworks completely or regulate the fireworks. The most recent change to State law in 2012 from the legislature sets the dates and times the fireworks can be discharged, but does not set the locations on where the fireworks can be discharged.

Mr. Bassett explained to the Council that he has given them two different examples of this ordinance. The first one does restrict the times and dates. It was realized that the State law restricts how the City can regulate fireworks. Mr. Bassett stated that Utah League of Cities and Towns sent a second ordinance model, which provides just the restriction as to the location of where the fireworks can be discharged. The second ordinance also has whereas clauses and makes reference to the State law with the dates and times that fireworks can be discharged. Councilmember JoAnn Cowan asked if the City can supersede State law. Mr. Bassett answered no. Councilmember Cowan voiced her concern over the government writing a law that bans the fireworks on State lands, but not cities. Mr. Bassett stated that there seemed to be confusion over the two different laws in State Code. Mayor Showalter asked if the City could post Ordinance No. 2012-26 at the firework stands. Mr. Bassett answered yes, as soon as the ordinance is adopted by the City Council. He added that a poster could be distributed to all the vendors identifying in bold where people can discharge fireworks. Councilmember Bert Clark suggested posting this message on the digital sign in front of the old museum. Mr. Bassett stated that the City can post signs at both entrances to the City as well. Councilmember Clark asked the Mayor to open the discussion to the public for comments.

Sam Howard, Fire Chief, stated that they have been monitoring the fireworks at night for that last 3 weeks and received 27 calls this month already. Councilmember Bert Clark asked if the calls were from fireworks alone. Mr. Howard answered no. He added that the humidity was recorded

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on Monday at 2% in the State of Utah. Mr. Howard mentioned that Jeremy Raymond was just called out during this meeting to a fire in Uintah Canyon. Mr. Howard understands that the vendors are trying to make money; however, if the City does not stop the use of fireworks, it could result in home fires and property losses. He added that it was the right decision to ban fireworks outside the City limits and only use them in a controlled environment. The Vernal City Fire Department will have a few fire trucks at the park during the 4th of July. Mr. Howard reported that the fireworks display sponsored by the Elk's Lodge will still be on July 4, 2012. The public can also set off their personal fireworks that day at the park. Councilmember Clark asked how the fireworks ban will be enforced. Mr. Howard stated that the fire department will not be able to cover it all; however, the police department is available to help. Mr. Bassett explained that he met with Chief Rooks regarding this issue, and although it is tough to find where the actual fireworks are being set off without a complaint, the police will do their best. There could be a citation issued for those who do not stop discharging the fireworks. Councilmember JoAnn Cowan suggested the fireworks be confiscated, since the ordinance makes them unlawful to possess and return them in the winter. Councilmember Cowan also suggested that the City post signs in front of all the firework stands stating that it is illegal to discharge fireworks in Vernal City and Naples City with no dates and times. Mr. Bassett explained that the fireworks are allowed and can be discharged at the park; therefore, the signs must state where and when fireworks can be discharged. Mr. Bassett stated that Mayor Baker of Naples City has concerns about fireworks at the Naples City Park due to the dry fields surrounding the park. Councilmember Cowan mentioned that the Naples City Fire Department is adjacent to their park. Mr. Bassett stated that the area is very dry and suggested Naples City use Vernal City's Park to discharge their fireworks. ***Councilmember JoAnn Cowan moved to approve Ordinance No. 2012-26 (B). Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:***

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

REQUEST TO APPROVE CONTRACT RENEWAL WITH ALLRED, BROTHERRSON AND HARRINGTON FOR PROSECUTING ATTORNEY SERVICES: Mayor Gary Showalter explained that this is a request to renew the contract with prosecuting attorney Michael Harrington. He added that he has heard several times that Mr. Harrington is doing an outstanding job on behalf of the City. Ken Bassett explained that the current contract is a two year contract entered into between the City and Mr. Harrington and his firm in 2010. He added that he spoke with Mr. Harrington regarding the renewal in which Mr. Harrington stated that their fee needs to be increased. The Administrative Committee met to discuss the issue. The number of cases that their law office is involved with has increased 62% since 2010. They are requesting a 37% increase in the retainer fee from \$5,500 a month to \$7,500 a month. It was recommended by the Administrative Committee that the Council approve this contract for

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another two year period through June 30 2014. Councilmember Bert Clark referred to Page 2 of the contract, Number 3 (D), which states that “the City shall provide a continuing education allowance of one thousand dollars a year for attorney” and asked if this was for just one attorney. Mr. Bassett answered yes, for Mr. Harrington only. Councilmember Clark suggested adding (an) in front of attorney. Councilmember Clark asked if the records from the Justice Court reflect the increase they have been given. Mr. Bassett stated that he has not looked at all the filings, but knows they have gone up significantly based on the increased revenue. He added that tracking the revenue with the filings does not always match, because sometimes individuals set up payment arrangements for a period of time to pay their fine. Councilmember JoAnn Cowan asked if it has been verified that there has been a 35% increase of traffic coming into the court. Mr. Bassett stated that it would be very close. He added that with a new judge, you see more appeals and jury trials. Mayor Showalter asked if there were City benefits included in this contract. Mr. Bassett answered no. ***Councilmember Bert Clark moved to approve the contract renewal with Allred, Brotherson and Harrington for prosecuting attorney services with the increased retainer fee and adding (an) to Page 2, Number 3 (D) for clarity. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:***

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

MISCELLANEOUS: Councilmember Bert Clark was asked by the Recreation District to announce that the State boy’s baseball tournament will be held on July 5, 2012. There will be 25 teams coming into Vernal until the following Tuesday.

ADJOURN: *Councilmember JoAnn Cowan moved to adjourn. Councilmember Ted Munford seconded the motion. All voted in favor and the meeting was adjourned at 5:00 p.m.*

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)