

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JUNE 18, 2014 at 7:00 p.m. in the Vernal City Council Chambers at 374 East Main
Street, Vernal, Utah 84078.

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

STAFF PRESENT: Ken Bassett, Allen Parker, Mike Davis, and Sherri Montgomery.

WELCOME: Mayor Norton welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: Councilmember Everett gave an uplifting thought.

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

APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF JUNE 4, 2014: There being no changes to the minutes of June 4, 2014, *Councilmember Cowan moved to approve the minutes of June 4, 2014. Councilmember Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, and Everett voting in favor for a unanimous vote.*

STRATA UPDATE - TYLER RASMUSSEN: Tyler Rasmussen, Director of Marketing, explained that he met with the Mayor and City Manager a few weeks ago, and they felt that a presentation should be made to the City Council to give them an update on Strata's future projects. Mr. Rasmussen introduced Strata employees Jared Massey and Todd Massey. Mr. Rasmussen explained that Strata uses four methods to provide services to their customers including copper lines, coaxial cable, wireless infrastructure, and fiber. Fiber is the most desired medium. Strata uses all of these services in different ways and means to give the customer the best option. Mr. Rasmussen referred to a map on the overhead showing the areas in Vernal that are currently being served with coaxial cable and fiber. Strata has a long reaching goal to take fiber to every home in the Uintah Basin. Mr. Rasmussen stated that the future packages for modified fiber base broadband with 50 megabits download speed and 5 megabits upload speed will be around \$59 per month for residential and \$125 per month for businesses. Councilmember Munford complimented Strata for their outstanding improvement and appreciation for what they are doing for the future.

Mr. Rasmussen noted that the owners of Strata are the landline telephone service members. The profits are not taken by private owners; they are reinvested into the company for the benefit of the stockholders. Councilmember Cowan asked about the Viacom package and the channels that were discontinued. Mr. Rasmussen explained that at a regional level, a programmer will demand a significant rate increase, such as what happened with Viacom. Viacom was seeking a rate increase of 100% of the rating inflation. Several operations chose to discontinue Viacom to send a strong message. Mr. Rasmussen stated that Strata will continue to monitor the feedback from the customers by surveying to see if they are willing to pay more for those channels versus losing the channels. Councilmember Cowan stated that she understood, but still misses a couple of the programs. Mr. Rasmussen explained that Strata is planning another upgrade in the fall with a majority of those cable customers offered the same package as fiber customers. Councilmember Cowan stated that she appreciates Strata's great customer service when there is a problem.

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WHITE HOUSE ACADEMY LEASE - LAUREN MASSEY: Lauren Massey thanked the Council for allowing them to give a proposal regarding their current lease with the City. Ms. Massey explained that the Board from the White House Academy met a few weeks ago to review the end of the school year statistics, as well as the preparations for the upcoming school year. The Board discussed the enrollment numbers and strategies used to encourage more enrollment to help sustain the White House Academy. Ms. Massey explained that the Board was looking for options to stretch the budget to get through the summer months when school is out. The Board looked at the monthly rent and compared it to other commercial rentals in the area. The conclusion was that the academy is getting a very good deal on the monthly rent of the old City building. Ms. Massey stated how much the academy appreciates the use of the building and acknowledged the excellent job the City is doing with the maintenance of the building. Ms. Massey explained that in looking for the most cost effective way in the budget to get through the summer months, the Board has written a proposal to the City showing different services to the community that the academy could contribute in exchange for the elimination of the rent for June, July, and August. Those services include free family learning seminars, free summer activities, annual spring cleaning, free holiday pageants, a local veterans program, contribute to the holly days event, and help clean-up after the Fourth of July festivities.

Councilmember Cowan asked who carries the insurance on the building. Ken Bassett explained that as the owner of the building, the City is required to be the policy holder. Councilmember Cowan asked when the first day of school begins. Ms. Massey stated September 7, 2014. Councilmember Cowan asked when the staff starts using the building to prepare for the upcoming school year. Ms. Massey stated the week of August 25, 2014. Mayor Norton explained that when the administrative committee met and discussed this topic, they were under the impression that the school would be using the building the entire Month of August. Councilmember Cowan suggested the school only pay for half of August. Mayor Norton asked if the school could clean the carpets as part of the amendment to the lease. Ms. Massey answered yes. Councilmember Cowan asked if there was any advantage to having the school pay a token of \$50 per month for the summer months to show that the school is still the renter during that time. Mr. Bassett suggested inserting language into the lease that specifies this is a twelve month lease with the amount of rent to be paid during the 9 ½ months. Mr. Bassett recommended that the school come in periodically during the summer months to monitor the building. Councilmember Cowan voiced her appreciation to the school for their willingness to volunteer around the community by getting the kids involved. Mayor Norton added that she appreciates the academy giving the community an alternative to public school. ***Councilmember Cowan moved to approve a modification of the lease agreement between Vernal City and the White House Academy to charge no rent for the months of June and July and ½ the regular monthly rent for August. Councilmember Munford seconded the motion. The motion passed with the following roll call vote:***

Councilmember Munfordaye;
Councilmember Cowan.....aye;
Councilmember Everett aye.

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NO SMOKING POLICY FOR PARKS - TRI-COUNTY HEALTH – CHRISTAL DENT:

Christal Dent thanked the Council for allowing her to give a presentation. Ms. Dent handed out a packet of information to introduce the idea of a no smoking policy at parks. Ms. Dent stated that Roosevelt City recently passed a similar ordinance that was presented by their youth council. The youth council attended several Roosevelt City council meetings to present their ideas and suggestions for implementing a no smoking policy in parks. Ms. Dent pointed out that it was a good opportunity for the youth council to be involved in the community. Councilmember Munford stated that he appreciates the effort in trying to decrease air pollution, but is concerned with enforcement. Ms. Dent explained that other cities enforce the ordinance the same way as a nuisance or curfew law; however, a majority of the enforcement is education and taking a stand as a community for appropriate behavior in public places. Ms. Dent explained that the ordinance is not a way to degrade smokers, but to protect clean air for those who suffer with allergies and asthma. Councilmember Cowan stated that as an asthma sufferer herself, she appreciates the efforts of Ms. Dent; however, she is very opposed to passing laws that are unenforceable and taking police officers away from more important duties. Councilmember Cowan stated that she would be in favor of education and the posting of signs encouraging no smoking in parks.

Councilmember Everett asked Ms. Dent for clarification of the ordinance that Roosevelt City just passed. Ms. Dent explained that Roosevelt City passed an ordinance prohibiting smoking in parks except in designated smoking areas. She added that Roosevelt City removed the imposing of a fine; however, Ballard and Naples City passed a similar ordinance with smoking in parks a misdemeanor infraction. Councilmember Everett asked the size of the designated smoking areas. Ms. Dent explained that the parking lots were designated for smoking, except during large public events. Councilmember Munford asked how other cities addressed the e-cigarettes. Ms. Dent explained that people who use e-cigarettes consider themselves vapors not smokers, so the City Council would have to decide how e-cigarettes are addressed in the policy. Ms. Dent stated that she is not expecting the Council to make a decision right now, but would like to allow the youth council to start working on a proposal to present at a meeting in the future. Mr. Bassett voiced his concern with asking the youth council to get involved in the passage of a law that the City Council does not encourage. Mr. Bassett suggested the youth council come up with ideas on how to educate, promote, and encourage no smoking in parks. Mayor Norton thanked Ms. Dent for the information, and stated that the Council will review and discuss this issue at a later date.

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING AND ZONING CODE – SECTION 16.08.070 – GENERAL PLAN – ORDINANCE NO. 2014-18 – ALLEN PARKER:

Allen Parker explained that this is an ordinance changing two sections in the Code where the noticing requirements for general plan amendments does not correspond with other areas of the Code, as well as the State Code. The ordinance being proposed would change the noticing requirements from 14 days to 10 days. Mayor Norton opened the public hearing. There being no comments, Mayor Norton closed the public hearing. *Councilmember Munford moved to approve amending the Vernal City Municipal Planning and Zoning Code – Section 16.08.070 – General Plan – Ordinance No. 2014-18. Councilmember Cowan seconded the motion. The motion passed with the following roll call vote:*

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Councilmember Munfordaye;
Councilmember Cowan.....aye;
Councilmember Everett aye.

A RESOLUTION AUTHORIZING NOT MORE THAN \$600,000 TAXABLE WATER REVENUE BONDS IN ONE OR MORE SERIES FOR WATER SYSTEM IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT, MATURITY, INTEREST RATE AND DISCOUNT OF THE BONDS; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS - RESOLUTION NO. 2014-07 – KEN BASSETT:

Ken Bassett explained that the City was successful in receiving funding from the Community Impact Board for the North Vernal Avenue waterline project with half a million in grant and half a million in loan. Mr. Bassett explained that the purpose of this resolution is to provide the parameters for the bond associated with the loan amount that authorizes no more than \$600,000. This amount is a little more than needed currently, but allows for the option of additional money without preparing another parameter resolution. *Councilmember Cowan moved to approve the resolution authorizing not more than \$600,000 taxable water revenue bonds in one or more series for water system improvements; providing for the publication of a notice of public hearing and bonds to be issued; fixing the maximum aggregate principal amount, maturity, interest rate and discount of the bonds; providing for the running of a contest period; and related matters – Resolution No. 2014-07. Councilmember Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munfordaye;
Councilmember Cowan.....aye;
Councilmember Everett aye.

REQUEST TO AMEND THE WATER CONNECTION FEES - RESOLUTION NO. 2014-08 – KEN BASSETT:

Ken Bassett explained that Mike Davis, Water Superintendent, presented the Council with information at the budget workshops showing that the water connection fees are currently lower than the actual material costs not including labor costs. Mr. Bassett apologized to the Council for not bringing this forward sooner, but was not aware of the difference in costs. Mr. Bassett stated that in the meeting binders was information including a breakdown of water meter set and connection fee recommendations, as well as the rates charged by Ashley Valley and Maeser. He added that the rates for three and four inches were not included in the breakdown, because the owner or developer would have to pay the actual cost. Mr. Bassett went over the proposed fees with the Council and noted that they are lower than Ashley Valley and Maeser. Mr. Bassett explained that a meter set does not happen very often, unless you have a subdivision. In a subdivision development, the developer will put in a meter barrel and connections as part of the requirements of the City. The City will come in and set the meter when they are ready to have water. Mr. Bassett explained that similar to the connection fees, he looked at the material costs and manpower costs to come up with the recommended resolution. *Councilmember Cowan moved to approve the amendment to the water connection fees –*

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Resolution No. 2014-08. Councilmember Everett seconded the motion. The motion passed with the following roll call vote:

Councilmember Munfordaye;
Councilmember Cowan.....aye;
Councilmember Everettaye.

REQUEST FOR APPROVAL OF CONTRACT WITH CIB FOR NORTH VERNAL AVE WATER PROJECT – KEN BASSETT: This item was discussed earlier in the meeting with the approval of Resolution No. 2014-07. *Councilmember Everett moved to approve the contract with the Community Impact Board for the North Vernal Avenue waterline project. Councilmember Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munfordaye;
Councilmember Cowan.....aye;
Councilmember Everettaye.

REQUEST FOR SETTING THE 2014 TAX RATE - ORDINANCE NO. 2014-19 – KEN BASSETT: Ken Bassett explained that the certified tax rate is set by the State of Utah through the County clerk. Mr. Bassett referred to the information in the meeting binder comparing last year’s numbers to this year’s numbers, and noted the importance of knowing how the City’s taxable value is increasing from year to year. The 2013 certified tax rate value was \$554,895,614, and the 2014 certified tax rate value is \$580,347,729. The certified tax rate value is the value set based after any adjustments are made, and after they have determined the percentage of people that have paid their property taxes. This is currently around 92% in Uintah County. Mr. Bassett stated that the adjusted new growth for 2013 was \$24,086,793, and the adjusted new growth for 2014 is \$24,314,701. Mr. Bassett explained that although there have been a lot of recent developments in the City, such as the Vernal Towne Center, those figures will not be reflected in new growth until 2015. The certified tax rate is a rate that the State of Utah allows the City to adopt that will give the same amount of property tax in the ensuing year as compared to the current year. Mr. Bassett mentioned that the State does not want taxing entities to benefit from the increased value of an existing piece of property. Mr. Bassett explained that new growth is different as it is additional tax revenue to the City. The certified tax rate for 2014 will generate \$374,286 as compared to \$361,285 in 2013. Mr. Bassett stated that the Vernal City tax rate is one of the lowest in the State. Councilmember Cowan suggested sharing this information with the public through the newspaper. Councilmember Munford stated that he is proud of the City’s accomplishment in keeping the rates low and would not want to see it changed. Mr. Bassett noted that the 2013 approved tax rate was .000624, and the 2014 certified tax rate will decrease to .000619. *Councilmember Everett moved to approve setting the 2014 tax rate at .000619 – Ordinance No. 2014-19. Councilmember Munford seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munfordaye;
Councilmember Cowan.....aye;

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Councilmember Everett aye.

REQUEST FOR APPROVAL OF FY2015 BUDGET - ORDINANCE NO. 2014-20 – KEN BASSETT: Ken Bassett stated how much he appreciates the Council taking the time to attend the budget workshops with each department as it gives the department heads time to be heard and shows them that the City Council cares. Mr. Bassett also thanked Mike Davis, Finance Director, and his staff for all of their hard work. Mr. Bassett stated that the budget for the general fund of the City is \$10,411,305. Mr. Bassett explained that the City’s 2015 budget is balanced as required by State law with \$179,455 left over and placed in the appropriate increase in fund balance. Mr. Bassett explained that there are three items that have been discussed with the administrative committee that need to be addressed. The first item is the transferring of \$200,000 from the general fund to the equipment fund to pay for the lease of police vehicles. This is a requirement that the auditors will look at. The second item is a new colored copier for the Planning and Zoning Department, because their printer has died. The Planning and Zoning Department has requested to purchase a color copier that will meet their needs for printing maps and other items for presentation. Councilmember Cowan asked why this was not in the regular budget. Mr. Bassett explained that originally a request was made to the Community Impact Board for funding, but was surprisingly turned down. The third item is a request from two separate departments for reclassification of two positions. The first one is the Victim Advocate position that is currently graded as a G-5, and the recommendation is to change the position to a G-6. Mr. Bassett explained that this position is difficult to compare to any other position in the City; however, when looking at what this individual does as a Victim Advocate and the skills needed, he does not have a problem with changing the grade from a G-5 to a G-6. The other position requested to be reclassified is the Administrative Clerk. This position is currently a G-4, which is one of the lowest classifications currently in the City. Mr. Bassett explained that this individual is doing much more than the current job description. Due to training being provided in order to assist Roxanne with her job, this position is doing some incredible things that were not expected nine years ago when the position was first created. The request is to change the Administrative Clerk position from a G-4 to a G-6. Mayor Norton asked if the job description will change. Mr. Bassett answered yes. *Councilmember Cowan moved to approve the FY2015 budget by adopting Ordinance No. 2014-20 with the transferring of \$200,000 from the general fund to the equipment fund, approving the additional expense for a colored copier in the Planning and Zoning Department, and the reclassification of the Victim Advocate position from a G-5 to a G-6 and the reclassification of the Administrative Clerk from a G-4 to a G-6. Councilmember Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munfordaye;
Councilmember Cowan.....aye;
Councilmember Everett aye.

REQUEST FOR APPROVAL OF UTILITY EASEMENT FOR SEWER LINE BEHIND COBBLEROCK PARK – KEN BASSETT: Ken Bassett stated that the information provided in the meeting binder has a legal description and names of all of the property owners that have consented to the new sewer line going from Cobblerock Park out to 100 South. Mr. Bassett

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explained that the sewer line had to be realigned to get it out from under a building. The engineers have received all of the signatures from these individuals, and it is necessary for the City Council to approve this easement, so the Mayor can sign and record it. ***Councilmember Munford moved to approve the utility easement for the sewer line behind Cobblers Park. Councilmember Everett seconded the motion. The motion passed with the following roll call vote:***

Councilmember Munfordaye;
Councilmember Cowan.....aye;
Councilmember Everett aye.

REQUEST FOR APPROVAL OF LEASE AGREEMENT WITH ZION’S BANK FOR POLICE VEHICLES - RESOLUTION NO. 2014-11 – KEN BASSETT: Ken Bassett explained that the City has leased vehicles with Zion’s Bank several times in the past. This lease agreement is for eleven police vehicles with four to have K-9 cages installed. The City does vehicle leases every year by rotating the vehicles. The price tag on this lease is the \$200,000 discussed earlier to be transferred from the general fund to the equipment fund. The Council discussed different options for police vehicles and why the charger was selected. Mayor Norton asked if the research had been done on purchasing versus leasing. Councilmember Cowan stated that the City Council discussed the options in great length when the previous Mayor was in office. Being in the auto industry, Gary Showalter did extensive research on buying versus leasing and found that leasing was the better option. Mike Davis explained that police cars have identification in the vehicle number that dictates it as a police car decreasing the resale value drastically. He added that the trade-in value on the vehicles leased is around \$19,000 - \$20,000. This is really good considering the high mileage of police vehicles. Mr. Bassett stated that Dennis Judd, legal counsel, has reviewed the lease agreement with a few minor changes. There also needs to be an attachment with the letter of intent from Ken Garff on the trade-in value of the vehicles. Mayor Norton asked if the vehicles are being well maintained. Mr. Bassett stated yes, and added that the City has always received the value of what Ken Garff committed to on the trade-ins. ***Councilmember Cowan moved to approve the lease agreement with Zion’s Bank for the police vehicles with the changes from legal counsel and the addition of the letter of intent buyback from Ken Garff as an attachment. Councilmember Munford seconded the motion. The motion passed with the following roll call vote:***

Councilmember Munfordaye;
Councilmember Cowan.....aye;
Councilmember Everett aye.

MISCELLANEOUS: Ken Bassett reminded the Council of the land use workshop sponsored by Uintah County on June 26, 2014 from 4:00 p.m. to 8:00 p.m. for anyone wanting to learn more information on land use laws.

Mr. Bassett stated that Mayor Norton has been selected by the American Society Public Administration Utah Chapter to receive their distinguished award of service on June 25, 2014. Also receiving awards are Mark Thomas, Dan Jones, and the Board of Trustees. Councilmember Everett asked where the awards luncheon will be held. Mr. Bassett stated that it will be at the

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University of Utah Marriott library. Mayor Norton mentioned that she received an invitation to join the US Ambassador for dinner during her trip to Estonia, and she would be happy to send an email to the Council with a link regarding her Estonia trip.

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

Mayor Sonja Norton

ATTEST:

Ken Bassett, City Recorder

(S E A L)