

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JANUARY 2, 2013 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

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

MAYOR PRO TEMPORE: Councilmember Ted Munford moved to appoint Councilmember JoAnn Cowan as Mayor Pro Tempore for this meeting. Councilmember Dave Everett seconded the motion. The motion passed with a unanimous vote.

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 DECEMBER 12, 2012: Councilmember Bert Clark moved to approve the minutes of December 12, 2012 with the correction of the time. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton and Clark voting in favor.

INTRODUCTION OF NEW POLICE OFFICERS - CODY BARTON AND JOSHUA NICHOLS - CHIEF ROOKS: Mayor Pro Tempore JoAnn Cowan noted that she was involved with the interviews for the police officer positions and was impressed with these two officers. Chief Rooks explained that Officer Josh Nichols was working for the Uintah County Sheriff's office and was highly recommended. Officer Cody Barton was named deputy of the year for Duchesne County before relocating to Vernal. Officer Barton explained that he grew up in southern Utah and moved to Duchesne County for the opportunity to go into law enforcement. Officer Nichols stated that he has been in the area for five years and wants to finish his career in law enforcement with Vernal City. The Council welcomed Officer Barton and Officer Nichols to Vernal City.

2013 COUNCIL COMMITTEE ASSIGNMENTS: Mayor Pro Tempore JoAnn Cowan commented that the Council Committee assignments are the same as 2012. After discussion, Councilmember Dave Everett moved to ratify the Council Committee appointments as assigned by Mayor Showalter. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Everett, Munford, Cowan, Norton and Clark voting in favor.

DISCUSSION ON AMENDING THE VERNAL CITY MUNICIPAL CODE – DOOR-TO-DOOR SOLICITORS: Ken Bassett reminded the Council that they recently approved several changes to the door-to-door solicitor's business license regulations, and requested the staff look into regulating the time of day that solicitors could solicit residents. There has been criticism, nationwide, dealing with constitutional rights regarding this issue. Also, the City Attorney looked at the ordinance and is suggesting a more detailed ordinance be drafted including what happens if a license is declined or revoked, appeal procedures, and stating the purpose of regulating this type of business. Several cities in Utah have comprehensive

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regulations that can be adapted for Vernal City. Councilmember Cowan reminded the staff of the concept for every rule adopted one should be deleted. Councilmember Munford stated he understood the need to regulate this type of business activity, and expressed his concern that additional regulations not be placed on stationary businesses. Ken Bassett agreed and noted that the concern is the health, safety and welfare of the community. After further discussion, Ken Bassett stated he will draft an ordinance for the Council’s consideration.

REQUEST FOR APPROVAL TO AMEND VERNAL CITY PERSONNEL POLICIES AND PROCEDURES – SECTION 12.06.010 – RIGHT OF APPEAL – RESOLUTION NO. 2013-02: Ken Bassett explained that this resolution more clearly defines the rights of employees to appeal disciplinary measures which stems from the 2012 State legislation. Councilmember Sonja Norton moved to approve Resolution No. 2013-02 as presented. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:

- Councilmember Clark..... aye;
- Councilmember Norton aye;
- Councilmember Everett aye;
- Councilmember Cowan aye;
- Councilmember Munford..... aye.

REQUEST FOR APPROVAL OF AMENDMENTS TO THE VERNAL CITY POLICE DEPARTMENT PROCEDURES (LEXIPOL) – RESOLUTION NO. 2013-01: Chief Dylan Rooks reminded the Council that Lexipol is a program that tries to standardize police policies and procedures. Lexipol provides bi-annual updates based on Supreme Court decisions, or new State or federal regulations. Resolution No. 2013-01 includes changes to the use of force policies as well as police pursuits based on a recent Supreme Court decision. Councilmember JoAnn Cowan asked how the officers are made aware of the updates. Chief Rooks explained that the officers log into Lexipol when they are on duty and bring up a training topic which then tests their knowledge of the policy. He noted that he can access their accounts to see who has been reviewing the updates. Councilmember Clark stated that he recently spoke with the Chief regarding how weapons are cleaned. Chief Rooks stated that he has purchased a barrel and will have a place in the outbuilding to clean weapons. After further discussion, Councilmember Bert Clark moved to approve Resolution No. 2013-01. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

- Councilmember Clark..... aye;
- Councilmember Norton aye;
- Councilmember Everett aye;
- Councilmember Cowan aye;
- Councilmember Munford..... aye.

DISCUSSION ON ASHLEY PARK ESTATES – SPECIAL ASSESSMENT AREA – ASSESSMENT NOTICES: Ken Bassett informed the Council that the Ashley Park Estates water project was completed in 2009. However, the contractor filed litigation against the City

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on that contract which first required mediation, and then arbitration. The contractor lost all 22 claims last February. Part of the funding for this project was received through the Community Impact Board, and the remainder - the cost of the service lines, has to be paid by the property owners through a special assessment area. The funding mechanisms could not be finalized until the arbitration was over and the time for appealing that decision had expired. Mr. Bassett stated that there are forty-eight properties that will be assessed based on the length of their specific water service line. There was some controversy regarding this project and how it was done by a few of the property owners. The arbitration addressed those issues which the City won. Preliminary notices will be sent to the property owners indicating how much they have to pay. A Board of Equalization, which consists of the City Council, will then determine the final assessments after public meetings are held. Councilmember Clark asked if the assessment will include the back delinquent water bill. Ken Bassett answered that the late bill will be charged to the homeowners association which is a separate entity. Now that the arbitration is completed, the bill is due. Councilmember Cowan asked what the estimated cost will be per property owner. Ken Bassett stated that most property owners will owe approximately \$2500 with a few owing substantially more, closer to \$5000, based on the length of their water service line.

ADMINISTRATIVE REPORTS:

Water Line Breaks:

Ken Bassett stated that the main water line along south Vernal Avenue froze and broke causing flooding in that area. The repair was difficult due to the line being inside a sleeve, and the valves could not be found quickly because of the snow and ice to turn off the water. The water crew worked over a 24 hour period in bitter cold weather to restore water in that area. Backhoe Supremo assisted with the track hoe. Ken noted that with the frost going deeper into the ground more water lines will freeze and break. Councilmember Cowan asked if the excavated area will be filled in. Ken Bassett stated that a section of the water line may be replaced first. Also, a water line broke inside the City Hall building where a water line goes across the ceiling and down an outside wall that is not insulated. An employee was here using the community room and spotted the water. The facilities manager, Danny Anderson, is inspecting the building, checking for any more pipes that are exposed to the cold, and one was found at the bottom of the elevator.

Snow removal:

Councilmember Cowan asked the streets department to look at the snow piled by the County Building which is cutting down visibility on the street to see if they can fix the problem.

Planning Commission and Board of Adjustment.

Councilmember Cowan asked the staff to prepare an article for the paper to request citizens to consider serving on these Boards for the City. Kevin Ashby stated that he can prepare an article on all the committees.

Local Officials Day at the Legislature:

Ken Bassett informed the Council that Local Officials Day at the Legislature is scheduled for January 29th and 30th. He asked them to check their calendars to see if they can attend.

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Open House for Art Piva:

An open house will be held on January 11th from noon to 2 pm to honor Art Piva who is retiring from the City after 22 years.

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 JoAnn Cowan

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)