

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
NOVEMBER 20, 2013 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

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

WELCOME: Mayor Showalter welcomed everyone to the meeting.

UPLIFTING THOUGHT: An uplifting thought was given by Mayor Gary Showalter.

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

APPROVAL OF CITY COUNCIL MINUTES OF NOVEMBER 6, 2013: *Councilmember Sonja Norton moved to approve the minutes of November 6, 2013. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Everett, Norton and Clark voting in favor. Councilmember JoAnn Cowan abstained from voting.*

APPROVAL OF CITY COUNCIL MINUTES OF NOVEMBER 13, 2013: *Councilmember JoAnn Cowan moved to approve the minutes of November 13, 2013 special meeting. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Norton and Clark voting in favor.*

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE - SECTION 16.08.060 - LAND USE PLAN - ORDINANCE NO. 2013-26: Allen Parker explained that a few months ago the Council approved an ordinance changing the noticing requirements for a public hearing before the Planning Commission and Council from 14 days to 10 days in accordance with State law. However, the noticing requirements were duplicated in this section of the municipal code, which needs to be changed to harmonize with the first ordinance. The Planning Commission held a public hearing on this item and forwarded a positive recommendation. Councilmember Bert Clark noted that the code requires a notice be mailed to neighboring property owners within 300 feet, and asked what happens if the notice is returned as undeliverable. Allen Parker stated that it does happen, and the staff is only required to mail the notice to the official address based on the County records. Mayor Showalter opened the public hearing. There were no public comments, and the public hearing was closed. *Councilmember JoAnn Cowan moved to approve Ordinance No. 2013-26 as presented. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

Councilmember Clark.....aye;
Councilmember Norton.....aye;
Councilmember Everettaye;
Councilmember Cowanaye;
Councilmember Munford..... aye.

USE OF BIKE SALE PROCEEDS FOR NURTURING, OPPORTUNITIES, VALUES, ACCOUNTABILITY (NOVA) PROGRAM: Chief Dylan Rooks explained that the police department has taken the proceeds from the annual bike sale to supplement the cost of the DARE

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program. With the change from the DARE program now to the NOVA program, the Council needs to approve the use of the funds for the NOVA program. State statute allows the City to use the proceeds for legitimate public interests. The bikes that are auctioned are ones that are found or turned in and have not been claimed. Councilmember JoAnn Cowan stated that the Public Safety Committee is supportive of this request, and the NOVA program helps kids get through the challenges of being kids. Councilmember Dave Everett asked when the auction will be held. Dylan Rooks answered it is scheduled for November 23rd at 9 am. *Councilmember Dave Everett moved to approve the use of the funds for the NOVA program. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

Councilmember Clark.....aye;
Councilmember Norton.....aye;
Councilmember Everettaye;
Councilmember Cowanaye;
Councilmember Munford.....aye.

REQUEST FOR APPROVAL OF FEE SCHEDULE - RESOLUTION NO. 2013-25: Ken Bassett explained that this resolution has two sections - one for the water department and one for the police department. Mayor Showalter stated that the Public Safety Committee looked at the fees for the police department to do criminal background checks for people in the community. Ken Bassett stated that if someone applies for a door-to-door solicitor’s license, the City requires them to provide their criminal background report. Chief Rooks stated that the police department is now able to provide criminal backgrounds to individuals, although they are prohibited from providing it to a third party. The cost to get the criminal background directly from the Bureau of Criminal Identification is \$15. The benefit is that it will take less time. Roxanne Behunin stated it takes seven to fourteen days from the State. Chief Rooks stated the applicant can get their background immediately. Also, to encourage Vernal City business owners as part of their employment application process, they can request their applicants to provide their background, and then \$10 of the fee will be waived. Councilmember Cowan clarified that the business cannot get the background, but they can ask the applicant to provide it. Dylan Rooks stated that the applicant can give the background check to the perspective employer. The fee would have to be paid to the finance department and the receipt given to the police department before the background will be run. Mayor Showalter stated the fee will be reduced if a business submits a letter asking for the background to be given to the applicant. Dylan Rooks explained that State law mandates a person convicted of a sex crime register as a sex offender, and it is the police department’s responsibility to register them. He asked if the Resolution can also add the fee to process sex offenders for the registry as the initial registration process takes a lot of staff time. Ken Bassett recommended a fee of \$20 for the initial registration.

Ken Bassett stated that the second part of the Resolution is the fee schedule for the new water fill station. The schedule includes a fee for individual usage as well as commercial usage. People with small campers or containers can use their card to get up to 500 gallons of water for a minimum cost of \$10. For larger haulers, an account will be set up with the City using a card or pin number. Councilmember Cowan asked how companies will know to set up an account. Ken Bassett stated that signs will be posted at the fill station. After further discussion, *Councilmember Ted Munford moved to approve Resolution No. 2013-25 with the added*

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language for the police fees. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:

Councilmember Clark.....aye;
Councilmember Norton.....aye;
Councilmember Everettaye;
Councilmember Cowanaye;
Councilmember Munford..... aye.

REQUEST TO VACATE PARTIAL ROADWAY AT 320 WEST 650 NORTH BY ROBERT ZELLER: Ken Bassett explained that the City received a request from Mr. Robert Zeller to vacate a roadway stub next to his home. Allen Parker stated that the Planning Commission reviewed this request and is forwarding a positive recommendation after considering the fact that there has been no productive use of this right-of-way for a long time. Councilmember JoAnn Cowan asked if they addressed the issue of the land to the north being developed. Allen Parker stated they did consider that impact and the possibility of land becoming landlocked. Mayor Showalter noted that this is not the only access. Allen Parker stated he also spoke with the City Attorney, and there is no violation as long as the City goes through the vacation process allowing neighboring property owners to make comment. Ken Bassett asked if the subdivision plat would need to be changed. Allen Parker stated he was not sure and would check to see if that was necessary with the vacating process. Councilmember Cowan asked if there was any compelling reason not to vacate this right-of-way. Ken Bassett stated that although the property to the north is not in the City, there is still a concern for future development. Councilmember Norton agreed there should be some way to compromise to allow the Zellers to build their garage without harming the neighboring property owners. Mayor Showalter pointed out that there has been no activity for this property for over 35 years. After further discussion, *Councilmember JoAnn Cowan moved to proceed with the vacating process and notify the neighboring land owners. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Clark..... nay;
Councilmember Norton..... nay;
Councilmember Everettaye;
Councilmember Cowanaye;
Councilmember Munford..... aye.

Ken Bassett explained that Utah State law requires the City to advertise the vacation in the newspaper for four consecutive weeks and notify the adjacent property owners before holding a public hearing.

REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE - SECTION 16.24.130 - STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES - ORDINANCE NO. 2013-16: Allen Parker reminded the Council that the City received a request to allow larger vehicles to be parked in residential zones. The current code barely allows an F350 size truck to be parked in residential areas. Many residents park welding trucks or other work vehicles that they take home each evening in these zones. In one case, a resident has a street sweeper that he parks next to his home. Councilmember Bert Clark noted that they have

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a business license for their home address. Allen Parker stated that the Planning Commission wanted to know the rating for the City streets, and Ordinance No. 2013-16 was drafted based on their recommendation to use gross vehicle weight of 24,000 pounds which is the level the roads are engineered for. This would allow a regular work truck to be parked in a residential zone. Councilmember Munford asked if a motorhome would be allowed under this weight restriction. Allen Parker stated that this section does not apply to RV's that are regulated in a different way. Councilmember JoAnn Cowan asked what "continuous parking" means. Allen Parker answered "repetitive". There was some discussion regarding the parking of work vehicles. Councilmember Norton suggested the ordinance state that a vehicle with more than two axles not be allowed to park for more than 72 hours in a residential zone. Ken Bassett stated larger vehicles should be prohibited from parking in residential zones. Allen Parker stated some vehicles need to be exempt such as school buses or moving trucks. There was some discussion regarding the storage of construction equipment during construction. Councilmember Cowan stated she did not see a problem with allowing the use of a vacant lot for construction equipment for a short period of time. Ken Bassett suggested the staff look at language to deal with the "continued" parking of larger vehicles. *Councilmember Bert Clark moved to table Ordinance No. 2013-16 and have the staff look at additional language to deal with continuous parking. Councilmember Sonja Norton seconded the motion. The motion passed with the following roll call vote:*

Councilmember Clark.....aye;
Councilmember Norton.....aye;
Councilmember Everettaye;
Councilmember Cowanaye;
Councilmember Munford.....aye.

PROCESS TO FILL VACATED COUNCIL SEAT: Ken Bassett explained that the City Council needs to give the residents of the community a two-week notice to apply for the Council seat that will be vacated by Councilmember Norton. The notice has to indicate the deadline to accept applications and the time when, in open meeting, the Council will interview each of the applicants. The City Attorney has indicated that the Council can start the process now. Councilmember Cowan commented that the Council went into closed session last time. Ken Bassett stated that Utah law specifically requires the interviews to be done in open session. There was some discussion regarding the questions that will be asked of the applicants. Councilmember Cowan stated that in the interest of fairness, the majority of the questions should be the same. Mayor Showalter agreed. After further discussion, the consensus of the Council was to hold the interviews at the December 18th meeting following the two-week notice period. Ken Bassett presented a draft application for residents applying for the Council seat. Councilmember Cowan asked the staff to provide a list of questions that was used for the last vacated seat.

REQUEST FOR APPROVAL OF THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES MANUAL - WORKERS COMPENSATION - RESOLUTION NO. 2013-23: Ken Bassett explained that Resolution No. 2013-23 applies to employees that have been hurt on-the-job, allowing them to return to work as soon as possible. Many times employees may not be able to perform their normal job functions, but can perform other work, bringing them back to the workforce faster. The reasoning to do this is that the most expensive

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part of workers compensation is when an employee is off work. The City’s workers compensation insurance company, Utah Local Government Trust, is encouraging a return-to-work policy stating that if someone is injured on the job, the City wants to get them back to work as quickly as possible. The City will need to make sure coming back does not aggravate their injury, while at the same time provide meaningful productivity for the City. An example is to use an injured police officer as code enforcement. Councilmember Munford stated this would be good for their mental wellbeing as well. *Councilmember Ted Munford moved to approve Resolution No. 2013-23. Councilmember JoAnn Cowan seconded the motion. The motion passed with the following roll call vote:*

Councilmember Clark.....aye;
Councilmember Norton.....aye;
Councilmember Everettaye;
Councilmember Cowanaye;
Councilmember Munford.....aye.

**REQUEST FOR APPROVAL OF THE VERNAL CITY PERSONNEL POLICIES AND
PROCEDURES MANUAL - DRIVER QUALIFICATIONS - RESOLUTION NO. 2013-24:**

Ken Bassett explained that Utah Local Government Trust has asked the City to adopt a policy to keep tabs on driving records of employees. They have found that many cities do not keep track of driving records where employees have revoked or suspended licenses and are still driving work vehicles. If that employee has an accident, it would cause a major problem. Resolution No. 2013-24 would allow the City to periodically check driving records and have a method to discipline an employee if their driving record is serious, based on their job duties. Councilmember Cowan stated that some positions would not affect the City, and a family member could bring them to work. Ken Bassett agreed, however, he stated many times employees run errands for the City in their own vehicle which would be a concern if they do not have a good driving record. He noted that the wording in the Resolution needs to reflect “may” so the City can evaluate the driving record and employee duties. Also, moving violations will be reviewed for the last year. Any serious violation will be reviewed immediately. There was some discussion regarding at-fault accidents that are not reported on their driving record. After further discussion, *Councilmember Ted Munford moved to approve Resolution No. 2013-24 with the word “may” and changing the time frame to one-year for moving violations. Councilmember Bert Clark seconded the motion. The motion passed with the following roll call vote:*

Councilmember Clark.....aye;
Councilmember Norton.....aye;
Councilmember Everettaye;
Councilmember Cowanaye;
Councilmember Munford.....aye.

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ADMINISTRATIVE REPORTS:

Holiday Dinner:

The Council discussed the best time to host a Holiday Dinner for the Council and the consensus was to meet between Christmas and New Year's, Monday, December 30th at 6 pm.

Standards for Parking Lots:

Councilmember Sonja Norton asked when the Council will be reviewing the maintenance standards for commercial parking lots. Allen Parker stated he is actively working on that issue. Councilmember Norton asked that it be placed on the next Planning Commission meeting.

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)