

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
FEBRUARY 5, 2014 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

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

WELCOME: Mayor Norton welcomed everyone to the meeting.

UPLIFTING THOUGHT: Councilmember Bert Clark requested a moment of silence for a fallen police officer and the military.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Samantha Scott.

APPROVAL OF CITY COUNCIL MINUTES OF JANUARY 15, 2014: Councilmember JoAnn Cowan asked that language be added showing Vernal City will maintain the stub road property next to Robert Zellers home. *Councilmember Cowan moved to approve the minutes of January 15, 2014 with that addition. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott and Clark voting in favor for a unanimous vote.*

UINTAH SCHOOLS FOUNDATION REQUEST FOR FUNDING FOR STORY TELLING FESTIVAL: Vernie Heeney, representing the Uintah Schools Foundation, requested the Council consider sponsoring the Storytelling Festival scheduled for February 20th and 21st. The Festival used to be held in the fall, and there were too many conflicts so it was move to February. One of the main storytellers, Syd Lieberman, will be able to attend with this new schedule. The storytellers will perform each night and give performances during the day for the students along with a symposium on Friday morning to help students refine their own storytelling skills. Councilmember Cowan explained that the School Foundation raises money to help teachers provide supplies for items that are not covered in the budget. *She moved to support the Storytelling Festival with a \$1000 sponsorship fee. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan.....aye.
Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

REQUEST FOR SUPPORT FOR FREEDOM DAY VETERANS GOLF TOURNAMENT - ROB DECOL: Councilmember Bert Clark asked the veterans present at the meeting to stand so they could be recognized. Mr. Rob DeCol explained that he is coordinating a golf tournament to be held on September 11th to honor veterans. He asked the Council to support this effort. The hope is to raise enough money for an annuity to form an endowment for scholarships for students of veterans. Councilmember Cowan suggested that the City sponsor a team to participate in this tournament and invite City employees to participate. The Council voiced their appreciation of Mr. DeCol organizing this event and unanimously supported his request.

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REQUEST TO WAIVE BUILDING PERMIT FEES FOR AMERICAN LEGION

ADDITION: Ken Bassett explained that he had opportunity to meet with representatives of the American Legion regarding their plans to build an addition to the American Legion Post in Vernal City. The concern is the cost of the permit fees for this building construction which is \$580. The American Legion is requesting the City consider waiving those fees. Mr. Hal Hatch, representing the American Legion, explained that Mr. Mike Maguire will be the contractor on this project which is estimated to cost \$10,000. Mr. Maguire stated he will be adding a 24 x 31 addition on the west side of the building. The fees to Vernal City are \$580 and \$60 for the plan check. Councilmember Clark asked if the City would require a decorative siding on the front of the building. Ken Bassett stated the building official will make that decision during the plan review process which has not been completed yet. Hal Hatch noted that they are being required to install an ADA restroom. The main purpose of the addition is for the ladies auxiliary to have a place to meet. Councilmember Dave Everett stated that he appreciates the services provided by the American Legion, on a daily basis, which represents their loyalty, respect and great sense of patriotism. Mayor Norton suggested the staff research this request and see what options are available to adjust these fees and bring that information back to the Council at the next meeting.

REQUEST TO VACATE 500 NORTH STREET BY VERNAL AVENUE - BERT

STAGG: Allen Parker explained that Mr. Bert Stagg is requesting the Council consider vacating an eight foot strip of land next to his home that has been set aside for the roadway on 500 North street. The property is located on the northwest corner of Vernal Avenue and 500 North with a twelve foot section of roadway not currently being used for the road which is behind the curb and gutter. The Planning Commission reviewed this request and is forwarding a negative recommendation. The reasoning for their recommendation is that this property may be needed as a turn lane in the future on 500 North. Councilmember Ted Munford asked why this property is part of the right-of-way. Allen Parker stated that this is the only section of 500 North Street that has a right of way of 75 feet which narrows down to 66 feet once it goes past Mr. Stagg's property. The theory is that additional footage is for a turn lane as this road is part of the truck route for the City. Councilmember Cowan stated that with the sidewalk and landscaping already in place, it is doubtful that the roadway will be widened. Mayor Norton noted that if a large truck tries to make that turn, it is tight. If the roadway becomes busier with large truck traffic it may be safer to have a turn lane. Councilmember Munford stated that the intersection on 500 West and 500 North would also have to be restructured as that is a miserable intersection for truck traffic. Bert Stagg showed the Council a picture of the property and where the right-of-way ends on his property. He stated he simply wants an additional eight feet between his house and the right-of-way. If the property is vacated, the gas company can install his gas meter on his property instead of in the right-of-way. Councilmember Munford stated that although he respects the recommendation from the Planning Commission and understands their reasoning, in reality a turn lane would not be developed anytime soon. Ken Bassett explained that if the Council would like to pursue vacating this eight foot section of right-of-way, the staff will prepare the public hearing notices. *Councilmember JoAnn Cowan moved to direct the staff to proceed with preparing the noticing to vacate this strip of property. Councilmember Ted Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan.....aye.

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Councilmember Everettaye;
Councilmember Scott nay;
Councilmember Clark.....nay.

**REQUEST TO RENEW ENTERPRISE ZONE & ATTEND THE INTERNATIONAL
COUNCIL OF SHOPPING CENTERS CONFERENCE IN LAS VEGAS - RESOLUTION
NO. 2014-03:**

Tammie Lucero explained that the enterprise zone designation for Uintah County expired on December 31st. In order to renew that designation, all the entities within the County must approve it for the next five years which will then be submitted to the State Tax Commission. She explained that certain businesses in an enterprise zone qualify for a tax credit of \$750 for each new position that is generated by that business, with an additional \$500 tax credit if the salary is at least 125% of the county’s average wage or adds business to agriculture. This tax benefit has been lucrative in Uintah County as an added incentive for businesses to expand, locate here or stay. Councilmember JoAnn Cowan asked how businesses learn about this tax advantage. Tammie Lucero stated that all the local CPA firms are familiar with it, and it is listed on the State Tax Commission webpage. Councilmember Cowan suggested an article be placed in the paper. *Councilmember Cowan moved to approve Resolution No. 2014-03 approving the Enterprise Zone for Vernal City through 2018. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan..... aye.
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark..... aye.

Tammie Lucero stated she would also like to request that the City allow Allen Parker to attend the International Retailers conference held in Las Vegas. The purpose of having a City representative is to answer questions specific to the City and have a cohesive team to market the community. Usually representatives from Uintah County, Naples City and Vernal City all attend. Councilmember Clark asked what the cost is for this conference. Tammie Lucero stated they usually budget around \$1500 for airfare, hotel and meals. *Councilmember Ted Munford moved to budget up to \$1500 for Allen Parker to attend the conference in May. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan..... aye.
Councilmember Everettaye;
Councilmember Scottaye;
Councilmember Clark..... aye.

**REQUEST TO VACATE 300 EAST STREET FROM 100 SOUTH TO 200 SOUTH -
UINTAH COUNTY COMMISSION:**

Uintah County Commissioner Darlene Burns asked the Council to consider vacating 300 East Street for one block. The County recently purchased a two block section of property in front of the Western Park to build a convention center that will, hopefully, rejuvenate downtown Vernal. In order to utilize the most advantageous placement of

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the convention center, the County is asking the City to consider vacating 300 East Street from 100 South to 200 South so the building can be placed in the middle of the two blocks. Along with this initial request, Commissioner Burns asked the Council to expedite the vacation process as quickly as possible as they plan on breaking ground around the first part of April. Ken Bassett explained that normally a request to vacate property is sent to the Planning Commission for their recommendation before any public hearings are scheduled. In this case, if the Council wants to proceed, the Planning Commission review and noticing for the public hearing can happen simultaneously. However, the public hearing would be scheduled for the March 5th meeting based on the noticing requirements. Councilmember Clark asked what will happen to the utilities along that street. Commissioner Burns noted that there will have to be some relocation work. She clarified that they are also looking at requesting 200 South in front of Western Park be vacated. *Councilmember JoAnn Cowan moved to direct the staff to start the process to vacate 300 East Street. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Cowan, Munford, Everett, Clark and Scott voting in favor for a unanimous vote.*

PUBLIC HEARING: REQUEST TO CONSIDER REZONE REQUEST FOR THE PROPERTY LOCATED AT 231 WEST 250 NORTH FROM R-3 RESIDENTIAL ZONE TO C-2 COMMERCIAL ZONE - PHIL AND LEAH DAVIS: Mayor Norton noted that the current owner, Bonnie Offutt, is present at the meeting, and the Davis's are considering purchasing the property. Mayor Norton opened the public hearing. Allen Parker explained that this rezone request is for a parcel of land located next to the hospital property on 250 North which has a metal building on the back section of the lot. The request is to rezone the property from R-3 residential to C-2 commercial. The property to the east is zoned HC-1 and the remainder of the surrounding property is zoned R-3. The Planning Commission reviewed this request, held a public hearing, and decided it was not appropriate to rezone the property to commercial and forwarded a negative recommendation. The metal building has been used as a shop for many years, and the applicants want to use it as a welding shop.

Bonnie Offutt, residing at 254 No 250 West and the owner of the property, stated that the potential buyers have changed their mind about purchasing the property. However, she would still like to rezone the property in order to have a better chance of selling the property.

Councilmember Ted Munford asked what the reasoning was from the Planning Commission for their recommendation. Mayor Norton stated it would be considered spot zoning. She noted that since Mrs. Offutt is a client, she stepped away from the Planning Commission declaring her conflict of interest. Allen Parker explained to the Council that there is case law against spot zoning. The general plan shows this area as institutional which would include schools, hospitals, etc. that contribute to that component of the community. Ken Bassett stated that the Council needs to consider the issue of complying with case law.

Bonnie Offutt commented that the institutional use has prohibited them from selling the property as the hospital is not interested. Ken Bassett suggested that this issue be considered during the update of the general plan map to provide a broad plan for that area. Allen Parker noted that the general plan will be updated this year.

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There being no further public comments, Mayor Norton closed the public hearing. Councilmember Munford stated that although spot zoning may not be illegal, it would open up litigation. Allen Parker stated it is possible that it could be overturned. Councilmember Cowan agreed that the master plan could be adjusted to make that property have more logical uses. After further discussion, *Councilmember Ted Munford moved to disapprove this rezone request and review the entire general plan consider this area in broader terms. Councilmember Bert Clark seconded the motion. The motion passed with Councilmember Munford, Clark, Everett, Cowan and Scott voting in favor for a unanimous vote.*

REVIEW OF PROPOSALS AND REQUEST TO AWARD CONTRACT FOR INDIGENT DEFENSE SERVICES: Ken Bassett explained that the City had a contract with Sam, Reynolds and Evershed, attorneys at law to provide indigent services for defendants in the Justice Court. The contract recently expired, and Mr. Sam is interested in continuing to provide the service at a cost of \$2500. The City also received a proposal from Gretchen Johns who has been working for Mr. Sam and providing most of the indigent defense services for the City. Her proposal to the City is for \$2000 a month. Also, Ken suggested the contract be changed to a fiscal year. *Councilmember Dave Everett moved to accept the offer for indigent defense services from Ms. Johns of \$2000 a month. Councilmember Bert Clark seconded the motion. The motion passed with the Councilmember Everett, Clark, Munford and Scott voting in favor. Councilmember JoAnn Cowan was not present for the vote.*

REQUEST FOR RENEWAL OF CONTRACT WITH DENNIS JUDD FOR CIVIL ATTORNEY SERVICES: Ken Bassett explained that the contract with Mr. Dennis Judd also expired and needs to be renewed. The cost for that contract is \$1500 a month unless he spends more than 45 hours in three months then the cost goes to \$100 an hour. He suggested the Council consider approving this contract through June of 2015. *Councilmember Bert Clark moved to approve renewing the civil attorney contract with Dennis Judd through June 2015. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Clark, Scott, Cowan, Everett and Munford voting in favor.*

CREDIT CARD IMPLEMENTATION PROGRAM: Mike Davis explained that citizens want to pay their bills electronically so he looked at what it would take to allow that type of payment. The City would have to contract with a provider to process payments made on-line. There are lots of companies that do that, but only a few that are compatible with the City's accounting software. With Express Bill Pay, a resident can log in, look at their account and pay their utility bill. At the end of the day, the payments are dropped into the software. With the court system and business licensing, however, the payments will need to be manually entered. Mr. Davis recommended the Council approve the proposal from Express Bill Pay. Also, if a resident is using an automatic bill pay through their own bank, Express Pay will capture and process that payment. Once that contract is in place, the City will find a merchant bank that accepts credit cards for payments at the counter. The Administrative Committee looked at the cost to provide this service and decided to use the utility rate for water / sewer, and the government rate for the court or business license charges, with the government fee being passed on to the person making the payment. Councilmember Cowan asked if they would know the fee up front. Mike Davis answered yes. Councilmember Cowan asked how soon this service will be available.

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Councilmember Clark asked what the approximate cost will be per transaction. Mike Davis stated it depends on the amount of people that use the service. If 25% of the water customers use the on-line bill pay the cost is 71 cents a transaction which decreases if more people use it. Councilmember Munford stated the City will absorb the cost for the utility accounts. Councilmember Clark questioned why the City would assume that cost. Councilmember Munford stated that is an industry standard. Ken Bassett stated that the City will try to encourage the use of this service which lowers the cost as more people participate. Councilmember Clark asked the staff to provide the cost to the City at budget time. Mayor Norton agreed that this program will need to be reevaluated.

Ed Zurbuchan asked if he will be required to go on-line. Mike Davis stated for those who still want a bill, one will be sent, and he can come in and pay. After further discussion, *Councilmember Ted Munford moved to approve the proposal from Express Bill Pay and reevaluate the cost during the budget workshops. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Munford, Scott, Cowan, Everett and Clark voting in favor.*

REQUEST TO SURPLUS FIRE INSPECTOR VEHICLE & DONATE TO FIRE DISTRICT FOR FIRE INSPECTIONS: Mayor Norton explained that the Fire District will be handling the fire inspections for the City so it is not necessary to keep the vehicle. The fire inspection truck is a 2000 small pick-up truck. Councilmember Cowan stated that this is a good deal for the City. *Councilmember Bert Clark moved to donate this vehicle to the Fire District as they provide for the new fire inspector. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Clark, Everett, Cowan, Scott and Munford voting in favor.*

Councilmember JoAnn Cowan asked the staff to see if there are any old office cubicles that the Fire District could use.

REQUEST FOR APPROVAL OF AUDITING CONTRACT WITH SMUIN, RICH AND MARSING: Ken Bassett explained that the staff is asking the Council to approve a new contract with the auditors for another three years with an additional and two year add-on if both parties agree. The proposal for auditing services is \$15,400 for 2014, which is \$200 more than FY2013. The Administrative Committee reviewed the proposal and is recommending approval. *Councilmember Ted Munford moved to approve the contract with Smuin, Rich and Marsing. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Munford.....aye;*
- Councilmember Cowan..... aye.*
- Councilmember Everettaye;*
- Councilmember Scott.....aye;*
- Councilmember Clark..... aye.*

REQUEST TO AMEND THE VERNAL CITY PERSONNEL POLICIES AND PROCEDURES, ESTABLISHING A WORKER’S COMPENSATION ACCIDENT REVIEW BOARD - RESOLUTION NO. 2014-02: Ken Bassett explained that the City’s

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insurance carrier, Utah Local Governments Trust, is very proactive working with the City to make sure there are policies in place to keep the workplace safe. Resolution 2014-02 has been recommended by ULGT where a review committee looks at workers compensation claims that require medical treatment. The committee would be comprised of an employee in the police department, public works and administration. The main objectives for the committee is to decide if the accident could have been avoided, did they follow procedure and follow safety practices. Mayor Norton asked who they would appeal to. Ken Bassett stated that if the employee is disciplined, he would go through the normal appeal procedures. *Councilmember Bert Clark moved to approve Resolution No. 2014-02. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford.....aye;
Councilmember Cowan.....aye.
Councilmember Everettaye;
Councilmember Scott.....aye;
Councilmember Clark.....aye.

ADMINISTRATIVE REPORTS

Parking lot cleaner:

Councilmember Bert Clark stated that he has been contacted about a sweeper company that is cleaning commercial parking lots and creating a lot of dust. Ken Bassett stated that the staff can contact that company if he can get the name. It was thought to be Basin Sweeping out of Roosevelt.

Building department:

Allen Parker reported that the home that added a garage on 650 North did not have a building permit, and they have been notified to take corrective action. Mayor Norton asked Mr. Parker to let Mr. & Mrs.Zeller know when the City would be looking at setbacks for corner lots.

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

Mayor Sonja Norton

ATTEST:

Roxanne Behunin, Deputy Recorder

(S E A L)