

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
SEPTEMBER 4, 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 Sonja Norton and Mayor Gary Showalter.

**WELCOME:** Mayor Showalter welcomed everyone to the meeting.

**UPLIFTING THOUGHT:** An uplifting thought was given by Councilmember JoAnn Cowan regarding the history of Labor Day.

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

**APPROVAL OF CITY COUNCIL MINUTES OF AUGUST 7, 2013:** *Councilmember Bert Clark moved to approve the minutes of August 7, 2013 as written. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton and Clark voting in favor.*

**NOVA PRESENTATION – SGT. VANCE NORTON:** Sgt. Vance Norton explained that this year the NOVA program will be taught to 6<sup>th</sup> graders over a four week period with classes designed to keep youth away from illegal drugs, violence and negative media exposure. He explained that this program was designed in Orem, Utah with the hope of improving upon the concepts of the DARE program. The students receive T-shirts for participating. Councilmember JoAnn Cowan asked how the outreach to the parents will work. Vance Norton stated that the parents participate on-line. The presentation is made more personal if the entire family is involved to reinforce the concepts being taught. Councilmember JoAnn Cowan suggested the officers teaching the class attend back-to-school night to explain the program, and take advantage of that time to get the parents enthused and excited. Vance Norton stated that the parents are required to sign a contract with their child for the child to participate. Mayor Showalter thanked Mr. Norton for his work and stated that this program is extremely important.

**UTAH NATIONAL GUARD COMMUNITY COVENANT - LT. WILLIAMS:** Lt. Williams with the Utah National Guard explained that the City Council and Mayor initially approved to participate in the Community Covenant program in conjunction with the National Guard deployment from the Vernal area. The Community Covenant program was initiated in Utah in 2010 so communities could officially declare their support for service members and their families for all branches of service. Lt. Williams presented the official Community Covenant document to the Mayor and Council. Mayor Showalter thanked Lt. Williams for his presentation and service.

**REQUEST FOR APPROVAL OF AIRPORT IMPROVEMENT GRANTS AND ENGINEERING CONTRACT AMENDMENTS:** Kelly Harvey, airport manager, explained that he needed approval for several documents. The first document is a lease agreement with H & H Incorporated, Bart Haslem, who is a fixed based operator providing services for the airport.

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The services include flight charters, flying lesson etc. Councilmember Norton asked who provided these services in the past. Kelly Harvey .stated that Vernal Aviation owned by Don Owens who recently passed away. *Councilmember JoAnn Cowan moved to authorize the Mayor to sign the fixed operator lease agreement with H & H Incorporated. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

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

Kelly Harvey explained that airports that are 139 certified must have a wildlife hazard assessment completed. This document is the contract with the lowest bidder, Airport Wildlife Consultants LLC, to complete the assessment. The FAA and County attorney have reviewed the bids and agree this company submitted a responsive bid and recommend approval and award. Councilmember Bert Clark asked if the FAA will be providing a grant for this project. Kelly Harvey answered yes, and explained this company has a qualified wildlife biologist who will perform the study. Councilmember Everett asked what he will be looking for. Kelly Harvey explained that they will assess every type of wildlife around the airport for a twelve month period. *Councilmember Bert Clark moved to approve the bid and award the contract to Airport Wildlife Consultants, LLC for the wildlife hazard assessment for the airport. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

Kelly Harvey explained that the FAA is providing a grant in the amount of \$60,800 for the wildlife hazard assessment and the cost to the City will be \$800. He asked the Council to approve the grant documents with the FAA. *Councilmember Sonja Norton moved to approve the grant from the FAA for the wildlife hazard assessment and the expenditure of \$800. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

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

Kelly Harvey explained that the engineers for the airport expansion, GDA, have presented amendment #8 to their contract for the work they did to acquire the firefighting and aircraft rescue vehicle. Mayor Showalter asked what the cost would be to the City. Kelly Harvey

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stated that the Uintah Fire Suppression SSD agreed to pick up the local match so there is no cost to Vernal City or Uintah County. *Councilmember Sonja Norton moved to approve the GDA Amendment #8. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

Kelly Harvey stated that the specifications for the firefighting and aircraft rescue vehicle, protective equipment and tools were sent out to companies for proposals. The low bidder for the aircraft rescue and firefighting vehicle is Rosenbauer, LLC in the amount of \$556,852. Two bids were received for the rescue vehicle and Rosenbauer is the lowest responsive bidder. The low bidder for the protective equipment is L.N. Curtis and Sons at a cost of \$58,104, and the low bidder for the tools is E-One Inc. at a cost of \$10,084. The Uintah County Commission awarded the contract to these companies and the Council also needs to approve the bids. The grant from the FAA was award to the City and County so they have to award the contract. *Councilmember Ted Munford moved to approve the three low bids as noted - Rosenbauer LLC - \$556,852, L.N. Curtis and Sons - \$58,104, and E-One Inc. - \$10,084. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

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

Kelly Harvey stated that the FAA grants for the equipment discussed for the airport needs to be approved. These contracts are time sensitive and need to be returned immediately to the FAA. The City Attorney has reviewed the documents and is prepared to sign them upon approval of the Council. *Councilmember Bert Clark moved to approve the FAA grants. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

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

Kelly Harvey stated that the last item is the amendment to the contract with GDA to prepare the specifications for the building to house the snow removal equipment. This is an enormous task to meet all the federal requirements for an airport. He requested approval to the GDA contract, Amendment #9, for them to perform these services. Ken Bassett explained that this issue was discussed at the last joint City / County meeting with the understanding that the City's facility

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manager would meet with Kelly Harvey and Kelly Hayes to go over the building needs to see if a less expensive building could be constructed. It was concluded that in order to be successful in acquiring federal funds for the building, it would have to meet federal airport specifications. The cost for the engineering alone is \$49,317 for a medal building. Mr. Harvey explained that the snow removal equipment is extremely large with multiple attachments in excess of 30,000 pounds that needs to be dropped and reattached inside the building. Councilmember Dave Everett asked if the building will have heating, cooling and water. Kelly Harvey stated it will only have one faucet, and heating is needed. Mayor Showalter asked them to consider his idea of a pliable structure with a 20 year guarantee. He noted that this type of building may not meet FAA standards. Ken Bassett stated that once proposals are received, the City and County will need to determine if that is the route they want to go to receive FAA funds. One concern is that it will take time to receive the federal funding, however, if the County is willing to pay for the building and wait for reimbursement from the FAA, then this could be an acceptable option. Kelly Harvey stated that airport users have not been allowed to install buildings that do not meet federal approval and the airport has assured the FAA that they will follow federal protocol. The cost to the City for this change is \$661 for the engineering work. After further discussion, *Councilmember JoAnn Cowan moved to accept amendment #9 for engineering for the large building to house the snow removal equipment. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

**REQUEST FOR MINOR SUBDIVISION AT 377 NORTH VERNAL AVENUE FOR KENNETH AND SUSAN NIELSON:** Allen Parker stated that the Planning Commission reviewed this request to split one parcel of property into two parcels, located at 377 North Vernal Avenue. The property is located in a CP-1 (commercial) zone. Mr. Kenneth Nielson asked the Council to consider tabling his request until spring. Allen Parker explained that if the Council approved this request, Mr. Nielson only has 90 days to complete the necessary requirements including the water connection and parking issues. Mr. Nielson stated that he did not think he would have time to get the improvements in before the weather changed. *Councilmember JoAnn Cowan moved to table this item. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Cowan, Munford, Clark, Norton and Everett voting in favor for a unanimous vote.*

**REQUEST TO REVIEW BIDS AND AWARD CONTRACT FOR 500 SOUTH STORM DRAIN PROJECT:** Ken Bassett explained that the City received a grant / loan mix from the Community Impact Board to complete the 500 South storm drain project. Bids were received from two contractors, K.W. Robinson and R. Chapman. The low bidder was K.W. Robinson in the amount of \$643,384. John Wood, engineer for this project, stated that he checked the background on K.W. Robinson Construction and the comments received were all positive.

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Councilmember Ted Munford asked why the bids ended up being \$100,000 higher than the engineer’s estimate. John Wood stated that these types of projects are difficult to estimate as many of the contractors have not dealt with the new regulations of the City. Mayor Showalter asked how soon they will start this project. John Wood stated as soon as possible with an October 15<sup>th</sup> finish date. Ken Bassett stated that the reference that impressed him was the Central Utah Conservancy District who is very particular in how their projects are done. *Councilmember JoAnn Cowan moved to award the 500 South storm water project to K.W. Robinson Construction out of Duchesne, Utah. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

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

**REQUEST TO REVIEW BID AND AWARD CONTRACT FOR 700 WEST 500 SOUTH STORM WATER DRAIN PROJECT:** Ken Bassett explained that this project is a small segment separated out of the 500 South storm water project so it could be developed in a different way which is much less costly. The low bid was received from Chivcon Construction in the amount of \$55,000. Mayor Showalter asked if this would be funded through the Community Impact Board. Ken Bassett answered yes. *Councilmember Bert Clark moved to award the bid to Chivcon Construction. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

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

**REQUEST TO ADJUST LOT LINES FOR CITY HALL BUILDING:** Ken Bassett explained that property to the east of the City Hall building which was owned by Uintah County has been given to the City to expand the parking lot. The property is approximately 30 to 40 feet wide. When the survey of the property was completed, it was found that the building owned by Ralph Dart is actually sitting on the City property. He asked the City to consider deeding the property with the building on it to Mr. Dart to clean up the property lines. He noted that at the time 400 East Street was vacated, Mr. Dart was quick to deed his portion of that property to the City for the City Hall development. Mr. Bassett displayed a map of the City hall building and gave an indication of what needs to be done to adjust the lot lines with the neighboring property. *Councilmember Sonja Norton moved to adjust the lot lines between the City Hall property and Ralph Dart’s property. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

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

**DISCUSSION ON ELECTION OPTIONS:** Mayor Showalter reminded the Council that there will be a municipal election this year and usually there is a meager turn out for off-year elections. Ken Bassett explained that the Deputy Recorder has looked into the cost to hold the election entirely by mail or to hold the election on November 5<sup>th</sup>. The best reason to hold the election by mail is to get a better response since all the voter has to do is mail back their ballot in the pre-stamped envelope. Mr. Bassett presented the projected costs for each type of election including electronic voting on election day, paper ballots on election day, and optical scan paper ballots through the mail. The cost to send the ballots is approximately \$2 per ballot. Uintah County is willing to provide the optical scan services to count the votes. The cost for each type of election is very similar, vote by mail is estimated to be \$11,550, paper ballots on election day \$11,100 and electronic election would be \$11,600. Councilmember Bert Clark asked how the votes are verified. Roxanne Behunin stated that the voter has to sign the envelope which is then compared with the voter registration. Ken Bassett stated this is the same process used for absentee voters which is allowed by Utah law. Many smaller cities and counties have done this process to increase the percentage of voter turnout. Councilmember JoAnn Cowan stated that she liked the idea of early voting, and possibly voting by mail will encourage citizens to vote. She suggested an advertising campaign be used to promote voting. Mayor Showalter asked if this would be permanent or just for this election. Ken Bassett stated that it would be for this election. He noted that Vernal City is the only City in Uintah County having an election. The other entities, Naples City and Ballard Town, both have uncontested races and are not required to hold an election. Councilmember Norton stated she liked the person to person way of voting. There was some discussion regarding voter fraud. Councilmember Norton stated that the staff needs to track their time used for the election. After further discussion, *Councilmember Ted Munford moved to hold the upcoming 2013 municipal election by mail. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

**WORKFORCE HOUSING PROJECT DISCUSSION:** Ken Bassett explained that the City participated a few years ago in developing an affordable housing complex called Vernal Gardens. That project included 42 units in Phase I. State funding is being pursued for the completion of Phase II. If federal housing credits are provided, Phase II will be under way. There are currently over 60 people on the waiting list for housing in that complex. The non-profit corporation that built that project, Neighborhood Non-profit, is working on another project in Vernal City as they know there is a need for affordable housing and what is called workforce housing. The parcel of property they are considering is off 500 West and 350 North

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containing approximately 8.5 acres. The tentative plans show the capability of having 164 units. The property is currently zoned R-3 residential which allows four-plex housing. Neighborhood Non-profit will be requesting the property be re-zoned R-4 residential which allows larger apartment complexes. However, in order to re-zone the property, the general plan would need to be amended. The Planning Commission will hold a public hearing on this request on September 10<sup>th</sup>. Notices have been sent out to adjoining property owners and the City has been receiving calls. The property can be developed using a lower density standard, however, the application for State funding will receive a higher score if the City is involved in the purchasing of the property, and if the property can house more units. The current owner of the property is Utah State University. The City Attorney is currently reviewing the necessary agreements for the property exchange. There was some discussion regarding reserving housing for teachers, police officers or other public servants. Councilmember Sonja Norton asked if the project will go forward if the property is not rezoned. Ken Bassett stated that Kim Datwyler, director of Neighborhood Non-profit has not addressed that possibility yet.

**ADMINISTRATIVE REPORTS**

Sears sidewalk use:

Councilmember Bert Clark stated that Sears is now located in the old Gales Office Supply store and is using the sidewalk to display their merchandise. He stated that he has received complaints about this practice. Ken Bassett stated that he would look into it.

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

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Mayor Gary Showalter

ATTEST:

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Roxanne Behunin, Deputy Recorder

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