

1. 7:00 P.M. Regular City Council Meeting 7/7/2021  
Regular City Council Meeting July 7, 2021

Documents:

[07-07-2021 CITY COUNCIL PACKET.PDF](#)

# NOTICE OF PUBLIC MEETING

**TO THE PUBLIC AND RESIDENTS OF VERNAL CITY:** Notice is hereby given that the **VERNAL CITY COUNCIL** will hold a regular meeting on *Wednesday, July 7, 2021 at 7:00 p.m.* in the Vernal City Council Chambers at 374 East Main St, Vernal, Utah.

## A G E N D A

### **7:00 p.m.  OPENING CEREMONY**

1. Invocation or Uplifting Thought
2. Pledge of Allegiance

### **STANDING BUSINESS**

1. Approval of the Minutes of June 16, 2021 Regular Meeting
2. Approval of the Minutes of June 28, 2021 Special Meeting

### **POLICY AND LEGISLATION**

1. Request Amendment to Vernal City Personnel Policies and Procedures, Section 2.05.005 – Hiring Police Officers – Resolution No. 2021-09 – Quinn Bennion
2. Request for Renewal of Indigent Defense Contract – Allen Parker
3. Request for Renewal of Civil Attorney Contract – Quinn Bennion
4. Recommendation for Business License Late Fee – Allen Parker
5. Downtown Plan Update – Quinn Bennion, Laura Chynoweth, and Aaron Averett

### **ADMINISTRATIVE REPORTS**

### **CLOSED SESSION**

1. Discussion of the purchase, exchange, or lease of real property, including any form of a water right or water shares – Quinn Bennion

### **ADJOURN**

**NOTE:** In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify Quinn Bennion, 374 East Main, Vernal, Utah 84078 or phone (435)789-2255 at least three days before the meeting.

## MEMORANDUM

**TO:** Mayor & City Council

**FROM:** Quinn Bennion, City Manager

**RE:** *Agenda Items for July 7, 2021 Council Meeting*

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### POLICY AND LEGISLATION

1. **Request amendments to Vernal City Personnel Policies and Procedures, Section 2.05.005 – Hiring Police Officers – Resolution No. 2021-09** – Quinn Bennion. This is a minor change to the personnel policy to reflect current practices and to be more competitive with hiring of Police Officers with prior service. The changes provide more discretion with the Chief and City Manager.
2. **Request for Renewal of Indigent Defense Contract** – Allen Parker
3. **Request for Renewal of Civil Attorney Contract** – Quinn Bennion. This is the annual renewal of the contract for City Attorney services with Dennis Judd. The contract amount remains the same for 15 hours a month of retainer legal services. There is a minor change in the list of other local entities that Dennis represents.
4. **Recommendation for Business License Late Fee** – Allen Parker
5. **Downtown Plan Update** – Quinn Bennion, Laura Chynoweth and Aaron Averett. The Downtown Revitalization Plan is progressing. The Council will receive an update of the direction of the plan as a result of the public survey, downtown walk, planning workshop and public comments. Council will provide direction as the plan develops into concepts. The concepts will be shown to City Council and County Commission on Monday, July 26<sup>th</sup> at the joint City/County meeting.

### CLOSED SESSION

1 **M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD  
2 JUNE 16 , 2021 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,  
3 Utah 84078.

4  
5 **PRESENT:** Councilmembers Nicholas Porter, Dave Everett, Ted Munford, Travis Allan, and  
6 Bert Clark and Mayor Doug Hammond.

7  
8 **WELCOME:** Mayor Doug Hammond welcomed everyone to the meeting.

9  
10 **INVOCATION OR UPLIFTING THOUGHT:** The invocation was given by Councilmember  
11 Travis Allan.

12  
13 **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Councilmember Dave  
14 Everett.

15  
16 **APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF JUNE 2, 2021:**  
17 *Councilmember Travis Allan moved to approve the minutes of June 2, 2021. Councilmember Nick*  
18 *Porter seconded the motion. The motion passed with Councilmembers Everett, Munford, Allan,*  
19 *Porter and Clark voting in favor.*

20  
21 **PRESENTATION BY ROCKY MOUNTAIN POWER – DON WATTS AND BRANDON**  
22 **ANDERSON:** Don Watts, Rocky Mountain Power Division Business Manager, explained that he  
23 would like to discuss a light conversion proposal with the Council. The current lights are  
24 expensive and there is not a lot in inventory. The current cost for the decorative lights that are  
25 downtown are \$45 per light per month to cover replacement cost and labor. Those costs were  
26 reevaluated and the cost was recently reduced to \$23.15 a month which is great news for the City.  
27 In addition, an LED conversion option has been created. With this option, Rocky Mountain  
28 Power will replace the current lights with LED lights which reduces the costs even more dropping  
29 the monthly rate from \$23.15 to \$5.52 a month. The City will need to pay for the conversion.  
30 Another option would be to add a skirt around the light for dark sky compliance. Mr. Watts stated  
31 that cost for the skirts will be added to the proposal to convert the lights. Brandon Anderson,  
32 local operations manager for Rocky Mountain Power, stated they are getting requests for this type  
33 of light in subdivisions the last few years. Don Watts stated they have around 25 cities who are  
34 asking for proposals to change the lights. The hope is to change out the lights by the end of the  
35 year. Quinn Bennion reminded the Council that this item has been budgeted in the upcoming  
36 budget and the conversion will pay for itself with the lower tariff rates. The Mayor and Council  
37 thanked them for the presentation.

38  
39 **PUBLIC HEARING: REQUEST FOR SUBDIVISION AMENDMENT FROM HAROLD**  
40 **IRVING AT 907 SOUTH 235 EAST, UNIT 101 – UNIT 308, VERNAL, UTAH:** Mayor Doug  
41 Hammond stated this is scheduled as a public hearing and opened the hearing. Allen Parker  
42 explained that the City received a request from Harold Irving to vacate a portion of a  
43 condominium plat at 907 South 235 East and he is the sole owner of that parcel. If the request  
44 is approved, it would eliminate the plat for that portion of the development of 23 units and divide  
45 the property so it is sellable and independent from the original development. Mr. Parker  
46 displayed a map showing the foundation with no structure. The reason for the request is to

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47 obtain a loan. The lender does not want an incomplete building as a guarantee for the loan.  
48 This request was presented to the Planning Commission and they have submitted a positive  
49 recommendation. Mayor Doug Hammond asked if he plans on completing these units would he  
50 have to install them under the rules already set. Allen Parker answered yes as it is still under  
51 the same declaration. Quinn Bennion asked how this affects the public access to a public road.  
52 Allen Parker stated that the common area is also covered by the declaration. Quinn Bennion  
53 asked if in theory this property could be sold. Allen Parker stated it cannot be developed except  
54 as part of this development since there is no frontage. There was some discussion regarding the  
55 fence that is not in good repair and is a public safety hazard. Councilmember Bert Clark asked  
56 if there is a proposed time line to develop. Allen Parker answered no. Councilmember Travis  
57 Allan asked if this could affect the parking if it is sold and fenced off. Allen Parker stated the  
58 parking remains consistent with the number of units. There being no public comments, Mayor  
59 Doug Hammond closed the public hearing. *Councilmember Ted Munford moved to approve this*  
60 *subdivision amendment and any ordinance that is necessary. Councilmember Nick Porter*  
61 *seconded the motion. The motion passed with the following roll call vote:*

- 62 *Councilmember Munford.....aye;*
- 63 *Councilmember Allan .....aye;*
- 64 *Councilmember Everett .....aye;*
- 65 *Councilmember Porter .....aye;*
- 66 *Councilmember Clark.....aye.*

67  
68 **ADOPTION OF FY2022 BUDGET - ORDINANCE NO. 2021-10:** Quinn Bennion reminded  
69 the Council that several workshops were held to go over the FY2022 budget and this is the final  
70 step. This budget does add \$20,000 to cover the homeless tax imposed by the State using  
71 property tax. He noted that the City has a low property tax rate. Three years ago the State  
72 legislature came up with a way to cover homeless services by taking sales tax from cities and  
73 counties and putting it into a fund for cities that had homeless shelters in their jurisdictions.  
74 The City had to pay the tax the first year and the Council held a truth-in-taxation hearing to use  
75 property tax to cover it. The next year the statute was amended and the City did not have to pay  
76 the tax because there was a homeless shelter here and the extra property tax was dropped. Now  
77 with the homeless shelter closing the City will have to pay the tax again. Councilmember Travis  
78 Allan stated the local residents are paying \$20,000 to the Wasatch Front that does nothing for  
79 local homeless issues. Quinn Bennion agreed. Councilmember Bert Clark asked when the tax  
80 has to be paid. Quinn Bennion answered next January. In order to collect an additional \$20,000  
81 in property tax again a truth-in-taxation hearing will need to be held.

82  
83 Quinn Bennion stated that another round of funds to help with the pandemic will be released  
84 during this budget and the total allotment to the City is expected to be \$1.2 million dollars. The  
85 funds will be released over a two year period. The revenue is not shown in this budget because it  
86 is not known when it will be received and there are specific regulations on how those funds can  
87 be spent. Councilmember Travis Allan asked what the funds were used for in the past. Quinn  
88 Bennion answered that the three Cities and the County joined together and used the majority of  
89 the funds for small business grants. Around 25% of the funds were used for building

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90 improvements and ways to hold video conferencing. After further discussion, *Councilmember*  
91 *Ted Munford* moved to adopt the FY2022 budget, Ordinance No. 2021-10. *Councilmember Nick*  
92 *Porter* seconded the motion. The motion passed with the following roll call vote:

- 93 *Councilmember Munford*.....aye;
- 94 *Councilmember Allan* .....aye;
- 95 *Councilmember Everett* .....aye;
- 96 *Councilmember Porter* .....aye;
- 97 *Councilmember Clark*.....aye.

98  
99 **REQUEST ACCEPTANCE OF ROAD TO ACCESS PROPOSED NEW SUBDIVISION:**

100 Allen Parker reminded the Council of the road width issue that was discussed at the last meeting.  
101 The roadway, Gina’s Way, is only 45 feet wide on the north end and the City requirement is 60  
102 feet. When it was built, the width was acceptable for a private road. In order for the next parcel  
103 of land to be developed, the City would need to accept the roadway. The proposal is to leave that  
104 section at 45 feet in width and the remainder of the road would be built at 60 feet wide. The City  
105 Council asked the Planning Commission to review this item and they did that at the last meeting.  
106 Several of the members were adamant that the City accept it with one dissenting vote from Eric  
107 Hunting who voted against it. Councilmember Ted Munford asked why he was against it.  
108 Allen Parker stated he felt the City would want a wider road in the future. Councilmember Ted  
109 Munford asked about public safety if cars are parked there will the fire engines be able to get  
110 through. Allen Parker stated there will still be two-way traffic access if there is an 8 foot parking  
111 strip on each side. Allen Parker declared a conflict of interest with this issue as he lives on the  
112 street in front of this development. Councilmember Bert Clark asked how the three property  
113 owners with homes on that road feel about this issue. Allen Parker stated they are in favor of it so  
114 they can get a better road. There was some discussion regarding eminent domain and discussiong  
115 with the HOA. Allen Parker stated that Reed Crishfield who is the president of the HOA has no  
116 interest in vacating that 15 feet and sees it as an opportunity to prevent higher density housing.  
117 Councilmember Travis Allan asked if the City could require them to rezone to a lower density.  
118 Allen Parker stated the City could only require them to apply. Councilmember Travis Allan  
119 reported that he drove through that area and there were cars parked on the street and it did not  
120 impede traffic. If the road it widened it will destroy two trees and other landscaping.  
121 Councilmember Ted Munford stated he is concerned about bending the rules. Councilmember  
122 Allan stated there is always exceptions. Councilmember Nick Porter stated it should be  
123 accepted. Councilmember Ted Munford suggested the ordinance be changed so private  
124 developments must meet standards in the future. After further discussion, the consensus of the  
125 Council was to give approval to the concept of that section of roadway remaining 45 feet and the  
126 remainder be built to the 60 foot standard. Councilmember Bert Clark was not in favor. Quinn  
127 Bennion stated the developer will need to file an official formal request for the City to accept the  
128 infrastructure for public access.

129  
130 **REQUEST APPROVAL OF SIDEWALK GRINDER PURCHASE:** Clint Morton explained  
131 that this piece of equipment is in the budget and will help with trip hazards in the sidewalks.  
132 He explained that it is cheaper to grind down the sidewalks than replace them. There is only

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133 one supplier for this equipment at a cost of just over \$10,000. To have a contractor grind down  
134 one neighborhood is the same cost as buying this equipment. After further discussion,  
135 *Councilmember Travis Allan moved to approve the purchase of the sidewalk grinder.*  
136 *Councilmember Dave Everett seconded the motion. The motion passed with the following roll*  
137 *call vote:*

- 138 *Councilmember Munford.....aye;*
- 139 *Councilmember Allan .....aye;*
- 140 *Councilmember Everett .....aye;*
- 141 *Councilmember Porter .....aye;*
- 142 *Councilmember Clark.....aye.*

143  
144 **REVIEW AND APPROVAL OF PAINT STRIPING BIDS:** Clint Morton indicated there were  
145 some problems with the original bid so this program was rebid. Two bids were received and the  
146 low bidder is the same company as before called Straight Stripe at a cost of \$32,000. Clint  
147 recommended the Council accept the low bid. *Councilmember Ted Munford moved to accept*  
148 *the bid of \$32,000 from Straight Stripe for road striping. Councilmember Dave Everett seconded*  
149 *the motion. The motion passed with the following roll call vote:*

- 150 *Councilmember Munford.....aye;*
- 151 *Councilmember Allan .....aye;*
- 152 *Councilmember Everett .....aye;*
- 153 *Councilmember Porter .....aye;*
- 154 *Councilmember Clark.....aye.*

155  
156 **REQUEST TO CONSIDER PLANNING COMMISSION MEMBER CHANGES:** Allen  
157 Parker reported that Cory Foley is currently serving as an alternate on the Planning Commission  
158 and he has been a good and reliable member. He recommended Cory be appointed as a regular  
159 member and add Brandon Parker as an alternate. He introduced Brandon who is a local real  
160 estate and property manager and is interested in serving. Brandon Parker stated he has lived  
161 here his whole life and has an interest in volunteer service and the community. Allen Parker  
162 introduced Steve Liddle who is also interested in serving and has a background in geography.  
163 Steven Liddle stated that he grew up in the Uintah Basin and wants to be involved in local  
164 politics. Allen recommended that Steven be appointed as an alternate to the Planning  
165 Commission also. *Councilmember Travis Allan moved to appoint Cory Foley as a regular*  
166 *member of the Planning Commission and Brandon Parker and Steven Liddle as alternates.*  
167 *Councilmember Nick Porter seconded the motion. The motion passed with the following roll call*  
168 *vote:*

- 169 *Councilmember Munford.....aye;*
- 170 *Councilmember Allan .....aye;*
- 171 *Councilmember Everett .....aye;*
- 172 *Councilmember Porter .....aye;*
- 173 *Councilmember Clark.....aye.*

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175 The Council welcomed Brandon and Steve. Mayor Doug Hammond thanked them for their  
176 willingness to serve.

177  
178 **REQUEST TO DECLARE OLD FURNITURE AS SURPLUS:** Quinn Bennion presented a  
179 list of items that need to be declared surplus so they can be disposed of. The majority of the  
180 items is furniture from the victim advocates office that is showing a lot of wear and was replaced  
181 using grant funds. The large tables are at the public works office and also need to be replaced.  
182 *Councilmember Travis Allan moved to declare the items presented as surplus. Councilmember*  
183 *Nick Porter seconded the motion. The motion passed with the following roll call vote:*

- 184 *Councilmember Munford.....aye;*
- 185 *Councilmember Allan.....aye;*
- 186 *Councilmember Everett.....aye;*
- 187 *Councilmember Porter.....aye;*
- 188 *Councilmember Clark.....aye.*

189  
190 **STAFF REPORTS:**

191  
192 Airport:  
193 Ken Campbell reported that the TSA recently made an inspection so he could figure out if there  
194 were any gaps in security and overall the staff did really well. The FAA will also be out soon  
195 to do an annual inspection. Next, from time to time the airfield needs to be painted and it was  
196 thought that it had to be done this year. After looking into it, the runway does not need to be  
197 done until next year saving \$132,000. Councilmember Travis Allan asked if there is any  
198 potential for other destinations. Quinn Bennion stated a meeting has been arranged with  
199 SkyWest Airlines to discuss a Salt Lake City flight.

200  
201 Drought concerns: Mayor Doug Hammond mentioned that the media is reporting the use of  
202 water from under City Hall to water the flowers on Main Street. The water crew is reporting that  
203 the water at the spring is running full right now. Councilmember Bert Clark stated that the Sewer  
204 Management Board is also looking at infiltration and will check around ten sites in the City.  
205 Nick Porter stated they are testing the secondary water on the golf course.

206  
207 Meetings:  
208 Quinn Bennion reminded the Council there will be a special meeting on the budget on June 28<sup>th</sup>  
209 and could be a joint City- County meeting that day.

210  
211 **ADJOURN:** There being no further business; *Councilmember Dave Everett moved to adjourn.*  
212 *Councilmember Ted Munford seconded the motion. The motion passed with a unanimous vote*  
213 *and the meeting was declared adjourned.*

214  
215 \_\_\_\_\_  
216 Mayor Doug Hammond

217  
218 ATTEST:



**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD JUNE 16,  
2021**

218 \_\_\_\_\_  
219 Roxanne Behunin, Deputy Recorder

( S E A L )

AWAITING FORMAL APPROVAL

**M**INUTES OF THE VERNAL CITY COUNCIL SPECIAL MEETING HELD  
JUNE 28, 2021 at 5:30 p.m. in the Vernal City Conference room, 374 East Main,  
Vernal, Utah 84078.

**PRESENT:** Councilmembers Nicholas Porter, Dave Everett, Travis Allan, and Bert Clark and Mayor Doug Hammond. Councilmember Ted Munford was excused.

**WELCOME:** Mayor Doug Hammond welcomed everyone to the meeting.

**ACKNOWLEDGEMENT AND APPROVAL OF SPECIAL MEETING:** *Councilmember Bert Clark moved to acknowledge and approve this special meeting. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Clark, Everett, Porter and Allan voting in favor.*

**PUBLIC HEARING: FY 2021 BUDGET REOPENER ORDINANCE NO 2021-09:** Mike Davis, Vernal City Finance Director, explained that the purpose of this meeting is to balance out the budget for the year. A brief summary was given to the elected officials showing the revenue and expenses. He noted that sales tax is higher than projected and the expenses are down around \$500,000. The initial projection for this budget expected to supplement around \$480,000 from the unexpended funds, however, now funds will need to be moved into a capital project fund so the City does not go over the 35% threshold that is allowed. If the final budget numbers end up below the 35% a transfer to a capital project fund will not be necessary. Mr. Davis reported that Quinn Bennion is recommending the funds be placed in the downtown revitalization fund. The current downtown budget has the planning grants in that fund. Councilmember Bert Clark stated he would like to see the City put the funds into chip and seal work. Mike Davis responded that the upcoming budget includes chip and seal projects. Councilmember Travis Allan stated it will be good to have seed money for any CIB loans. He agreed these funds could be placed in the downtown fund and then moved if necessary. Mayor Doug Hammond opened the public hearing. There being no public comments, the hearing was closed.

*Councilmember Bert Clark moved to placed \$500,000 into the downtown revitalization fund and approve the FY2021 budget reopener #2, Ordinance 2021-09. Councilmember Travis Allan seconded the motion. The motion passed with the following roll call vote:*

- Councilmember Allan .....aye;*
- Councilmember Everett .....aye;*
- Councilmember Porter .....aye;*
- Councilmember Clark..... aye.*

**ACCEPTANCE OF CERTIFIED TAX RATE:** Mike Davis explained that the County Clerk has forwarded the certified tax rate that gives the City the same amount of property tax as last year. However, the discussion at the last meeting was to adopt a new rate to cover the \$20,000 homeless tax imposed by the State. If the higher rate is approved, it will require the City to hold a Truth-in-taxation public hearing and notifying the residents why the higher tax is being imposed. Councilmember Bert Clark clarified that the tax rate being proposed is the .000692

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46 rate. Mike Davis answered yes, that would be the new rate. Councilmember Travis Allan  
47 stated that this increase is only to filter down the tax that is being imposed on the City to pay for  
48 homelessness. He asked if this was sales tax. Mike Davis stated it is property tax.  
49 Councilmember Travis Allan asked if the City could increase the sales tax. Mike Davis stated  
50 that is not allowed. *Councilmember Travis Allan moved to accept the new proposed tax rate,*  
51 *Ordinance No 2021-12 and hold a truth-in-taxation hearing. Councilmember Dave Everett*  
52 *seconded the motion. The motion passed with the following roll call vote:*

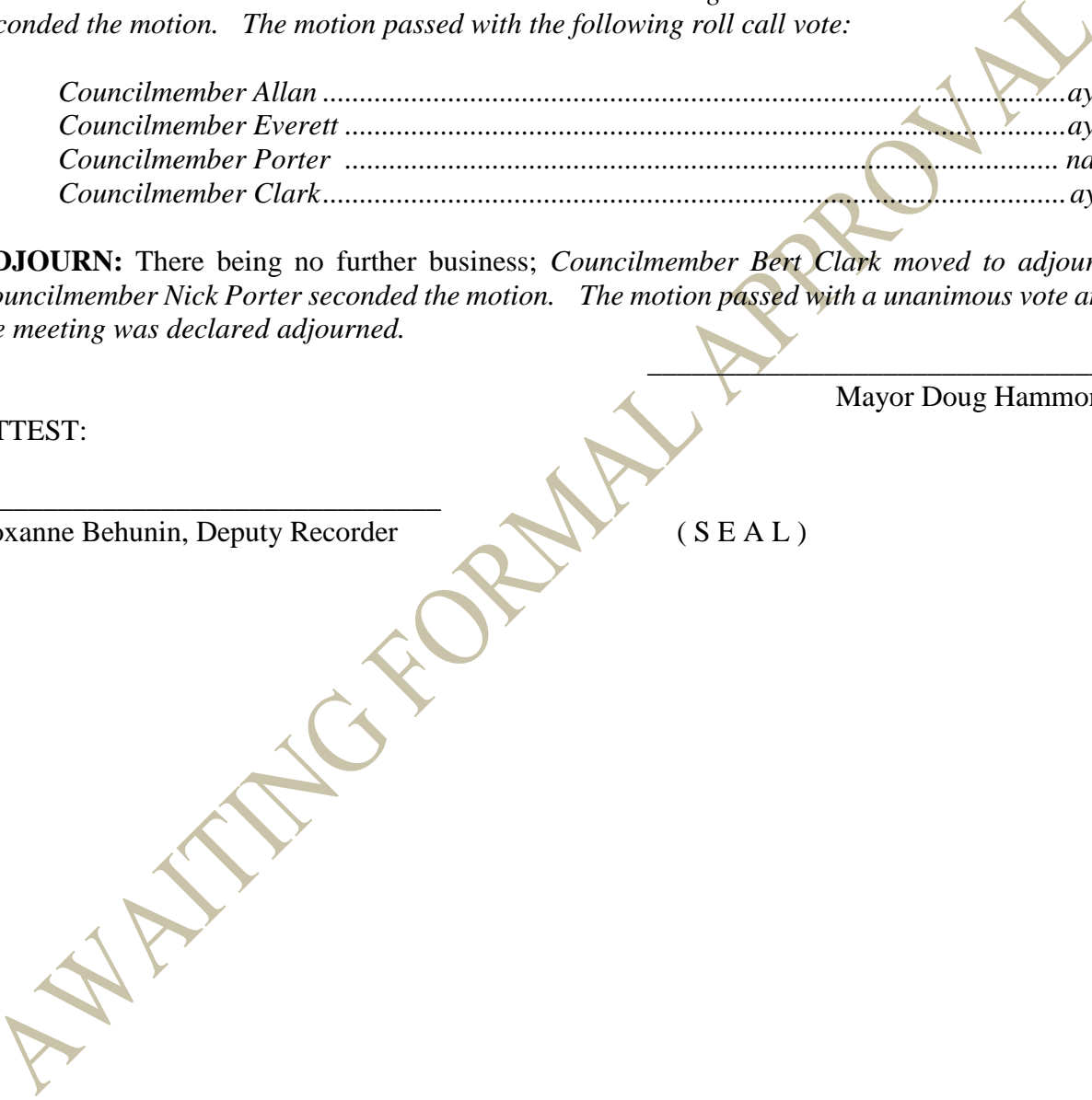
53  
54 *Councilmember Allan .....aye;*  
55 *Councilmember Everett .....aye;*  
56 *Councilmember Porter ..... nay;*  
57 *Councilmember Clark..... aye.*  
58

59 **ADJOURN:** There being no further business; *Councilmember Bert Clark moved to adjourn.*  
60 *Councilmember Nick Porter seconded the motion. The motion passed with a unanimous vote and*  
61 *the meeting was declared adjourned.*

62  
63 \_\_\_\_\_  
64 Mayor Doug Hammond

64 ATTEST:  
65  
66 \_\_\_\_\_  
67 Roxanne Behunin, Deputy Recorder

( S E A L )



**VERNAL  
RESOLUTION 2021-09**

**A RESOLUTION OF THE VERNAL CITY COUNCIL AMENDING THE VERNAL  
CITY PERSONNEL POLICIES AND PROCEDURES AMENDING SECTION  
2.05.005 - DETERMINING RATE OF PAY.**

**WHEREAS**, the Vernal City Council has determined that the best interest and welfare of the public within their jurisdiction will best be served by adjusting the process of determining rate of pay for new employees;

**NOW THEREFORE**, be it ordained by the Vernal City Council, in the State of Utah, as follows:

**SECTION 1:**            **AMENDMENT** “Section 2.05.005 Determining Rate Of Pay.” of the Vernal Personnel Manual is hereby *amended* as follows:

**A M E N D M E N T**

Section 2.05.005 Determining Rate Of Pay.

- A. Initial appointments except as provided in paragraph B, of employees of Vernal City to grades or positions within any of the City's compensation schedule may be made at the beginning of the salary range within the grade or position. However, the City Manager may approve an appointment to a position at a higher rate of pay when, in his opinion and upon the recommendation of the Department Head, it is difficult to obtain qualified personnel at the starting pay rate or when it appears that the education or experience of the employee is substantially superior to that required in the job description and justifies a beginning pay rate in excess of the entry level.
- B. The initial wage of Sworn Police Officers, other than Reserve Police Officers, paid on an hourly basis shall be determined after taking into consideration the prior full-time, successful law enforcement experience of the new officer. The new officer ~~shall~~ may be given credit for ~~one-half of~~ the full-time successful sworn law enforcement experience as the initial pay rate is calculated. Past full-time, successful law enforcement-related experience shall be reviewed and approved for credit by the Chief of Police. The rate of pay ~~shall~~ may be calculated by computing a 2.5% increase, above the entry level rate, for every full year of service credit approved by the Chief of Police. Previous higher education of a sworn police officer candidate may also be considered in determining beginning rates of pay. For an associate degree in police science, criminal justice or law enforcement related field, up to a 2.5% pay adjustment may be applied. For a bachelor's or higher degree in police science, criminal justice or other law enforcement related field, up to a 5% pay adjustment in wage may be applied. Two years of full-time law enforcement experience is required to qualify for

the higher education pay adjustment. Such adjustments shall be recommended by the Chief of Police and approved by the City Manager for wage increases over 50% of the initial salary schedule.

- C. Reserve Police Officers shall be compensated as provided in the Seasonal, Part-time, Limited Hourly, and Special Program Employees Compensation Schedule of the City.

PASSED AND ADOPTED BY THE VERNAL COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Nicholas Porter	_____	_____	_____	_____
Councilmember Travis Allan	_____	_____	_____	_____
Councilmember Dave Everett	_____	_____	_____	_____
Councilmember Bert Clark	_____	_____	_____	_____
Councilmember Ted Munford	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Doug Hammond, Mayor, Vernal

\_\_\_\_\_  
Quinn Bennion, City Manager /  
Recorder Vernal

## **AGREEMENT**

THIS AGREEMENT is made this 7<sup>th</sup> day of July, 2021 by and between **VERNAL CITY** and **Dennis Judd** (hereinafter referred to as "Judd").

**WHEREAS**, Vernal City is desirous of entering into a written agreement with "Judd" whereby "Judd" will provide civil legal services for Vernal City; and,

**WHEREAS**, it is the desire of the parties to formalize their relationship;

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

**1. CIVIL CITY ATTORNEY.** "Judd" hereby agrees to act as legal counsel for Vernal City, thereby providing civil legal services for and in behalf of Vernal City and shall maintain a licensed law practice with premises in the geographical boundaries of the Ashley Valley within Uintah County. "Judd" shall not be an employee of Vernal City.

**2. LEGAL SERVICES PROVIDED.** "Judd" shall provide the following legal services to Vernal City:

- A. Review and rewrite, as necessary, Vernal City criminal and civil ordinances.
- B. Act as legal advisor to City officials regarding City civil matters and draft civil legal documents.
- C. Act as attorney for Vernal City on civil litigation when Vernal City is not covered by liability insurance.
- D. Provide all necessary clerical support and office facilities in order to perform duties as stated above. It is hereby agreed by and between the parties that all the duties as set forth herein, shall be directed through the Vernal City Manager or by assignment from the Mayor and City Council acting as a quorum.

E. In situations where a conflict of interest may occur with different officers or departments of Vernal City, "Judd" shall act primarily as attorney for the Vernal City Council and will not act as attorney for any of the officers or departments with whom the conflict exists and shall not give any advice or counsel to the same relating to the conflict.

F. Further, in situations when a conflict of interest may occur in the performance of these duties, "Judd" shall immediately notify Vernal City of such conflict and advise Vernal City as to the available options to remedy such conflicts.

G. While "Judd" acts as legal counsel for Vernal City in civil matters, "Judd" will not represent any governmental entity or other political subdivision of the State of Utah, excepting those as shown on Attachment I of this agreement, without prior consent of the Vernal City Council.

**3. CITY OBLIGATION.** The City agrees to pay for the services of the "Judd" as follows:

A. Vernal City will pay "Judd" compensation at the rate of ONE THOUSAND FIVE HUNDRED (\$1,500.00) DOLLARS per month and provide compensation at the rate of fifteen (\$15) dollars per hour for secretarial time preparing and working on Vernal City documents and projects. In addition, at the conclusion of every month for the term of this agreement, Vernal City shall compensate "Judd" at the rate of one hundred (\$100.00) dollars per hour for all hours worked over fifteen (15) hours per month. Billings prepared by "Judd" showing hours worked shall be reviewed and approved by the Vernal City Manager prior to payment.

B. Vernal City agrees to pay all reasonable and necessary costs incurred by "Judd" in the fulfillment of his duties, including filing costs, service costs, witness costs, deposition

costs, travel and transportation costs at Vernal City per diem rates, research costs, telephone, copying and other costs as pre-approved by the City Manager.

C. Vernal City agrees to name "Judd" as an insured in its comprehensive general liability policy for all acts associated with his duties as outlined in Section 2 of this agreement.

D. The City shall provide a continuing education payment or reimbursement of up to two-thousand (\$2000.00) dollars a year to "Judd" to be used in transportation, costs, tuition and fees associated with seminars and training related to Vernal City legal services.

**4. TERM.** The term of this agreement shall be for a period of July 7, 2021 and terminating after June 30, 2022, subject, however, to prior termination as hereinafter provided or extended as hereinafter provided. Any time after May 1, 2022 and prior to June 30, 2022, this agreement may be renegotiated by both parties providing for an extended period beyond June 30, 2022 by formal action of the Vernal City Council and concurrence of such action in writing by "Judd". However, if the parties hereto cannot agree as to the terms and conditions of a renegotiated agreement, this agreement shall be considered terminated after June 30, 2022.

**5. PAYMENT.** Payment for services, pursuant to this agreement, shall be made by the City on the tenth day of each month that services will be provided. The City agrees to make reimbursement for costs and expenses promptly upon being billed.

**6. TERMINATION.**

A. Upon written approval of both parties, this agreement may be terminated for any reason seen fit by both parties agreeing to such.



B. In the event that "Judd" discontinues practicing law in the City of Vernal, State of Utah, then this agreement shall terminate upon thirty (30) days written notice to the City indicating that said "Judd" intends to terminate the practice of law in Vernal, Utah.

C. This agreement may be immediately terminated by Vernal City for cause in the event that "Judd" fails to substantially perform his duties as outlined herein.

**7. MODIFICATION.** No waiver or modification of this agreement or of any covenant, condition or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.

**8. SUCCESSORS.** It is mutually agreed and covenanted that the provisions of this agreement shall be binding on the successors of Vernal City, its City Council, Mayor and other City officials.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals the day and year first above written.

**VERNAL CITY:**

\_\_\_\_\_  
Doug Hammond, Mayor

ATTEST:

\_\_\_\_\_  
Quinn Bennion, City Recorder

( S E A L )

\_\_\_\_\_  
Dennis Judd

**Governmental Entity or Other Political Subdivision  
Represented by Dennis Judd**

1. Naples City Attorney
2. Daggett County Boundary Commission - Legal Counsel
3. The Daggett Rd., District is now the Flaming Gorge Road and Transportation Special Service District.
4. Dutch John Town
5. Uintah Transportation Special Service District