

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
MARCH 6, 2013 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

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

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 Bert Clark.

APPROVAL OF CITY COUNCIL MINUTES OF FEBRUARY 20, 2013: Councilmember JoAnn Cowan asked that the wording be changed describing the different utilities. *Councilmember Bert Clark moved to approve the minutes of February 20, 2013 with that correction. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, and Clark voting in favor and Councilmember Norton abstaining.*

INTRODUCTION OF NEW PARKS EMPLOYEES - KEVIN KARREN, STEVE WINKER AND ADOLFO WILLIAMS - RUSSEL AUGUSTUS: Russell Augustus explained that three employees were hired. The first employee, Kevin Karren, has been working in the parks department this last year as a seasonal employee. The next employee, Steve Winker, is a transplant from Wisconsin and is working in the street department. The last employee, Adolfo "Fito" Williams, moved here from California and will be working in the parks department. The Council and Mayor welcomed the new employees to Vernal City.

PRESENTATION OF ROCKY MOUNTAIN POWER - KATHY HOFFMAN & RICH BUELTE: Rich Buelte, Rocky Mountain Power manager, introduced Kathy Hoffman to the Mayor and Council, who is the new community manager for the power company for the Vernal area. Mr. Buelte updated the Council, stating that the street lights are out along 100 West by Main Street due to a conduit melting and they will credit the City for those lights. Currently the Vernal area has five weeks of capital improvements scheduled which is a slower pace than last year. The oil and gas industry is requesting an additional 147 megawatts while all of Vernal City requires 50 megawatts, which means the economy is improving. Mayor Showalter asked if that will require new substations. Rich Buelte answered that some of the loads may need transmission stations which are a \$30 million to \$50 million dollar investment. Councilmember Norton asked who is requesting the lines. Rich Buelte stated that some of it is for manufacturing and some for oil and gas extraction. Mayor Showalter commented that he appreciates the working relationship the community and City has with Rocky Mountain Power. He thanked Mr. Buelte and Ms. Hoffman for the report.

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 6, 2013

INTERNATIONAL COUNCIL OF SHOPPING CENTERS CONVENTION REQUEST – TAMMIE LUCERO, Uintah County Economic Development: Tammie Lucero explained that representatives from the area attended the International Council of Shopping Centers convention in Las Vegas last year and would like to attend again this year. The ICSC convention in Las Vegas is the world’s largest retail convention, and is where connections and business relationships are made. One city on the Wasatch Front has been recruiting Herberger’s which took six years, and this area is also recruiting them. She noted that it is extremely valuable to have government officials at the convention to answer questions that come up and portray a team effort. She asked the Council to consider allowing Allen Parker to attend the convention again this year. Mayor Showalter stated that it has been an eye opener to see the hoops that the developer in front of Lowes has had to go through to attract major businesses to the area. Also, he stated that he met with a potential business this morning, and it is hard to sell the area. The formation of a CDA with the cooperation of the County and School District has been a good start. After further discussion, *Councilmember JoAnn Cowan moved to approve the funds for Allen Parker to attend the convention. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Ted Munford.....aye;*
- Councilmember JoAnn Cowanaye;*
- Councilmember Dave Everett.....aye;*
- Councilmember Sonja Norton.....aye;*
- Councilmember Bert Clark..... aye.*

Councilmember JoAnn Cowan asked Allen to report back to the Council after the conference.

REQUEST TO PURCHASE BODY CAMERAS FOR POLICE OFFICERS: Chief Dylan Rooks explained that over the last few years the officers have tried different manufacturers for body cameras. The cheaper cameras do not provide good recording or audio and are hard to turn on. After a couple of issues where good quality cameras were needed, this issue was taken to the Public Safety Committee to consider purchasing better quality cameras. Many times situations get chaotic quickly, and the officer needs to be able to turn the camera on quickly to sort out what is happening. They also help defuse potential liability later on. The biggest issue is the ease of use and activation for the officers. Three manufacturers make cameras specifically for police use at a cost of \$900 to \$1400 and download easier, cutting down staff time. He requested the Council allow him to purchase fifteen cameras so an extra camera is on hand. There is also a cost for the software. Mayor Showalter stated that law enforcement, in general, is under more public scrutiny than other professions, and they have to make split second decisions. Chief Rooks stated that the cameras are needed to present an accurate representation of what is happening when the officers are interacting with the public. Councilmember Munford agreed and stated that the Public Safety Committee is interested in preserving a true record of events and limiting liability as well as keeping the officers on their toes. *Councilmember Munford moved to approve having the Chief bring his recommendation forward to purchase body cameras for the police officers. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:*

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 6, 2013

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

REQUEST FOR APPROVAL OF AMENDMENT TO VERNAL CITY POLICE DEPARTMENT MANUAL - CHAPTER 9.00 - TEMPORARY HOLDING FACILITY - RESOLUTION NO. 2013-07: Chief Dylan Rooks explained that City Hall has three holding cells, a sally port and holding room for the police department and court. The facility has not been used due to lack of manpower. Now that the departments are fully staffed, a policy needs to be put in place to deal with having people in custody. The intent was to adopt a policy from Lexipol after being reviewed by the Judge and City Manager. However, they were not able to review it before the meeting, so Resolution No. 2013-07 is in draft form only. Also, the Lexipol policy is for a correctional facility that needs to be amended to fit the City facility. Councilmember Clark asked if one officer watches the suspects in the holding cells while the bailiff stays in the court room. Chief Dylan answered yes. Councilmember Clark asked if he was comfortable with just one bailiff in the court room. Chief Rooks answered yes, with only two defendants from the jail in the court room at a time, one officer can handle it. After further discussion, *Councilmember JoAnn Cowan moved to table Resolution No. 2013-07 to allow the staff to review the policy. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST BY WHITE HOUSE ACADEMY FOR REIMBURSEMENT OF BUILDING EXPENSES: Mayor Showalter stated that when the staff moved to the new City Hall building, the old building was leased to White House Academy, a private school, rather than staying vacant. The school was required to install a fire alarm suitable for schools and would like the City to reimburse them for that cost. Ken Bassett stated that the letter requesting reimbursement asked for \$25,800 which could be taken out of the lease payments. The Administrative Committee reviewed this request and is recommending the City reimburse White House Academy \$10,000 with the understanding that they extend the lease for an additional 3 years. The lease payments should not be reduced as the auditors may have a problem with that type of arrangement. Steven Sundew and Ben Flake, representing White House Academy, addressed the Council. Mr. Sundew stated that he did not see how the lease extension related to payment of improvements to the building. This is the first year for the school, and likely they will remain in the building for another year, but their students are increasing. He asked the Council to consider the full \$25,800 cost for the fire alarm system. Mayor Showalter noted that it would be difficult to find a standard building with a sophisticated fire system for a school. He

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 6, 2013

asked if the individual who donated the money for the system was expecting it to be paid back. Steven Sundew answered no, the money was a donation to the school. Ken Bassett explained that the lease extension was simple economics. In order to offset the cost of reimbursing the school, the City would collect the lease payment over an extended period of time. The annual lease amount is \$61,000. Ben Flake noted that the school provides other benefits to the community. Councilmember Munford agreed that the fire alarm system was an unexpected upgrade to the building, and it possibly will be easier to rent out again in the future. However, the expense was not agreed to ahead of time. He suggested the City consider splitting the cost. Ben Flake asked the Council to consider reducing the rent over a period of time. Councilmember Norton stated that she handles leases in her line of work and tried to take a broader view from a City standpoint and what is best for the community. When property is leased, any upgrades are usually done at the renters own expense even if it improves the property. The landlord does not have to pay any of the cost. Also, the fire system is only required for limited uses. Therefore, the \$10,000 payment is a good compromise. She reminded the Council that when the City helps a private business, the door is opened for other businesses that are also valuable to the community to ask for support or help with certain situations. Ben Flake stated there is some distinction between non-profit organizations and for profit businesses. Mayor Showalter stated that the Council should look at non-profits differently. Councilmember Norton agreed, and stated that the Council still needs to be careful. Councilmember Cowan agreed that this might set a dangerous precedent with two other private schools in the community even though there is a different relationship as a landlord with White House Academy. Councilmember Cowan stated she understood why they did not want to be held to a three year lease, and the City now has a building with a \$25,000 fire alarm system in it. Steven Sundew noted that the City may not be receiving any rent payments if the school did not lease the building, so there is a financial benefit to the City. After further discussion, *Councilmember Ted Munford moved to reimburse White House Academy \$10,000 over an additional year if White House Academy agrees to lease the building for an additional year. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Ted Munford.....aye;*
- Councilmember JoAnn Cowanaye;*
- Councilmember Dave Everett.....aye;*
- Councilmember Sonja Norton.....aye;*
- Councilmember Bert Clark..... aye.*

Ken Bassett asked the White House Academy representatives to let him know if they accept these terms.

REQUEST TO AMEND FEES - WAIVING BUILDING PERMIT FEES FOR PARTIALLY BUILT HOMES IN HAVEN ESTATES - RESOLUTION NO. 2013-08:

Ken Bassett reminded the Council that at the last meeting Councilmember Cowan voiced her concern about charging another building permit fee for property owners that have already paid a fee for structures that were started in Haven Estates. Resolution No. 2013-08 waives the permit fees. Mr. Bassett read the resolution and stated that administratively it will be easier to handle

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 6, 2013

with a time limit. He explained that the building official is suggesting the fee be waived up to six months after the private utilities have been installed. Councilmember Cowan asked that the staff notify the property owners by certified mail and send an additional letter when all the utilities have been installed. Ken Bassett noted that once the building permit is issued, the building official has the option to extend it up to three times giving ample time to complete the houses. *Councilmember Ted Munford moved to approve Resolution No. 2013-08 with the extension of the time frame as discussed. Councilmember Cowan seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Ted Munford.....aye;*
- Councilmember JoAnn Cowanaye;*
- Councilmember Dave Everett.....aye;*
- Councilmember Sonja Norton.....aye;*
- Councilmember Bert Clark..... aye.*

REQUEST FOR APPROVAL OF INTERLOCAL AGREEMENT WITH ROOSEVELT HOUSING AUTHORITY - RESOLUTION NO. 2013-06: Ken Bassett explained that an interlocal agreement has been prepared for the Council to consider approving the agreement with Roosevelt City Housing Authority. The agreement will allow Roosevelt City Housing Authority to place clients in housing within Vernal City. Councilmember Norton stated that there is no down side to this agreement. *Councilmember Bert Clark moved to approve Resolution No. 2013-06 and the agreement with Roosevelt City Housing Authority. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers Clark, Norton, Cowan, Everett and Munford voting in favor*

AMENDMENT TO THE VERNAL CITY PERSONNEL POLICIES - ADDING CELL PHONE POLICY CHAPTER 9.05 - RESOLUTION NO. 2013-09: Ken Bassett reminded the Council that they adopted a fee schedule for cell phone use of \$40 for police officers and \$25 for other City employees. Resolution No. 2013-09 provides a policy to make the employees accountable for the use of a City cell phone or to be reimbursed for using their personal phone for City business. Councilmember Cowan asked which departments will be provided the stipend for using their cell phones. Ken Bassett stated that the police department already has this benefit and other select City employees will receive it. For example, the zoning compliance employee needs to stay in contact with other employees so it is critical that she have a cell phone. Some employees, such as IT and facilities manager, need phones to take care of problems that crop up and monitor the building so they have more sophisticated phones paid for by the City. Ken Bassett explained that the employees will be required to sign an agreement which outlines the terms of receiving this benefit. Also, as the City staff deals with public information, the employee needs to understand that information on their personal phone become discoverable when requested. *Councilmember JoAnn Cowan moved to approve Resolution No. 2013-09 with Ken Bassett buying a more sophisticated phone by June 1st. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Ted Munford.....aye;*
- Councilmember JoAnn Cowanaye;*

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD MARCH 6, 2013

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

REQUEST FOR AMENDMENT TO VERNAL CITY MUNICIPAL CODE - CHAPTER 5.60 - RESIDENTIAL SOLICITATION - ORDINANCE NO. 2013-02: Mayor Showalter noted that the Council discussed this ordinance before and it pertains to sales representatives going door-to-door. Ken Bassett stated that the Ordinance was cleaned up, taking out any reference to a temporary permit. *Councilmember Ted Munford moved to adopt Ordinance No. 2013-02. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

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

Mayor Gary Showalter

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)