

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

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

WELCOME: Councilmember Bert Clark welcomed everyone to the meeting.

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

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Bert Clark.

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

APPROVAL OF CITY COUNCIL MINUTES OF JUNE 20, 2012: Councilmember Clark noted that Councilmember Munford was not present at this meeting and should not be shown as voting for any of the items. With that correction, *Councilmember Bert Clark moved to approve the minutes of June 20, 2012. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Cowan, Everett, Norton and Clark voting in favor. Councilmember Munford abstained.*

APPROVAL OF CITY COUNCIL MINUTES OF JUNE 27, 2012: Councilmember Clark again noticed that Councilmember Cowan was not shown as voting for most of the motions and asked that her name be added. *Councilmember Clark then moved to approve the minutes of June 27, 2012 Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton and Clark voting in favor.*

INTRODUCTION OF NEW BUILDING INSPECTOR, RICHARD HARTWELL: Allen Parker introduced Mr. Richard Hartwell as the new building inspector. Mr. Hartwell moved to Vernal from Salt Lake City where he has worked for many years as an inspector, and the staff is thrilled to have him here. Councilmember Norton welcomed Mr. Hartwell, and the Council welcomed him to the community. Richard Hartwell stated he is happy to be here.

REQUEST TO PLACE UTAH UTE FLAGS ON MAIN STREET - DENISE MAYNARD: Ken Bassett stated that the Mayor discussed their request with them, and they may have decided not to continue with their request.

ALIVE AFTER FIVE PRESENTATION - JOE EVANS AND TINA CHRISTOPHERSON: Tina Christopherson stated that she would like to request continued support from the City for the Alive after Five event. This year, the show will tie in with the

Basin Olympics and County fair. Also, a fishing contest will culminate at the Alive after Five program to encourage families to get out and recreate in the Uintah Basin. Councilmember Everett asked when the contest will start. Tina Christopherson stated the first night will be July 27th and be every Thursday night for four weeks, ending on August 16th. Joe Evans noted that this program has helped local young adults develop their stage presence and gives them the opportunity to work with professional sound equipment. Councilmember Norton stated that it not only helps the performers, but it also provides entertainment for the community. She thanked Mr. Evans and Ms. Christopherson for their work on this program. Ken Bassett noted that \$3500 has been placed in the budget for this event. The consensus of the Council was to continue supporting this event with the funds placed in the budget.

REQUEST FOR ENERGY SUMMIT SPONSORSHIP - TAMMIE LUCERO: Tammie Lucero explained that the Energy Summit has been scheduled for September and is presenting 16 high powered speakers who will address air quality, fracturing in the community, and other topics impacting the energy industry. Vernal City, Uintah County and USU all supported the Energy Summit last year, and there were approximately 300 attendees. This year the Governor’s Office of Energy and Duchesne County is also partnering to sponsor this event. Tammie asked the Council to consider supporting this event at a cost of \$3000. Councilmember Clark asked what the County will be contributing. Tammie Lucero stated that based on the budget the County will pick up the remainder of the cost which is approximately \$16,000. *Councilmember JoAnn Cowan moved to support the Energy Summit with a sponsorship fee of \$3000. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Clark.....aye;*
- Councilmember Norton.....aye;*
- Councilmember Everettaye;*
- Councilmember Cowanaye;*
- Councilmember Munford.....aye.*

Tammie Lucero commented that because the City is a sponsor, she would like a list of attendees for the City to make sure they are registered at no additional cost.

UINTAH RECREATION DISTRICT REPORT ON DISCHARGE OF FIREWORKS AT CITY PARK: Robin O’Dricoll explained that she was asked by the Board of Directors for the Uintah Recreation District to speak with the Council regarding the recent fireworks restriction where fireworks could only be discharged at the community park. She stated that the Board realizes the Council tried to find the best place to allow fireworks. Unfortunately, the park is very heavily utilized with baseball games, reunions, or kids in the playground, and is probably not the ideal place. She stated that it is strongly felt that the fireworks are a huge safety issue and asked the Council to reconsider their decision and find another location to allow fireworks for July 21st through July 27th. Councilmember Cowan asked if she had an alternative location. Robin O’Driscoll suggested the schools such as the Middle School or Junior High. Councilmember Clark showed the Council pictures of the park on the morning of July 5th. Robin O’Driscoll stated that the park was dirty and took a long time to clean up; however the main concern was the fireworks being discharged so close to people. Ken Bassett expressed his disappointment that residents created such a mess in the park and were not cautious when using fireworks.

Councilmember Clark agreed and stated that people painted graffiti in the baseball complex, took the sponsor banners and damaged the restrooms. Ken Bassett stated that no matter where the Council restricts the fireworks, people can still shoot off aerial fireworks creating a hazard whether they are discharged in a neighborhood, school or park. Mr. Bassett stated that he spoke with Senator VanTassell who indicated the reason the State Legislature approved this type of fireworks last year was strictly to collect revenue that they thought was being lost to Wyoming. Councilmember Clark asked if the City could restrict what type of fireworks being discharged. Ken Bassett answered no. Councilmember Cowan noted that the State Legislator who proposed the fireworks law allowing aerals is upset that cities have restricted their use and wants to penalize the cities that have banned fireworks completely. Councilmember Munford noted that from the pictures of the park, more trash receptacles are needed. The Uintah Recreation staff indicated they put out all the trash containers they had and emptied them daily. Ken Bassett stated that the 24th of July Holiday should not have as large an impact with fireworks as the 4th of July. There was some discussion regarding the weather with the hope that the fire danger will not be this high next year. Councilmember Clark related that the Uintah Recreation District did incur extra expense cleaning the park and replacing damaged items from the fireworks. Councilmember Clark asked that the police department have additional officers at the park to help monitor the aerals. There was further discussion regarding the damage to the ball fields. Mr. Neil Cathie stated that it probably is too late to change the location for this year, however, the drought will likely continue, and an alternate plan should be coordinated. Councilmember Norton agreed that in the future hopefully all the agencies will be more prepared and able to coordinate a solution. After further discussion, *Councilmember JoAnn Cowan moved to pay \$1500 to the Uintah Recreation District to help offset the cleanup and damage costs and have the City crews help with clean up on the 25th of July. Councilmember Dave Everett seconded the motion. After further discussion, the Council voted by roll call vote as follows:*

Councilmember Clark.....aye;
Councilmember Norton.....aye;
Councilmember Everettaye;
Councilmember Cowanaye;
Councilmember Munford.....aye.

PUBLIC HEARING: REQUEST TO VACATE RIGHT-OF-WAY LOCATED AT 750 NORTH VERNAL AVENUE TO 100 WEST - JURASSIC PROPERTIES: Ken Bassett explained that at the last meeting a petition was submitted to the Council that included all of the property owners contiguous to the City’s right-of-way located at 750 North Vernal Avenue. The Council decided to move forward with the public hearing to receive comments on vacating this right-of-way. Delmar Hyde, property owner and informal representative of Jurassic Properties, stated that the developer is trying to create an environment that is beneficial to the residents and would like to add a community garden using the right-of-way property. Councilmember Clark asked if an egress onto Highway 191 would be allowed by UDOT. Ken Bassett stated that the City would need to discuss that with UDOT. Councilmember Clark stated that when he was on the Planning Commission the philosophy was to have continuous roads, not large blocks without roadways. Councilmember Norton agreed that was her concern as well, and that the traffic not be funneled through the neighborhood if the property to the north is developed. Delmar Hyde pointed out on the plat map where the right-of-way was located and

how the traffic currently travels in and out of the subdivision. He noted that if the property to the north is developed there would not be a road to connect to this subdivision. Councilmember Norton asked if the developer would consider putting in a road, offset from the current road, if this property were vacated. Delmar Hyde stated he would have the developer consider it. Councilmember Norton stated that she was uncomfortable vacating this right-of-way without another way into the neighborhood. There was some discussion regarding the access onto Highway 191. Councilmember Everett asked what the neighbors thought of this request. Mr. Hyde indicated that the property owners are excited to have a neighborhood garden, and the developer has obtained water rights. Mrs. Fay Howells, a neighboring property owner who signed the petition, asked how the property will be divided back to the property owners. Ken Bassett explained that once the property is vacated, it is divided equally, by the County Recorder, to the contiguous owners on either side of the right-of-way. Once the property is deeded to the owners, the City has no say as to what it is used for and the property owners would need to work out an agreement to use it for a community garden. Vance Norton, police officer, noted that he would like to see a stop sign on 100 West and 650 North to regulate the traffic in this subdivision. Ken Bassett stated that the Public Safety Committee can review that issue. Shawn Lindsey, a property owner in the subdivision, agreed that this would be an advantage to beautify the area. Allen Parker stated that the City is currently mowing this right-of-way. Shawn Lindsey stated it would be better as a garden. Also, he noted that connecting the subdivision to Highway 191 probably will not reduce the traffic as many of the residents will still travel the opposite direction. He stated he was in favor of the City vacating the property. There were no further public comments, and the public hearing was closed. *Councilmember JoAnn Cowan moved to grant the request to vacate the public right-of-way located at 750 North from Vernal Avenue to 100 West Street. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Ted Munford, JoAnn Cowan and Dave Everett voting in favor and Councilmembers Sonja Norton and Bert Clark voting nay.*

Ken Bassett advised that he will prepare an ordinance for the Council to approve at the next meeting.

REQUEST FOR APPROVAL OF AGREEMENT WITH WESTERN PETROLEUM: Ken Bassett reminded the Council that during budget hearings, the water superintendent requested a more appropriate location be found for trucks to fill with water. The trucks are currently entering the public works yard which is not a safe situation with trucks in and out. Different locations were considered, and it was decided that the best location would be at Western Petroleum on north Vernal Avenue based on the amount of truck traffic already at that location. The owner, Mr. Perry Taylor, is agreeable to do this, and a draft agreement has been prepared by the City Attorney and Western Petroleum's attorney. The lease would be for a period of 10 years, with a clause to extend and at a cost of \$100 per year plus the property taxes for this portion of the property. Allen Parker displayed the location of the water fill station on the Western Petroleum site. There was some discussion regarding the length of time for the contract and the extension. Councilmember Norton asked that the continuation clause simply be at the mutual consent of all parties. Councilmember Clark asked what would happen if Mr. Taylor sells the property. Councilmember Norton stated that leases are binding on a new owner. After further discussion, *Councilmember JoAnn Cowan moved to approve the lease with Western Petroleum to establish a water fill station. Councilmember Bert Clark seconded the motion. The motion passed with*

Councilmembers Cowan, Clark, Munford, Everett and Norton voting in favor for a unanimous vote.

REQUEST FOR APPROVAL OF LEASE AGREEMENTS WITH VERNAL REGIONAL AIRPORT: Kelly Harvey, manager of the Vernal Regional Airport, explained that the airport would like to enter into lease agreements with five users of the airport for airplane hangars. Ken Bassett asked if the terms were the same on all the leases. Kelly Harvey answered yes; the only difference is the size of the parcel being leased at a cost of 15¢ per square foot. The leases are as follows:

- | | |
|----------------------------|----------------------------------|
| 1. Mr. Jimmy Justice | 2800 square feet; |
| 2. Ricky & Marie Spurlock | 2800 square feet; |
| 3. Ted Hatch Family | 1600, 3690 and 1400 square feet; |
| 4. Keith and Chad McMullin | 2800 square feet; |
| 5. Troy Meier | 2200 square feet |

Councilmember JoAnn Cowan moved to approve the five leases at the airport as described. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Cowan, Munford, Everett, Norton and Clark voting in favor for a unanimous vote.

Councilmember Bert Clark disclosed that there would be an airport meeting on July 30th at 10 am to review the environmental assessment. Kelly Harvey stated he is still trying to set up that meeting with will let everyone know when it will be held.

REVIEW AND APPROVAL OF FEE SCHEDULE FOR COMMUNITY ROOM: Ken Bassett thanked Councilmember JoAnn Cowan for her research identifying the types of uses involved with the community room, and what other agencies do when their facilities are used. Based on her study and considerable discussion by the Council, a very simple fee schedule was developed for private or corporate use of the community room. Governmental or non-profit use of the room, which is the majority of the events being scheduled, will have the fee waived. Private or corporate use will be charged based on the type of event and the amount of time the room will be tied up. If a simple meeting with light refreshments is scheduled, the cost for the room will be \$25. If there is a larger event such as a wedding reception or banquet, the cost will be \$50 for each 2 hour block with a \$100 deposit. Ken also presented a copy of the rules for the use of the facility. Enforcement of the rules and monitoring by the custodian has helped keep the facility clean. Councilmember Norton expressed her appreciation for the time spent on this project. After further discussion, Councilmember Ted Munford moved to accept the fee schedule and use policy for the community room in City Hall. Councilmember Bert Clark seconded the motion. The motion passed with Councilmember Norton, Munford, Clark, Cowan and Everett voting in favor for a unanimous vote.

Ken Bassett noted that the events that have already been scheduled will not be required to pay the fee.

REQUEST FOR APPROVAL OF STORM WATER PROJECT ON 500 SOUTH: Ken Bassett explained that the Uintah Transportation District is planning on repaving 500 South Street from Vernal Avenue to 1500 West next year, and will overlay the road from 1500 West to 2500

West on 500 South this year. Before that road work is completed, the City would like to extend the storm drainage system to separate storm water from irrigation water along that street. There will be a time in the near future when storm water and irrigation water cannot be combined due to the potential of pollutants. Councilmember Clark asked if curb, gutter and sidewalk will be installed from 2500 West to 1500 West. Ken Bassett answered no, that gutter only will be installed on the north side of the street. Mr. Wood stated that there is curb, gutter and sidewalk from Highway 40 to Vernal Avenue. Ken informed the Council that there are funds available from the Community Impact Board to complete this project. Also, the Public Works Committee has reviewed this project and is recommending approval. *Councilmember Ted Munford moved to approve the storm water project on 500 South Street. Councilmember JoAnn Cowan seconded the motion. The motion passed with Councilmembers Munford, Cowan, Clark, Norton and Everett voting in favor.*

REVIEW AND APPROVAL OF PROPOSAL FOR HAVEN ESTATES ROAD PROJECT:

Ken Bassett explained that the City solicited proposals to complete the public improvements within Haven Estates. Only one bid was received from Chapman Construction in the amount of \$467,326. There are funds available in the escrow account for this project, although there is not enough to cover the cost of completing the road. The remainder of the cost, initially, will be paid out of the City’s construction fund with an ordinance being put in place to bill the property owners as building permits are taken out to build in this subdivision. That ordinance has been completed by the City Attorney, and will be presented to the Planning Commission for review before being presented to the City Council. Ken Bassett recommended the Council approve the bid from Chapman Construction. Councilmember Clark asked when the project will be completed. Mr. Kyle Merchant stated it will take approximately 2 months. *Councilmember Bert Clark moved to approve the bid of Chapman Construction to complete the public utilities in Haven Estates in the amount of \$467,326.00. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Clark.....aye;*
- Councilmember Norton.....aye;*
- Councilmember Everettaye;*
- Councilmember Cowanaye;*
- Councilmember Munford..... aye.*

RATIFICATION OF PURCHASE OF VEHICLE FOR CITY MANAGER: Ken Bassett reminded the Council that a vehicle from Perry Motor has been purchased for the City Manager’s use. Initially, there was not a firm price for the car until Mayor Showalter reviewed the bid. *Councilmember Bert Clark moved to ratify the purchase of a Buick for the City Manager at a cost of \$22,700. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Clark.....aye;*
- Councilmember Norton.....aye;*
- Councilmember Everettaye;*
- Councilmember Cowanaye;*
- Councilmember Munford..... aye.*

ADMINISTRATIVE REPORTS:

In Remembrance of Leonard Heeney:

Vernie Heeney stated that her family wanted to honor Leonard Heeney, former Mayor, and placed a park bench in the Walking Park for him. Councilmember Clark suggested she get a tree from the sewer plant tree farm and plant it by the bench. Vernie Heeney stated that after placing the bench in the park, she noticed that a lot of the plaques in the park are wearing out, and she will see if they can be replaced.

Drug Court Graduates:

Councilmember JoAnn Cowan suggested that the Council send a letter to the graduates of the drug court congratulating them on their commitment to take a place in the community. Councilmember Everett agreed, and noted that they held their graduation tonight.

Tailgate Luncheon by ULGT:

Ken Bassett reminded the Council that Utah Local Governments Trust will host a tailgate luncheon on Thursday, July 26th here at the City office beginning at 11: 30 am

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

Mayor Pro Tempore Sonja Norton

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)