

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
OCTOBER 3, 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 and Bert Clark and Mayor Gary Showalter. Councilmember JoAnn Cowan was excused.

WELCOME: Mayor Showalter welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Ted Munford.

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

APPROVAL OF CITY COUNCIL MINUTES OF SEPTEMBER 5, 2012: Councilmember Bert Clark asked that these meeting minutes be placed on the next agenda for review as one of the pages was missing. Councilmember Clark moved to table the minutes. Councilmember Norton seconded the motion. Roxanne Behunin noted that the City code deems the minutes approved at the next meeting. However, the entire minutes will need to be presented at the next meeting. Councilmember Norton withdrew her second to the motion. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Norton, Everett and Clark voting in favor.

AN ORDINANCE ADOPTING THE 2012 VERNAL TOWN CENTRE COMMUNITY DEVELOPMENT PROJECT AREA PLAN, AS APPROVED BY THE VERNAL CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PLAN FOR THE 2012 VERNAL TOWN CENTRE COMMUNITY DEVELOPMENT PROJECT AREA, AND DIRECTING THAT THE NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY THE UTAH COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES ACT - ORDINANCE NO. 2012-31: Mayor Gary Showalter explained that the Community Development and Renewal Agency (CDRA) of the City held a meeting and discussed the provisions for this project. This is the first project that the CDRA and City is involved with and includes the development on west Highway 40 development between Lowes and Wal-Mart. The School District and Uintah County have held meetings and have agreed to join with Vernal City on this project. Councilmember Bert Clark moved to approve Ordinance No. 2012-31 as presented. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

Councilmember Ted Munford.....aye;
Councilmember Dave Everett.....aye;
Councilmember Sonja Norton.....aye;
Councilmember Bert Clark.....aye.

REVIEW OF BIDS FOR WATER FILL STATION: Ken Bassett reminded the Council that the Water Superintendent proposed finding a safer location where oilfield and construction

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trucks could fill up with water. A location was found and bids were requested to install the fill station with the water being metered properly. Allen Parker displayed a picture of Western Petroleum's yard where the water fill station will be placed. Councilmember Bert Clark asked what the footage is for this project. Drew Lloyd, engineer for this project, explained that the area to be paved is approximately 1100 square yards. Ken Bassett explained that two bids were received from Angus Construction and Hubes Construction. There were addendums given to the contractors for this project, and in the confusion, the wrong bid forms were submitted which created inaccuracies in the bids. Mr. Bassett recommended this project be rebid with the water line being connected to the main line on the City street rather than Vernal Avenue which is a State highway. Councilmember Bert Clark asked if there will be two filling sites. Drew Lloyd answered yes there will be a dual system. After further discussion, Councilmember Ted Munford moved to reject the bids for this project and rebid them with amended specifications. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Everett, Clark and Norton voting in favor.

REQUEST TO RATIFY WALKING PARK BRIDGE REPAIR COSTS: Ken Bassett explained that last fiscal year \$2000 was budgeted to make repairs to the bridges in the Freestone Legacy Walking Park. The staff did not have time to get to that project, and as they looked more carefully at the bridges, it was determined that more durable decking material would be needed. The cost to replace both bridges with a trex type material is estimated to be \$4500. The funds can be taken out of the Green Space Fund. Ed Zurbuchen asked if the boards will be slick. Ken Bassett stated that the trek material is textured. Ed Zurbuchen asked if they will be spaced. Ken Bassett stated they will be close together to prevent strollers or shoe heels to fall between them. Ed Zurbuchen asked if any other type of material had been considered such as steel. Ken Bassett did not know what material was looked at, however, steel is significantly more expensive. After further discussion, Councilmember Norton moved to approve a budget of \$4500 to replace the two bridges at the walking park. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

Councilmember Ted Munford.....aye;
Councilmember Dave Everett.....aye;
Councilmember Sonja Norton.....aye;
Councilmember Bert Clark.....aye.

Councilmember Norton asked that the City facility maintenance manager look at all options and choose the best material within the approved budget.

REQUEST TO APPROVE CONTRACT FOR DEFENSE ATTORNEY SERVICES: Ken Bassett explained that the City contracts with an attorney to provide defense services for people who have charges before the Justice Court who cannot afford to hire their own attorney to represent them. The Judge determines if they truly cannot afford an attorney. The contract for these services has been with the law firm of Sam, Reynolds and Evershed at a cost of \$2500 per month. They have performed an acceptable job and are willing to continue the defense services at

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the same rate. Councilmember Bert Clark moved to approve the contract for defense attorney services with Sam, Reynolds and Evershed at a cost of \$2500 per month. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

Councilmember Ted Munford.....aye;
Councilmember Dave Everett.....aye;
Councilmember Sonja Norton.....aye;
Councilmember Bert Clark.....aye.

REQUEST TO APPROVE CONTRACT FOR CIVIL ATTORNEY SERVICES: Mayor Showalter noted that the current contract for civil attorney services is with Mr. Dennis Judd. Ken Bassett recommended his contract be extended for another year at a rate of \$1500 a month for 15 hours of service. If his time exceeds the 15 hours, the City will be billed \$100 an hour. Councilmember Sonja Norton moved to approve the contract extension with Mr. Dennis Judd. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

Councilmember Ted Munford.....aye;
Councilmember Dave Everett.....aye;
Councilmember Sonja Norton.....aye;
Councilmember Bert Clark.....aye.

REVIEW OF SOLID WASTE COLLECTION BIDS AND AWARD OF CONTRACT: Mayor Showalter noted that the contract with G & H Garbage will be up at the end of the year. Bids were requested and reviewed by the Public Works Committee. Ken Bassett reminded the Council that the City requires all residents of the community to have garbage service. In the late 1970's the garbage was picked up by the City. Later on, it was felt that this service was more easily managed by contracting it out. Two vendors, RDT Inc. and G & H Garbage, submitted proposals for the next three years with a possible two year extension. The specifications required a price for the service along with their capability of providing the service. The Public Works Committee determined that both carriers were capable of providing the service so the recommendation is to go with the lowest cost proposal. G & H Garbage bid \$13.65 per customer per month for 1 container and an additional \$4.50 for an additional container. RDT bid \$12.75 and \$4 for an additional can. RDT included a provision that any additional cans be contracted out for a minimum of 6 months. Therefore, the recommendation is to contract with RDT starting in January, 2013. Councilmember Munford expressed his appreciation of the service that G & H Garbage has provided to the City. Ken Bassett agreed that G & H Garbage has been very customer oriented. Mayor Showalter commented that it is expensive for the carriers to store the extra containers and possibly the two companies can come to an agreement in exchanging containers. Councilmember Ted Munford moved to award the contract for solid waste collection to RDT beginning January, 2013. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

Councilmember Ted Munford.....aye;
Councilmember Dave Everett.....aye;

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Councilmember Sonja Norton.....aye;
Councilmember Bert Clark.....aye.

The Mayor and Council thanked Mr. Chivers for his service and quick response.

REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE, TITLE 5 BUSINESS LICENSING- DOOR TO DOOR SOLICITORS - ORDINANCE NO. 2012-32: Ken Bassett advised that at the last Public Safety Committee meeting, Chief Rooks and Lt. Campbell voiced their concern that door-to-door solicitors did not have the necessary background checks done before being issued a permit which is required by the City code. The background checks that are being done are for the State of Utah only, and many times these solicitors are from out-of-state. The police department cannot do nationwide checks unless it is associated with some type of criminal investigation. Ordinance No. 2012-32 amends the code to require applicants to pay for a background check through the Bureau of Criminal Identification (BCI) before any license or permit is granted by the City. Also, the permits are being issued for an entire year. Mr. Bassett recommended that these permits be issued for a period of 60 days. Councilmember Clark asked if the City can regulate the time of day that salesmen can come to your door. Ken Bassett stated that this ordinance does not address that issue, and the staff can look into it. Councilmember Munford suggested the Council accept the current ordinance and have the staff research regulations on restricting time frames for sales. Ken Bassett stated that the cost of the permit has also been increased in this ordinance from \$25 to \$50 because the process is time consuming. Councilmember Norton asked if a company has a lot of salesman does each one have to have a permit. Ken Bassett answered yes; each salesman must carry a permit. Councilmember Norton commented that the public needs to be made aware that salesman need to carry a badge. Ken Bassett agreed and asked the media to help notify the public. If someone has a concern about salesmen in their neighborhood, they can call the police, and they will verify they are permitted. Councilmember Norton asked what happens with local businesses that do this type of sales all year. Ken Bassett stated that there are some sales that are by invitation such as the frozen food or Avon that have a certain clientele, but are not actually going door-to-door. Councilmember Norton asked if people doing fund raisers such as the schools would have to be permitted. Ken Bassett stated that non-profit organizations are not required to have a permit. After further discussion, Councilmember Bert Clark moved to approve Ordinance 2012-32 as presented. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:

Councilmember Ted Munford.....aye;
Councilmember Dave Everett.....aye;
Councilmember Sonja Norton.....aye;
Councilmember Bert Clark.....aye.

Ken Bassett advised that he will bring another ordinance with language restricting the time frame for sales after researching legal cautions the Council should consider.

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DISCUSSION OF UTAH LEAGUE OF CITIES AND TOWNS CONFERENCE SESSIONS: Mayor Showalter asked that this time be placed on the next agenda so Councilmember Cowan can participate in the discussion.

ADMINISTRATIVE REPORTS:

Rocky Mountain Power:

Bert Clark explained that he received a call from Rich Bolte with Rocky Mountain Power, who indicated that they have hired an extra person to check on street lights and identify any outages. Also, the power pole on 500 West that needs to be moved to finish the paving in Haven Estates will be moved in November.

Golf Course:

Councilmember Clark informed the Council that the Golf Course Committee would like the City Manager to look at the retention pond adjacent to the course. For some reason there is no grass growing at the pond's banks as required by the contract. Ken Bassett acknowledged that he did receive a call from the golf course and he will get with them.

Mud on Streets:

Councilmember Clark asked Allen Parker to ask construction companies to be more diligent in cleaning up their construction sites especially with the recent rainy weather. These sites are littering the streets with mud. Allen Parker stated he would follow-up on this issue with larger construction sites that have the equipment to clean up their sites.

Noise ordinance / Generators:

Councilmember Clark asked if the noise ordinance prohibits a generator from running for days which is what happened on the irrigation line being pumped near his residence. Ken Bassett stated that although they did not get a noise permit, he was aware that the Uintah Water Conservancy District had to use a generator all weekend to pump water to prevent basements from being flooded. The line they were trying to fix is cleaned by the City on a regular basis, but is owned by the Bureau of Reclamation. There was some discussion regarding entering into a contract for the City to maintain that line. Councilmember Norton asked who carries the liability if basements do get flooded from this line not being maintained. Ken Bassett stated that the property owners understand that the line is owned by the Bureau of Reclamation.

Mayors Walk

Councilmember Clark reminded the Council to be at the Mayors Walk at the Recreation Center. Mayor Showalter invited the Youth Council and Youth Mayor to also attend in costume.

Sale of Puppies:

Mayor Showalter voiced his concern that people are selling dogs out of the back of their cars and in front of retail outlets which takes away from animal adoptions at the shelter that are critically needed. These people are deceptive saying the animals are pure breeds just to get rid of the

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animals. Ken Bassett advised that the Animal District has prepared a draft ordinance with regulations for the City to consider which may address this issue. He stated that the Council will need to look at the health and welfare of the City and decide if the new regulations fit what we want. Councilmember Everett noted that there is an animal control officer on duty on Saturdays that can be contacted to help in these situations.

ADJOURN: There being no further business, Mayor Showalter declared the meeting adjourned.

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)