

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
OCTOBER 16, 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 and Mayor Gary Showalter. Councilmember Ted Munford and JoAnn Cowan were excused.

**WELCOME:** Mayor Gary Showalter welcomed everyone to this meeting.

**INVOCATION OR UPLIFTING THOUGHT:** The invocation was given by Councilmember Bert Clark.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Councilmember Sonja Norton.

**APPROVAL OF CITY COUNCIL MINUTES OF OCTOBER 2, 2013:** *Councilmember Bert Clark moved to approve the minutes of October 2, 2013 with a correction to the header. Councilmember Sonja Norton seconded the motion. The motion passed with Councilmembers, Everett, Norton and Clark voting in favor.*

**APPROVAL OF THE BOARD OF EQUALIZATION MINUTES OF OCTOBER 2, 2013:** *Councilmember Sonja Norton moved to approve the Board of Equalization minutes of October 2, 2013. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers, Everett, Norton and Clark and Mayor Showalter voting in favor.*

**APPROVAL OF THE BOARD OF EQUALIZATION MINUTES OF OCTOBER 3, 2013:** *Councilmember Dave Everett moved to approve the Board of Equalization minutes of October 3, 2013. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers, Everett, Clark and Mayor Showalter voting in favor.*

**APPROVAL OF BOARD OF EQUALIZATION MINUTES FROM OCTOBER 4, 2013:** *Councilmember Sonja Norton moved to approve the minutes of the Board of Equalization of October 4, 2013. Mayor Gary Showalter seconded the motion with Councilmember Norton and Mayor Showalter voting in favor. There was not a quorum present at the meeting from that meeting to approve the minutes, so the minutes were deemed approved.*

**YOUTH CITY COUNCIL REPORT:** Youth Mayor Jessie Phillips thanked the Council for the opportunity to serve as the Youth Mayor. He explained that the Youth Council will have their kickoff meeting on October 23<sup>rd</sup>, and will participate in the Mayors Walk on Halloween. Mayor Showalter invited the Youth Council to attend the Council meetings and let the Council know what budget they would need. He encouraged the Youth Mayor to be in close contact with the Recreation Center and let them know how many members will be helping with the Mayor's Walk. Mr. Phillips stated that they have over 20 students interested in the Youth Council. Mayor Showalter thanked Jessie for the report.

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**AIRPORT SNOW EQUIPMENT BUILDING REPORT - KELLY HARVEY:** Kelly Harvey explained that the Uintah County Commission met and reviewed the bids that were submitted to construct the snow equipment building at the airport. The contract was awarded to Redline Construction and Development at a cost of \$617,000 to meet federal guidelines. The building will have two cold storage bays as well as room for the new snow machine. The Commissioners did bring up that Vernal City needed to be contacted. Mr. Harvey further explained that as a section 139 compliant airport, there are mandatory regulations dealing with snow and ice control for the runways. The snow must be removed within 1 ½ hours of any movement areas requiring a more sophisticated machine which needs to be in a large building to keep it operationally ready at any moment. The majority of the cost of the building will be reimbursed by the FAA. Mayor Showalter wished Uintah County well with this project.

**REQUEST TO APPROVE FINAL PLAT LOCATED AT 662, 668 AND 674 NORTH 100 WEST FOR JURASSIC PROPERTIES - BART HYDE:** Delmar Hyde, representing Bart Hyde, asked the Council to approve the plat for Jurassic Properties. Councilmember Sonja Norton noticed that the building on the plat is located far away from the south property line. Allen Parker stated that is in accordance with the site plan and development agreement. Councilmember Norton asked if the engineering report had been received. Allen Parker answered that Engineering Services did review this, and there were a few corrections needed. The developer wants to subdivide a single parcel, using the Condominium Act, so there will be three separate sections of buildings with common area. The Planning Commission forwarded a positive recommendation if items addressed by the City Attorney and engineers are corrected on the plat. The current image does not reflect the changes yet as the engineer for this project is making those adjustments. After further discussion, *Councilmember Sonja Norton moved to approve the final plat with the corrections noted by the staff and legal review for Jurassic Properties. The legal review includes that the project cannot be referred to as a "PRUD", the face of the plat must state that not less than 60% of the units must be owner occupied, the number of members of the condominium management board must be changed from 5 to 3 in the declaration, the plat must set forth the square footage of each unit, and someone must be designated to receive service of process in the declaration. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

<i>Councilmember Dave Everett</i>	<i>aye;</i>
<i>Councilmember Sonja Norton</i>	<i>aye;</i>
<i>Councilmember Bert Clark</i>	<i>aye.</i>

**FINDINGS, RECOMMENDATION AND DECISION OF THE BOARD OF EQUALIZATION FOR ASSESSMENT AREA NO. 2008-2 FOR ASHLEY PARK SUBDIVISION AND AN ORDINANCE CONFIRMING THE ASSESSMENT LIST AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN VERNAL CITY, UTAH SPECIAL ASSESSMENT AREA NO. 2008-2, FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF WATER IMPROVEMENTS; ESTABLISHING A RESERVE FUND; ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE;**

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**AND RELATED MATTERS - ORDINANCE NO. 2013-27:** Mayor Showalter explained that the Council needs to decide what assessments should be levied on Ashley Park Estates for the water system improvements that were completed through the special improvement district. Public meetings were held October 2nd, 3rd and 4<sup>th</sup>, and one big item that was discussed were the engineering costs for each property. In the final analysis, the Board of Equalization recommended that the assessment be reduced by \$937.31 which is the total engineering cost to each unit. This will reduce the total amount due from the property owners from \$192,192 to \$146,263. If Ordinance No. 2013-27 is approved, the respective property owners will have 25 days to make payment if they wish to not have a lien attached to their property. If they do not wish to pay the assessment right away, they will have 20 years, interest free, to pay. Ken Bassett presented to the Council answers to the concerns that were raised during the Board of Equalization hearings. The Board thought that although the engineering fees were associated with the water service lines, it is difficult to decipher what engineering was and what was not part of the service lines. Further Community Impact Board funds can be used for engineering. Mr. Bassett noted that the intent of Mr. Dalton was to have some other documentation presented at the end of the month regarding this issue. However, the City's legal counsel is recommending the City proceed with this Ordinance and send out the final assessments rather than wait for whatever documents are being prepared. There is one paragraph of the Ordinance that needs to be modified clarifying the recommendation of the Board of Equalization to deduct the engineering fee, if the Council approves. *Motion was then made by Councilmember Dave Everett and seconded by Councilmember Sonja Norton that the City Council accepts the Recommendation and Decision of the Board of Equalization regarding the proposed assessments to be levied within the Assessment Area, with the corrected language to delete the engineering fees, and approve Ordinance No. 2013-27. The motion passed with the following roll call vote:*

<i>Councilmember Dave Everett</i>	<i>aye;</i>
<i>Councilmember Sonja Norton</i>	<i>aye;</i>
<i>Councilmember Bert Clark</i>	<i>aye.</i>

**REIMBURSEMENT TO VERNAL CITY OF PUBLIC IMPROVEMENTS IN HAVEN ESTATES:** Ken Bassett explained that the City used the remainder of the funds in the escrow account, and spent an additional \$318,726.07 to complete the public improvements in Haven Estates. That additional cost will be divided equally between the 66 properties that are benefiting from those improvements for a cost of \$4829.18 each. In order for the City to receive these funds when property in this subdivision is sold or improved, it was necessary to have a public hearing which was done in March of this year. There were a few comments of which one was in writing and one appeared here personally, objecting to the legality of doing this. The City Attorney is recommending the City proceed with the billing of these improvements. The private improvements have also been completed including electrical, gas and phone lines. If the Council approves this item, it will be necessary for the City to record a notice with Uintah County Recorder's office so property owners can be notified of the cost. When someone in this subdivision requests a building permit, the cost will be assessed with that permit. In addition, the company which completed the private improvements will have their request presented at the next meeting to recover their costs. Ken Bassett asked the Council to approve the cost that has been

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noticed to all the property owners. Councilmember Norton asked when the notice will be recorded. Ken Bassett responded it will be done immediately. Councilmember Everett asked if this cost will be a lump sum or subject to a payment program. Ken Bassett stated they will have to pay the fee up front. Councilmember Norton asked if payment has to be received before they will get a certificate of occupancy. Ken Bassett answered that is correct. *Councilmember Bert Clark moved to approve the reimbursement for public improvements in Haven Estates in the amount of \$318,726, be assessed and recorded on the 66 lots. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

**REVIEW OF BIDS AND SALE OF FIRE TRUCK - KEN BASSETT:** Mayor Showalter noted that the City advertised the sale of an old Mac fire truck. One bid was received to purchase the truck. In the meantime, Ken Bassett received a call from the Mayor of Manila asking the status of the truck because their fire truck lost an engine. They are asking if the City would consider donating this vehicle to Manila Town. He stated that the Council does have to recognize that the bidding process was carried out in a forthright manner. Ken Bassett stated that the Mayor of Manila indicated they do not have the budget to purchase the truck. He explained that he contacted Commissioner Raymond because the County is a joint owner of the fire truck, and notified them of the interest by Manila Town. The Commissioner is in favor of transferring the vehicle to Manila Town. The only way the Council can reject the bid is in the interest of public safety. Councilmember Clark stated he would rather see it used by another agency. After further discussion, *Councilmember Bert Clark moved to reject the bid in the interest of public safety and award the old Mac fire truck to the Town of Manila. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

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

**REQUEST FOR APPROVAL OF PAVEMENT MARKING CONTRACT:** Ken Bassett explained that the City solicited bids from companies to put pavement markings on the City streets. Two bids were received from Interstate Barricade in the amount of \$74,884.37 and from All Star Striping in the amount of \$167,843.50. Councilmember Clark asked if the markings will be done annually or semi-annually. Ken Bassett stated this price is for twice a year. Councilmember Norton questioned why the bids were so far apart. Ken Bassett stated he did not know and was not familiar with the higher priced company. The City does require UDOT material standards for the pavement markings on streets. In areas that have a lot of condensed traffic, the markings do not last as long as highways. *Councilmember Sonja Norton moved to approve the bid from Interstate Barricade of \$74,884.37 and enter into a contract which includes two street markings. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

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

**VACATING ASHTON PARKING LOT ALLEY:** Mayor Showalter stated that he was curious about this property if anything could be done to enhance the downtown area, so the City had the alleyway surveyed behind the old Ashton building. That survey discovered that the 10 foot right-of-way extends 8” further to the flower planter, then makes a 90 degree turn at the end of the Ashton building and extends to the south the length of the Zion’s Bank drive-up lanes. The alley serves no use to Vernal City, and the entire parking lot is in poor condition. Councilmember Norton stated that the City requires residences to maintain their yards, and there should be a requirement for businesses to maintain their lots. Mayor Showalter stated that he and Ken Bassett met with Mr. & Mrs. Ashton and their attorney, who own the parking lot, and did not get anywhere. Councilmember Norton stated the City should require a minimum standard for safety. Ken Bassett agreed, and stated that language can be put into the development standards. For existing businesses, the City may not be able to regulate them. He stated he would contact the City Attorney. He stated that there are several alleys in the City that do not benefit the City where the parking lots are maintained by the property owners. Councilmember Clark clarified that if the alleys are vacated, the property owners on each side receive 50% of that property. Ken Bassett answered yes. Councilmember Norton suggested the staff research all the alley’s to see if there are any that should be excluded from the vacating process. Councilmember Clark asked if the access would still be open for public use. Ken Bassett stated that would be the legal requirement to leave it open because of the use over the years. The consensus of the Council was to have the staff pursue vacating the alleyways along the downtown corridors.

**REQUEST FOR APPROVAL OF ELECTION JUDGES:** Ken Bassett presented a list of names of those who have served as election poll workers over the years, including the deputy recorders, Roxanne Behunin, Sherri Montgomery and the City Recorder, Ken Bassett. Two judges will be called to help on Election Day to open and scan the ballots. He asked the Council to approve the list so the staff can contact them to see who is available. Roxanne Behunin asked the Council to scan the names and make sure none of them are related to any candidates. Councilmember Norton asked if the judges will be comparing the signatures. Roxanne Behunin answered that is being done daily. *Councilmember Clark moved to approve the election judges as presented. Councilmember Dave Everett seconded the motion. The motion passed with Councilmember Clark, Everett and Norton voting in favor.*

**APPROVAL OF GRANT AGREEMENT WITH THE DIVISION OF EMERGENCY MANAGEMENT STATE OF UTAH – POLICE DEPARTMENT EQUIPMENT:** Ken Bassett explained that Tal Ehlers, Uintah County Emergency Management Director, notified the police department that they received a grant of \$20,000 from the Department of Homeland Security for purpose of purchasing laptop computers. The City is not required to put up any matching funds. *Councilmember Dave Everett moved to approve the grant agreement with the*

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*Division of Emergency Management. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

<i>Councilmember Dave Everett</i>	<i>aye;</i>
<i>Councilmember Sonja Norton</i>	<i>aye;</i>
<i>Councilmember Bert Clark</i>	<i>aye.</i>

**ADMINISTRATIVE REPORTS:**

Drug Court Graduation:

Dave Everett stated that the Drug Court will be holding their graduation on October 23<sup>rd</sup> at 5 pm. Councilmember Norton suggested someone from the police department attend the graduation to represent them.

Alcohol Violation:

Councilmember Bert Clark commented on the letter sent to a local business that did not pass the sting for underage residents buying of alcohol. Councilmember Norton asked if they have provided the necessary information. Ken Bassett stated he has not received it yet. Ken explained the process to the Council.

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

ATTEST:

\_\_\_\_\_  
Roxanne Behunin, Deputy Recorder

\_\_\_\_\_  
Mayor Gary Showalter

( S E A L )