

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
FEBRUARY 20, 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, JoAnn Cowan and Mayor Gary Showalter. Councilmember Sonja Norton 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 Boy Scout Dalen Dawson.

INTRODUCTION OF NEW POLICE OFFICERS, MARYANN WANGSGARD, MIKE TRIBE AND NICK TAYLOR: Chief Dylan Rooks explained that his department recently hired three new police officers who have completed their field training and are ready to be working on their own. The field training course consists of twelve weeks of training with a sergeant to ensure the officers understand City procedures and can handle the job. These officers blazed through the training and the department is excited to be at full staff. The first officer, Maryann Wangsgard, was an officer with the Division of Natural Resources. The second officer, Mike Tribe, was with North Ogden City police department. The last officer was working for Uintah County Sheriff's office before coming to Vernal City. All the officers have excellent experience. Councilmember Cowan stated that she was delighted to be part of the recruitment for these officers and is happy to see them working for Vernal City. The Mayor and Council welcomed the officers to Vernal City.

APPROVAL OF CITY COUNCIL MINUTES OF FEBRUARY 6, 2013: *Councilmember Dave Everett moved to approve the minutes of February 6, 2013 as written. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, and Clark voting in favor.*

DISCUSSION OF AGREEMENT WITH ROOSEVELT HOUSING AUTHORITY: Mayor Gary Showalter stated that he has been involved with housing authorities in the past and understands the important work they do helping low income families. He asked if there were any provisions or guidelines to help those in the service industry that do not qualify for low income housing, yet do not make enough to cover the high rent in this area. Councilmember JoAnn Cowan agreed that solving the workforce housing problem is tough, and she thought there was a start with the Vernal Gardens project. Cindy Warren, director of Roosevelt City Housing Authority, explained that they have individuals who would be able to find housing in Vernal using Section 8 vouchers through the Housing Authority. Councilmember Clark asked if residents would be able to apply for housing assistance through Roosevelt as well as Myton Housing Authority. Cindy answered yes they can apply and be placed on the waiting lists for both programs. She noted that currently Roosevelt Housing Authority has 96 vouchers, and Myton Housing Authority has 36 Section 8 vouchers. The request is to allow participants that receive Section 8 vouchers to live in Vernal City and remain with the same Housing Authority case

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manager. Currently if a participant has a voucher with Roosevelt and they move to Vernal, they have to be transferred to Myton Housing, although Roosevelt Housing still owns the voucher. Councilmember Cowan stated that Myton Housing Authority is also in favor of this program. Ken Bassett explained that the draft interlocal agreement has been given to the City Attorney, and he is requiring some changes to comply with State law. If the Council agrees, an Interlocal agreement will be prepared for the next meeting along with a resolution. The consensus of the Council was to move forward and with an agreement with Roosevelt Housing Authority with the same terms as Myton Housing Authority.

DISCUSSION OF REIMBURSEMENT FOR PUBLIC IMPROVEMENTS IN HAVEN ESTATES: Allen Parker reminded the Council that last summer the City finished the public infrastructure in Haven Estates using the remainder of the escrow funds that were set aside for this project and using City funds. Two streets were paved - 775 South and 250 West streets. The City code does allow recovery of public funds that were used to put in infrastructure through a latecomers agreement. The City Council has to determine the method used to establish the assessment to the property owners receiving the benefit. The cost to the City for this project was \$318,726.07 and there are 66 properties benefiting from the work. The total cost to each parcel of property would be \$4829.18. Councilmember Clark asked what was happening with the private utilities. Allen Parker explained that the subdivision still needs power, gas and cable which cannot be done by the City. Councilmember Clark asked if a lien will be recorded on each property. Ken Bassett explained that a public hearing will be held to give the property owners the opportunity to voice their concerns or questions regarding this cost. Following the hearing, the Council will make a final decision, and that amount will be recorded with the County Recorder. Also, the City staff will need to be aware of these added costs for a building permit in this subdivision. The homes that are partially finished will be required to get another building permit and pay the fee. Councilmember Cowan asked if the building permit fee could be waived for the homes that are partially built. Ken Bassett stated the Council can take special action to waive those fees if that is their decision. Councilmember Everett asked if this amount would have to be paid in one lump sum. Ken Bassett answered yes. After further discussion, *Councilmember Bert Clark moved to set the amount for reimbursement of public improvements in Haven Estates at \$4829.18 for the 66 lots fronting the paved streets. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

<i>Councilmember Ted Munford</i>	<i>aye;</i>
<i>Councilmember JoAnn Cowan</i>	<i>aye;</i>
<i>Councilmember Dave Everett</i>	<i>aye;</i>
<i>Councilmember Bert Clark</i>	<i>aye.</i>

REQUEST FOR APPROVAL FOR CHANGE TO BENEFIT PACKAGE - CELL PHONE ALLOWANCE - RESOLUTION NO. 2013-05: Allen Parker explained that there are a number of City employees who carry cell phones to adequately communicate as part of their job. Some of them have cell phones furnished by the City, and others use their personal phones. The police officers receive an allowance for using their own phones. The public works employees are

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requesting the Council also consider reimbursing them for the use of their personal phones for City business. The Public Works Committee reviewed the request and is recommending an allowance of \$25. Councilmember Clark noted that the City Manager will oversee who receives the allowance. Ken Bassett stated that it is critical to be in touch with the police officers when they are on shift, and other employees need to have communication such as during a recent water line break. Councilmember Dave Everett explained that the Public Works Committee discussed requiring the employees to sign a waiver releasing the City from any damage to the phone. *Councilmember JoAnn Cowan moved to approve Resolution No. 2013-05. Councilmember Munford seconded the motion. The motion passed with the following roll call vote:*

<i>Councilmember Ted Munford.....</i>	<i>aye;</i>
<i>Councilmember JoAnn Cowan</i>	<i>aye;</i>
<i>Councilmember Dave Everett.....</i>	<i>aye;</i>
<i>Councilmember Bert Clark.....</i>	<i>aye.</i>

REQUEST FOR APPROVAL TO AMEND VERNAL CITY MUNICIPAL CODE - CHAPTER 5.60 - RESIDENTIAL SOLICITATION - ORDINANCE NO. 2013-02: Ken Bassett presented Ordinance No. 2013-02 to the Council for discussion on the new door-to-door sales provisions being proposed. A few changes have been made to the old ordinance, and this ordinance addresses fees, criminal background checks and the time frame in which a salesman can do business. The main purpose for requiring solicitors to have a license is for the public's safety. This issue has been an item of litigation in the United States as certain regulations violate their constitutional rights. Ordinance No. 2013-02 has been drafted using similar language as other cities. Ken noted that another important aspect is that the homeowner or resident does not have to allow solicitors to knock on their doors and can post a sign stating such. If the solicitor does not pay attention to the sign, they can be subject to a \$1000 fine. The permit issued by Vernal City would be good for 60 days. Mayor Showalter asked if the permit would be for each person or the entire business. Ken Bassett stated that each individual would be required to have a permit. Councilmember Cowan suggested the City post the information on how to get the permit on the web site. Councilmember Munford asked who would be exempt from the license. Ken Bassett stated that non-profit, charitable, benevolent and school organizations as well as salesmen that are invited by the homeowner. Councilmember Clark asked if they have to have a sales tax number. Ken Bassett stated yes they must go through the State to receive their sales tax information. After further discussion, *Councilmember JoAnn Cowan moved to table Ordinance No. 2013-02 to allow the staff to make minor corrections.*

Ken Bassett stated that it would be advisable to have the Chief of Police address the time of day that solicitors would be allowed to work. Chief Dylan Rooks stated that setting a specific time for this activity to occur will help the officers know what is happening in the community. Calls are received about suspicious people in a neighborhood and many times it is a solicitor. It is the early evening hours when they receive the majority of the calls.

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Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:

<i>Councilmember Ted Munford.....</i>	<i>aye;</i>
<i>Councilmember JoAnn Cowan</i>	<i>aye;</i>
<i>Councilmember Dave Everett.....</i>	<i>aye;</i>
<i>Councilmember Bert Clark.....</i>	<i>aye.</i>

REQUEST FOR APPROVAL OF MUTUAL AID AGREEMENT FOR WATER & SEWER UTILITIES: Ken Bassett explained that the water and sewer superintendent, Mike Davis, is asking the Council to consider approving a mutual aid agreement for water and sewer services. The purpose of the agreement is to provide a mechanism for water and sewer agencies to rely on each other for aid during an emergency situation. If something catastrophic were to happen, crews from other agencies could lend a hand or the City crew could provide assistance if available. Councilmember Cowan asked why there are different areas for the water line as compared to the sewer line where the City is responsible for maintenance. Ken Bassett explained that the City takes the responsibility for the water system to the meter where there is a division in the line at the meter. The sewer system does not have a similar division, and the homeowner is responsible for that service line from their home to the main line. After further discussion, *Councilmember JoAnn Cowan moved to approve the mutual aid agreement for water and sewer. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

<i>Councilmember Ted Munford.....</i>	<i>aye;</i>
<i>Councilmember JoAnn Cowan</i>	<i>aye;</i>
<i>Councilmember Dave Everett.....</i>	<i>aye;</i>
<i>Councilmember Bert Clark.....</i>	<i>aye.</i>

REQUEST FOR APPROVAL OF CHANGE ORDER #7 FOR AIRPORT ENGINEERING AGREEMENT: Ken Bassett explained that the airport has hired an engineering firm for the acquisition of property as well as the design of the new runway for the airport. There have been several amendments, and the County's requesting the City approve change order #7 which identifies several tasks that were not specified in the original agreement. 95% of the improvements to the airport are paid for by the federal government with the remainder being split between Vernal City and Uintah County at a ratio of 25% / 75% because the City owns 25% of the airport and the County owns 75%. *Councilmember Bert Clark moved to approve amendment #7 to the GDA Engineering contract for the airport. Councilmember JoAnn Cowan seconded the motion. The motion passed with Councilmembers Clark, Cowan, Munford and Everett voting in favor.*

CLOSED SESSION: *Councilmember JoAnn Cowan moved to convene into closed session to discuss the character, professional competence, or physical or mental health of an individual and reconvene into open session once that discussion is completed Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

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Councilmember Ted Munford..... *aye;*
Councilmember JoAnn Cowan *aye;*
Councilmember Dave Everett..... *aye;*
Councilmember Bert Clark..... *aye.*

RECONVENE INTO OPEN SESSION: The meeting reconvened into open session.

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

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)