

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
MARCH 18, 2015 at 7:00 p.m. in the Vernal City Council Room, 374 East Main St,
Vernal, Utah 84078.

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

WELCOME: Mayor Sonja Norton welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: An invocation was given by Councilmember Samantha Scott.

PLEDGE OF ALLEGIANCE: The pledge of Allegiance was led by Councilmember Bert Clark.

APPROVAL OF MINUTES OF MARCH 4, 2015 REGULAR MEETING: Mayor Sonja Norton asked if anyone had any changes to the minutes of March 4, 2015. Councilmember Dave Everett stated that on line 74 “Councilmember Everett” should be changed to “Mayor Norton” and on line 75 “Mayor Norton” should be changed to “Councilmember Everett”. *Councilmember Bert Clark moved to approve the minutes of March 4, 2015 with the corrections as noted. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

INTRODUCTION OF NEW EMPLOYEE SHERRY CARLSON - ADMINISTRATIVE CLERK II IN THE FINANCE DEPARTMENT – MIKE DAVIS: Mike Davis, Finance Director, introduces Sherry Carlson as the new Administrative Clerk II. Mr. Davis stated that Sherry and her family moved to Vernal around three years ago, and her husband works for the Dinosaur National Monument. The Mayor and Council all welcomed Sherry to Vernal City.

REQUEST FOR SPONSORSHIP OF ALIVE AFTER FIVE – JOE EVANS: Joe Evans thanked the Council for supporting “Alive after Five” these past several years. Mr. Evans stated that without the City’s sponsorship, this event would not happen. Mr. Evans asked the Council to once again contribute \$3,500 to this year’s event. Mr. Evans reported that this is their 12th year, and every year it keeps expanding. Mr. Evans explained that the sponsorship money is used for sound, lights, rent, and prize money for the contestants. Mr. Evans introduces his team of people who help with the event. “Alive after Five” will start the last week of July and run through the middle of August. Ken Bassett asked Mr. Evans to explain to the guests at the meeting what “Alive after Five” is all about. Mr. Evans explained that it is a local talent contest giving people an opportunity to use professional sound equipment to display their talents. He added that several people have come to make a career out of it, such as Shedaisy and Charlie Jenkins. Mayor Sonja Norton asked Mr. Evans if there is a committee for this event or just the three staff members. Mr. Evans stated that the entire staff is involved, and they also hire people from the outside to help. Councilmember Bert Clark asked where the event is held. Mr. Evans stated that it is held at the Western Park outdoor amphitheater on the east side. Councilmember JoAnn Cowan stated that she thinks the encouragement of talent is

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secondary to the community activity that it provides people in town to enjoy as part of their summer with their families. Mayor Norton suggested that Councilmember Samantha Scott, who works with the Vernal Excitement Association, work together with Mr. Evans to coordinate their events, so there are things to do all summer. Councilmember Scott stated that the Vernal Excitement Association will have events starting on May 28, 2015 and running until July. Mr. Evans thanked the Council for their time. *Councilmember JoAnn Cowan moved to continue supporting “Alive after Five” at the same sponsorship level of \$3,500 as done in the past. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

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

REQUEST FOR RECOMMENDATION TO CONSIDER AMENDING THE VERNAL CITY MUNICIPAL PLANNING & ZONING CODE – CHAPTER 16.10 – BOARD OF ADJUSTMENT – ORDINANCE NO. 2015-05 (1ST READING) – ALLEN PARKER:

Allen Parker explained that this ordinance is being presented as a first reading due to its length. Mr. Parker stated that this is a significant change in the process for appeal and variances, which has not been used much at all in all the years he has been with the City. Mr. Parker explained that it is very important to continue to have an appeals process for the Planning Commission and City Council. Councilmember Bert Clark asked if the appeals process is still the same as it was prior to the first reading of this ordinance where someone can go to district court if needed. Mr. Parker answered yes, district court is always an option after they have exhausted all of the City’s procedures. If someone appeals the decisions made by staff or the Planning Commission and feels like the appeal was in error due to the Board of Adjustment or hearing officer, they still have the option to go to district court. Mr. Parker explained that this ordinance converts the current Board of Adjustment process from a board of citizens to a trained appeals and hearing officer. The main reason for this recommendation is that the Board of Adjustment meets so infrequently and in the past eight years has not convened at all. This makes it very difficult as a large board of individuals to keep them trained. Mr. Parker explained that it is not like the Planning Commission or City Council. It is more like a court where the City attorney is there to explain what can and cannot be done and what is reviewed. Mr. Parker reported that other cities who have made the change to a hearing officer have had great success. Councilmember JoAnn Cowan asked if most cities have a Board of Adjustment or an appeals officer. Mr. Parker explained that most cities are changing to a hearing officer. Councilmember Cowan stated that she likes the concept. She added that when you ask someone from the community to serve on a board that does not do anything for five years, it seems like a hollow thing to ask someone to do. Councilmember Clark asked if this is just for variances or if it includes conditional uses. Mr. Parker explained that conditional uses are not part of this process. When an application comes in for a conditional use, it still goes before the Planning Commission; however, an applicant can appeal to the Board of Adjustment if they are not satisfied with the Planning Commission’s decision, as well as go to the courts to give them due process. Councilmember Clark asked how an appeals officer is hired and

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if the hearing officer is a contracted employee. Mr. Parker explained that in the ordinance there is a qualification process for hiring an appeals officer that is appointed by the Mayor with the advice and consent of the City Council for a two year contract. The hearing officer would not be paid unless hearing cases. The ordinance also addresses how a person can be removed if there is a conflict of interest. Mr. Bassett explained that it is important to understand variances. Periodically, a person will seek a variance, and State law is very specific on the kinds of things that a Board of Adjustment or appeals officer could even hear regarding variances. This does not happen very much at all because the planning and zoning ordinances are there to provide order. If individuals in the community knew they could receive a variance to the rules, then everyone would come in to ask for one. Mr. Bassett stated that what is interesting is over the years, there has only been maybe two legitimate reasons for a variance to be considered by the Board of Adjustment. Most appeals officers are dealing with appeals if they were to occur. Councilmember Clark stated that in 12 years on the Board of Adjustment, they only met twice. Councilmember Cowan mentioned that she thinks this change is a good idea and would like to see the City move in that direction as it allows for a more professional, legally trained person making a decision, rather than good hearted volunteers. Councilmember Clark asked Mr. Parker if the fee schedule has been looked at and updated. Mr. Parker stated not yet, but will be during the budget meetings. Councilmember Clark asked Mr. Parker if he could come up with some figures during the second reading. Mr. Parker stated that most of the fees are already in place, but if it looks like there needs to be additional fees, he will give some examples. Councilmember Dave Everett asked if this position would be advertised. Mr. Parker stated yes, just like any other professional service. Councilmember Cowan suggested sending out a letter identifying potential candidates, since the requirements for that person are a pretty narrow group of people. Mayor Sonja Norton opened the public hearing for this ordinance. There being no comments, Mayor Norton closed the public hearing. Mr. Bassett stated that the second reading will be on the next agenda.

REQUEST FOR APPROVAL OF CHANGE ORDERS FOR THE AIRPORT GDA CONTRACT – AMENDMENTS NO. 2 & 6 – KELLY HARVEY: Ken Bassett stated that in regards to the airport and arrangement previously discussed with the County Commissioners, the Council is aware that as of January 1st of this year, the City would no longer financially be participating in the airport, but instead taking the money that was obligated to spend on the airport and make payments towards the O & M of the new convention center. That decision would be based on the decision of the transportation district to take charge of and manage the airport and also be responsible for the financial obligation of the airport. The leadership has changed at the transportation district. Mr. Bassett mentioned that he spoke with Commissioner McKee who has been working on that issue, and it will be a couple of weeks before anything happens. Mr. Bassett reported that he asked Commissioner McKee if the terms that were agreed upon were still in place, and he felt that they were. There are currently no interlocal agreements between the County and the transportation district or the City and County. Mr. Bassett stated that as the Council looks at these change orders and any financial obligations that go with them, it is still assumed that the previous arrangement is still valid, and when the interlocal agreements are in place, the City can move forward. Kelly Harvey added that the sponsorship of the airport is being retained by Uintah County and Vernal City. The sponsorship contains the rights of the planning and zoning, which is required by the FAA and that cannot be

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deterred to the transportation district. Therefore, the City is sponsoring 25% of the airport, which will require signatures from the City. Councilmember Bert Clark suggested adding a place to write the printed names of the people signing the addendums, because some of the signatures are not legible, and the City needs to know who they are dealing with. Mr. Harvey stated that Mr. Clark has a good point and will add those lines to the signature pages. Mr. Bassett asked Mr. Harvey to explain to the guests at the meeting what this project is all about. Mr. Harvey explained that currently the airport is undergoing phase I of an expansion project, which will take the airport from a B-2 status to C-2 status that will allow bigger regional traffic and be able to access the airport in a safer manner. This project will make the runways bigger and allow for heavier air traffic. The airport is anticipating the growth and need of the community for the future, and this would allow for a CRJ700. Mr. Bassett asked what that means. Mr. Harvey stated that it is a 76C jet for Sky West and Delta connections. Mr. Harvey explained that what the Council is addressing is the addendums to the GDA five year contract, which includes some out-of-scope work that the FAA has required for the airport runway relocation project and the airport water, sewer, fencing and demolition project. Amendment No. 6 is for out-of-scope work on the master design project. Such work includes additional requirements from the U.S. Army Corps of Engineers for the acquisition of a permit to disturb wetlands, additional fees for design of a new cross-wind runway lighting system, additional fees for completing an underground pipeline camera inspection, and additional fees for writing and filing of easements for all underground utilities crossing the airport. Mr. Bassett stated that the total amount of money on page 23 is increasing this contract by \$84,000 and asked if it is the same percentage break out applying to this increase as it was to the original; therefore, the FAA is picking up 95% and the sponsors are picking up the rest. Mr. Harvey stated that is correct. He added that the FAA will not pay anything until the addendums to GDA's five year contract have been approved. Mr. Harvey explained that Amendment No. 2 pertains to the modifications to the plans and project manual in order to prepare them for re-bidding. Mr. Harvey explained that when they originally bid this out, the bids came back much higher than anticipated. The FAA reviewed them and asked that they be redesigned for a more standard approach and by doing so made the engineers go back and tear into the master design and then rebid it. Although it was time consuming, it saved \$350,000 the second time around, so it proved to be beneficial. Mayor Norton asked if GDA has been approved to do the FAA projects, why did they not know all of this in the beginning. Mr. Harvey stated that the FAA always has a moving target, and if they do not like an approach, and because they are paying for it, they will change it if they feel it is more appropriate. ***Councilmember Bert Clark moved to approve the change orders for the airport GDA contract – Amendments No. 2 and 6. Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:***

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

GROUND LEASE FOR AIRPORT – TODD CHRISTENSON – KELLY HARVEY:

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Kelly Harvey explained that this is a boiler plate lease agreement for a tenant who has built a hanger on the air field, which is nearing completion. The lease agreement is for raw ground only and not for the building. The rate is \$.15 per square foot on the hanger lease, and it is for 20 consecutive years. Mayor Sonja Norton asked if there are designated areas for the hangers. Mr. Harvey stated not at the moment as they are all filled up, and there is a waiting list for hangers. Councilmember Bert Clark asked Mr. Harvey to share with the group how many hangers have been built in the last four years. Mr. Harvey stated there have been six. Councilmember Clark stated that it is a great impact. Mr. Harvey mentioned that it is considered quick growth in aviation, and if the ground was available, it could double in the next two years. Mayor Norton asked if the issues in the past were revised in these lease agreements or has the attorney reviewed them. She added that there was a problem with what was being kept in the hangers. Mr. Harvey stated that the FAA has relaxed on those restrictions as they have realized that a motorcycle kept in with an airplane cannot be enforced nationwide. Councilmember Clark added that the leases have been revised to add that payments and taxes must be paid in full as this is an active way to default on the contract. ***Councilmember Bert Clark moved to approve the ground lease agreement for Todd Christenson. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott, and Clark voting in favor for a unanimous vote.***

Councilmember JoAnn Cowan voiced her concern that the City is not moving ahead with the memos of understanding with the County and transportation district. She added that if that falls apart, the City is going to have to come up with money and would like the security of going into the budget process of who the City will owe and how much. Councilmember Cowan stated that the Commissioners should be able to hire a Director for the transportation district, and still sign the agreement that was made months ago. Ken Bassett explained that the transportation district has to assume responsibility for the management of the airport, before the City can get out of it. Their interlocal agreement has to occur first before the City's interlocal agreement that states from this point on, the transportation district is responsible for the airport. Councilmember Cowan asked why the transportation district cannot move forward with a temporary Director. Mr. Bassett stated that he does not know their time frame; however, the City's interlocal agreement cannot happen until their interlocal has been completed.

GROUND LEASE FOR AIRPORT – BLUE SKY AVIATION INVESTMENTS – KELLY HARVEY: Kelly Harvey explained that this ground lease is for an FBO (fixed based operation) that provides all kinds of services such as mechanical services for aircraft, pilot charters, pilot instruction, and the sale of fuel to the public for aviation uses. Bart Haslem is the owner of this FBO and has met all of the requirements over the past three years and is ready to have completion of his ground lease agreement for his hanger facilities and his FBO. Mr. Harvey stated that Mr. Haslem has done remarkably well and has a really nice facility. Councilmember ***Dave Everett moved to approve the ground lease agreement for Blue Sky Aviation Investments. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott, and Clark voting in favor for a unanimous vote.***

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REQUEST FOR APPROVAL OF LANDSCAPING BIDS – KEN BASSETT: Ken Bassett explained that the City manages the landscaping maintenance of the green strip area on Aggie Boulevard, as well as on Main Street from 1500 West to 2500 West. There has only been one contract since the beginning; however, recently there was another contractor interested. Mr. Bassett stated that there was a notice published in the newspaper soliciting proposals. Strawberry River Enterprises, Lawn Works, and Red Mountain Landscaping were the three bids received. Red Mountain Landscaping is the current contractor. There are several different areas addressed in the bid such as weekly lawn mowing, edging, fertilizing, and periodically fixing sprinkler heads. Mr. Bassett explained that Strawberry River Enterprises was the lowest proposal as far as cost is concerned and currently has the contract for the landscaping maintenance for all the LDS churches. Mr. Bassett stated that Jeff Calder, Director of the Facilities Maintenance for the church, mentioned that Strawberry River Enterprises has been doing the lawn maintenance for the church for six years, and he has been very pleased with their work. Mr. Bassett stated that all three contractors exhibited significant experience in doing what was proposed; however, Strawberry River Enterprises was the lowest proposal, and he recommended accepting their proposal. Councilmember JoAnn Cowan stated that Red Mountain Landscaping has done a great job; however, a piece that is missing seems to be the spraying of obnoxious weeds that end up getting in the lawn and taking over. Mr. Bassett mentioned that the City could take care of the weeds in the public areas. Councilmember Cowan asked about killing the weeds in the grass. Mr. Bassett explained that the City could also take care of them and keep them from getting out of hand. *Councilmember JoAnn Cowan moved to accept the landscaping proposal from Strawberry River Enterprises. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

REQUEST FOR APPROVAL TO DONATE 1983 DUMP TRUCK TO GOLF COURSE – KEN BASSETT: Ken Bassett received a recommendation from Glade Allred, Streets Superintendent, to donate a 1983 dump truck to the golf course that was retired last year. A few years ago, another similar dump truck was donated to the golf course, and since this dump truck is in such poor shape and not good enough to use, Mr. Allred felt that the golf course could use it for parts to keep the other dump truck running. Councilmember Bert Clark asked if it was the Board or Chad at the golf course that agreed to take the dump truck. Mr. Bassett stated Chad. Councilmember Clark stated that the golf course really enjoyed the last dump truck that was donated. *Councilmember JoAnn Cowan moved to donate the 1983 dump truck to the golf course. Councilmember Ted Munford seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

REQUEST FOR APPROVAL FOR ALLEN PARKER TO ATTEND THE INTERNATIONAL COUNCIL OF SHOPPING CENTERS (ICSC) FOR THE RETAILER'S CONVENTION IN LAS VEGAS – ALLEN PARKER: Ken Bassett asked Allen Parker to explain what the conference is about and why it is important to attend. Mr. Parker explained that the request is for the RECON Retailer's Convention. He added that he

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has attended this convention for several years, along with the other entities representing the Basin. The retailers put together packages to expand and develop with around 70% of their deals being made during this convention. All the representatives from the Basin spend time with the developers and retailers talking about the economy and environment. Councilmember Bert Clark asked if there has been any local business from this convention. Mr. Parker explained that the Gardner's have taken advantage of this convention and invited the local entities into the meetings to recruit into their development. He added that broker Tom Cook has brought a lot of work here in the valley and used the local entities as resources as they put their packages together. *Councilmember JoAnn moved to approve Allen Parker attending the International Council of Shopping Centers (ICSC) for the Retailer's Convention in Las Vegas. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Cowan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

500 SOUTH 1500 EAST – STORM WATER / CURB & GUTTER PROJECT – KEN BASSETT: Ken Bassett explained that this project is located on 500 South 1500 East. The purpose of the project is to take water from the highway flowing east and put into the existing storm water drainage system, rather than letting it flow down into the ditch. Mr. Bassett explained that there are two reasons for doing this. First, the City has a new storm water line for that purpose. Second, the irrigators have been patient with the City over the years. The intent is so there are no contaminates going down the irrigation ditch as there are many trucks going through Vernal with hazardous materials. Mr. Bassett added that he would hate to have a spill here, and have it get into the ditches. Councilmember Bert Clark asked if it is just one portion of the intersection. Mr. Bassett explained that it is on the north side of the street. Mr. Bassett stated that there were three bids submitted with the low bid being Stubbs & Stubbs. The report from CRS Engineers recommends Stubbs & Stubbs as they are responsive and a qualified contractor to do the work. Craig Nebeker with CRS Engineers stated that all of the bidders were qualified to do the work and all with good references. Mr. Nebeker stated that Stubbs & Stubbs just happens to be the lowest bid and will do a good job. Mr. Bassett recommended to the Council that they approve the bid from Stubbs & Stubbs. Councilmember Clark asked if there is a starting and completion date. Mr. Nebeker stated that the project will only take 15 days to complete once they are given the go ahead with another week for asphalt repairs. Mr. Bassett stated that once the bonding is done, the contractor will be given notice to proceed. *Councilmember Ted Munford moved to accept the bid of \$26,574.75 from Stubbs & Stubbs for the 500 South 1500 East storm water / curb & gutter project. Councilmember Samantha Scott seconded the motion. The motion passed with the following roll call vote:*

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

PUBLIC SAFETY: Mayor Sonja Norton reported that she attended the police awards banquet

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at Western Park. Dave Booth, Heber City Chief of Police, was a guest speaker. Mr. Booth was a police officer for Vernal City over 20 years ago. She added that it was a very nice evening, and they presented well deserved awards. Councilmember Ted Munford also mentioned that they did a great job.

UINTAH IMPACT MITIGATION SSD: Mayor Sonja Norton stated that she talked with Paul Hacking, Director of Uintah Impact Mitigation Special Service District, and he would like to report that last year's air quality study is now public on the Division of Air Quality's website at <http://ubair.usu.edu>.

MISCELLANEOUS: Councilmember JoAnn Cowan wanted to commend the Uintah Basin Orchestra & Choir for their local concert. She added that it is nice to have such talent here in the Basin. Councilmember Cowan congratulated Ken Bassett and Councilmember Dave Everett for making the City proud. Mayor Sonja Norton stated that there is a lot of talent in this area, and the Uintah Basin Orchestra & Choir did an outstanding job. Councilmember Everett reported that the concert will be broadcast on VTV through Saturday night. Mayor Norton explained that the Uintah Basin Orchestra & Choir is only one of three joint orchestras & choirs in the State of Utah.

Ken Bassett asked the Council who was planning on attending the Utah League of Cities & Towns Midyear Conference in St. George in April. Mayor Sonja Norton and Councilmember Clark stated that they will be attending.

Ken Bassett reported that the new budget will be started soon, and the schedule has been handed out. Councilmember Clark asked for a follow up on the street lights being out with Rocky Mountain Power. Mr. Bassett stated that he met with the new district manager and government relations person, and one of the challenges with street lights is monitoring them at night. Mr. Bassett explained that he told the representatives of Rocky Mountain Power that it was their responsibility, since the City is paying the bill. Mr. Bassett stated that the City will report to them any lights they know are out, and Rocky Mountain Power agreed to beef up their effort to remind citizens that if they see a street light to report it.

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

Mayor Sonja Norton

ATTEST:

Ken Bassett, City Manager

(S E A L)