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July 6, 2016

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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 6, 2016 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. Welcome
2. Invocation or Uplifting Thought
3. Pledge of Allegiance

STANDING BUSINESS

1. Approval of Minutes of June 9, 2016 Special Budget Meeting
2. Approval of the Minutes of the June 15, 2016 Regular Meeting
3. Approval of the Minutes of the June 29, 2016 Special Meeting

POLICY & LEGISLATION

1. Appointment of City Treasurer - Obern Mayes
2. Request for Approval of Amended Airport Interlocal Agreement - Resolution No. 2016-12
3. Request for Approval to Renew Attorney Contracts:
 - a. Civil Attorney, Dennis Judd
 - b. Prosecuting Attorney, Mike Harrington
 - c. Indigent Defense Attorney, Lance Dean

ADMINISTRATIVE REPORTS

1. Public Works
2. Economic Development SSD
3. Cemetery Board
4. Uintah Basin Assistance Council
5. Health SSD

ADJOURN

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

MEMORANDUM

TO: Mayor & City Council

FROM: Ken Bassett, City Manager

RE: *Agenda Items of July 6, 2016 Council Meeting.*

POLICY & LEGISLATION

1. **Appointment of City Treasurer - Obern Mayes:** Our Finance Director, Mike Davis, will be at the meeting to explain the recent changes in the staffing of the Finance Department with one employee leaving and moving to St. George, and two other employees including our current Treasurer, Mary Brickler, wanting to step down from Treasurer to the Accounts Receivable / Payable employee. With that happening, the position of City Treasurer was opened for recruitment. We had several individuals apply and test for that position. Mr. Obern Mayes has been selected by our Finance Director, Mike Davis, to fill that position. Mike will provide more information regarding Mr. Mayes' credentials and experience. However, it is required by State law that the position of City Treasurer be approved by the City Council. This only occurs for two positions in the City, that is City Treasurer as well as City Recorder. At our next Council meeting, we will have Mr. Mayes introduced to the Council. He still has to go through the necessary pre-employment screenings before the formal offer can be made.
2. **Request for Approval of Amended Airport Interlocal Agreement - Resolution No. 2016-12:** I have provided for you a copy of this Interlocal agreement that has been initiated by the Transportation District. The essence of this agreement simply provides clarity in how the bills regarding GDA Engineers would be processed and paid by the Transportation District. The provisions of this change does not really involve the City; however, because this constitutes a language change from the original Interlocal agreement, all three entities are required to sign the amendments to the agreement.
3. **Request for Approval to Renew Attorney Contracts:**
 - a. **Civil Attorney, Dennis Judd**
 - b. **Prosecuting Attorney, Mike Harrington**
 - c. **Indigent Defense Attorney, Lance Dean**

Included in your binders are drafts of these contracts for your review and approval providing for one more year of legal services provided by each of these three gentlemen.

MINUTES OF THE VERNAL CITY COUNCIL SPECIAL BUDGET WORKSHOP MEETING HELD JUNE 9, 2016 at 4:00 p.m. in the Vernal City Planning Conference room, at 374 East Main St, Vernal, Utah 84078.

PRESENT: Mayor Sonja Norton, Councilmembers Ted Munford, Dave Everett, Travis Allan, and Bert Clark. Councilmember Samantha Scott was excused from the meeting.

ACKNOWLEDGMENT AND APPROVAL OF SPECIAL MEETING: Councilmember Ted Munford moved to approve the special meeting. Councilmember Travis Allan seconded the motion. The motion passed with Councilmembers Munford, Everett, Allan, and Clark voting in favor.

CONSIDERATION OF "GROW YOUR OWN" SPONSORSHIP: Mayor Norton stated that she talked with Laura Foley and Ken Bassett after the last meeting when this topic was discussed. Mr. Bassett checked into it, and the City has an education fund for items like this. Therefore, it would not come out of the general fund. The purchase of a table is \$700 for eight people. Councilmember Ted Munford stated that we have contributed to this before. Mayor Sonja Norton stated yes, a year ago. Mr. Bassett stated that he was not aware at the last Council meeting that there was \$14,000 in the education fund. Mayor Norton explained that this sponsorship helps student teachers. Councilmember Munford mentioned that is a wonderful program. Councilmember Bert Clark suggested that there may be other State programs out there as well to assist these teachers. Councilmember Clark suggested these funds be dispersed a lot further around the table instead of just one specific teacher and find other sources to help them through the down times instead of from municipalities. Councilmember Dave Everett asked if the education fund has to be used for education. Mr. Bassett explained that the City has used it for a couple different things. Years ago the City had a scholarship fund. The program went away because it was difficult to make a decision as to who was going to get the scholarship. Mr. Bassett stated that this is a good program and complimented Laura Foley for her work during these tough times for student teaching. **Councilmember Munford moved to give \$700 for a table. Councilmember Allan seconded the motion.** Councilmember Clark recommended that they report back to the City Council on how the money was spent and added that it is a good program. Mayor Norton suggested they also check into Councilmember Clark's idea to see if there is some State assistance they could receive.

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

FY2017 BUDGET WORKSHOP – GENERAL FUND

GOVERNMENT BUILDINGS: Ken Bassett explained to new Councilmember Travis Allan that the Government Buildings Department is responsible for the maintenance of the City's buildings and grounds and has four full-time employees and a part-time custodian. Danny Anderson explained that his staff is in charge of the new City building, the public works building, the animal shelter building, etc. The total is around 12-15 buildings. Councilmember Bert Clark asked if the City is reimbursed from the animal shelter. Mr. Anderson stated that the Special Service Districts pay the City employees' wages, and all of their own supplies and

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48 expenses. Mr. Bassett had a question on the medical, because it seems to be increased from last
49 year. Mike Davis stated that last year Wayne Smith did not have insurance, but it was counted in
50 on this year's budget. Councilmember Ted Munford asked if professional services are
51 traditionally \$15,000 every year. Mr. Anderson explained that early on it was, but he went
52 through it today and put the amount as \$12,000. Mr. Bassett asked Mr. Anderson if he could
53 explain what the expense is for. Mr. Anderson explained that it is money to spray buildings and
54 bug killer pesticides. Councilmember Ted Munford mentioned carpet cleaning. Mr. Anderson
55 stated that this is also for the maintenance of the generator, change oil, and the big tester that
56 makes sure it does what it is supposed to do. Councilmember Bert Clark asked if the \$29,000 for
57 buildings and grounds include the walking park. Mr. Bassett stated that there are no City parks
58 included in this budget. Councilmember Clark asked about the bridges when they need repaired.
59 Mr. Anderson explained that the line item for City parks is for employee hours. Councilmember
60 Munford thanked Mr. Anderson and stated that he is comfortable with this budget.

61
62 **I.T.:** Councilmember Ted Munford stated that software is expensive, but he does not see
63 anything out of the ordinary and it looks good. Mayor Sonja Norton stated that she has talked
64 about the City website and making it more informational. Mayor Norton would like to see
65 updates on the website weekly. Councilmember Munford stated that should be doable. Mayor
66 Norton suggested having the department heads update their information at least weekly on
67 something the public should know about. Councilmember Munford suggested twice a month
68 would be sufficient. Mayor Norton stated at least once a month. Councilmember Munford
69 suggested that there be someone who proof reads the information for legal purposes. Mayor
70 Norton stated with it being summer, there could be an update on yard sale signs, etc. Ken
71 Bassett and the Council thanked Mr. Searle.

72
73 **PLANNING AND ZONING:** Allen Parker joined the meeting by telephone conference call.
74 Mr. Bassett stated that he went through this budget, and the issue was cutting the training budget,
75 but at the same time, the committee understood that there are two inspectors and a code
76 enforcement officer that needs training to keep up to date on issues. Mr. Bassett explained that
77 Corey Coleman is on the State board for building code and is the only voice the City has on how
78 the building code gets changed from year to year. This Board has meetings periodically that Mr.
79 Coleman attends. Mr. Bassett reported that the committee cut \$3,000 from the travel and
80 training budget. Mike Davis explained that the department request was for \$12,300, and the
81 committee changed it to \$9,300. Mr. Bassett reported that the line item for registration costs for
82 training was also cut by another \$1,700. Mr. Bassett explained that the line item is for
83 professional services such as plats being reviewed by the engineering firm. Councilmember
84 Travis Allan mentioned that this line item is down dramatically compared to the 2014-2015
85 budget. Mr. Bassett explained that professional services and plan reviews were higher especially
86 in 2014 when the Vernal Town Center was being built. Allen Parker added that also plan
87 reviews and professional services were once lumped together under one line item, and now they
88 are separated out. Mr. Bassett explained how a plan review is done on a new building by a third
89 party professional. The City takes care of the bill and then sends the owner or builder the bill for
90 reimbursement, so it will show as an expense, then it will show in revenues. Councilmember
91 Ted Munford stated that he did not see anything in this budget that stood out. Councilmember
92 Allan asked about the software this year and if it is purchased every year. Mayor Norton asked
93 Mr. Parker to explain the \$6,000 software. Mr. Parker explained that it is the licensing of the

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94 GIS software and other programs that are used. Mr. Bassett stated that it is showing \$5,000 for
95 building Code software. Mr. Parker explained that it is partially for the Iworks software
96 licensing and modifications that are coming up. Mr. Bassett reported that \$1,000 could be cut
97 from this line item because the software that was going to be purchased to track business
98 licensing is not going to be purchased this year. Councilmember Allan asked about the increase
99 in medical insurance. Mr. Davis stated it could be an employee that did not have insurance and
100 now does or they have added dependents. Mr. Parker stated that part of that could be from
101 adding his wife.

102
103 **STREETS:** Mr. Bassett explained that Glade Allred brought to his attention that there is a
104 vacuum sweeper that is going to need some maintenance this fiscal year, and the price estimate
105 from the equipment company is \$10,000. Councilmember Ted Munford stated that street
106 sweeping is important; therefore, it must be done. Mr. Bassett suggested taking it out of the
107 equipment fund versus the general fund. Mike Davis stated there is the streets fund. Mr. Bassett
108 asked Mr. Davis to make a line item in the streets fund for that expense. Mr. Davis stated he
109 would check both funds to see what is there, and then decide from there. Councilmember Bert
110 Clark suggested when they order the new equipment, they check into some type of lining or
111 fiberglass coating. Councilmember Munford that is a great idea to make Mr. Allred aware of.

112
113 **JUSTICE COURT:** Judge Richards reported that with the down turn in the economy, the court
114 is still busy. Councilmember Bert Clark asked about the fine collections. Judge Richards stated
115 that community service requests have increased and revenue is down. Judge Richards stated that
116 he has been able to manage the court with three clerks; however, there used to be four clerks
117 before he was hired on. Judge Richards explained that on court days, if a clerk is sick, there
118 would not be enough coverage. Mayor Sonja Norton asked about the judges conferences. Judge
119 Richards stated that he attends four conferences a year. There are two conferences a year that are
120 mandatory. The clerks have one mandatory conference a year, and Dawn attends two or three a
121 year. Judge Richards reported that he is currently a representative on the Justice Court Judges
122 Board for the education department which requires a little more travel. Judge Richards
123 explained that all the judges in the area rotate this position. Mr. Bassett asked the Judge to
124 explain the bailiff coverage and the need for three officers in the court at the same time. Judge
125 Richards explained that he realizes that it is costly to have three officers, but after a lot of
126 research, he felt it was safer for the court. Judge Richards stated that after the court lost Holly
127 Dick as the bailiff, the court days were cut from three days a week to two days a week and those
128 two days are full. The biggest benefit of two or three bailiffs is security. There was concern
129 when the inmates were stacked against the wall and family was passing notes back and forth.
130 Currently the inmates are kept in the holding cells and cannot be left alone. One bailiff has to be
131 watching the door at all times. Mayor Norton suggested hiring part-time officers who have
132 retired or hire reserve officers to fill the bailiff positions. Mr. Bassett mentioned that part-time
133 employees still receive benefits. Judge Richards encouraged the Council to come into court to
134 see the quality he gets out of the officers now versus hiring part-timers. There have been no
135 complaints since having a Sergeant on duty in the court room. Judge Richards agreed that it is
136 more costly, but it is money well spent. Councilmember Travis Allan asked about having one
137 full-time bailiff like before. Dylan Rooks explained that having a full-time bailiff was a waste of
138 money, because there was not enough for them to do when court was not in session. Judge
139 Richards stated that you do not want to cut law enforcement when things get bad. There is a lot

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140 more drug, alcohol, and domestic violence. There was a considerable amount of discussion
41 regarding hiring part-time reserve officers to fill the bailiff position versus using the current
142 Sergeants and officers. The Council discussed the positive and negative aspects. Mr. Bassett
143 stated that this was good conversation, and it was concluded that for security reasons, it is
144 important having Sergeants in the court room as a supervisory element. Judge Richards stated
145 that he understands it is a time that cuts need to made; however, over the years he has been the
146 Judge, there has been no incidents, no lawsuits, or any other problems.

147
148 **NARCOTIC STRIKE FORCE:** Ken Bassett asked Mike Gledhill to explain the Narcotic
149 Strike Force program. Mike Gledhill reported that the strike force is funded by a grant of
150 \$66,000 and the rest from all the entities of the Basin. The job of the strike force is to identify
151 the drug dealers in the community by using confidential informants. Mr. Bassett asked if the
152 down economy had any effects on the drugs in the community. Mr. Gledhill stated that as far as
153 drugs are concerned, nothing changes. However, you will see more thefts and other crimes due
154 to unemployment. Councilmember Bert Clark asked about a house being watched when the
155 police and strike force are aware of drugs actively being sold. Mr. Gledhill stated that they do
156 not want a patrol guy spooking them off and putting the whole case in jeopardy. Mr. Gledhill
157 explained how a drug dealer is arrested around 11:00 p.m. and has distribution charges with
158 around \$90,000 in bail and is bailed out by 7:00 a.m. in the morning. Dylan Rooks stated that
159 then the dealer has to go right back to dealing drugs to pay the debt back. Mayor Norton stated
160 that either way, the public ends up paying for their defense. Councilmember Clark stated that it
161 is frustrating spending tax dollars in the budget for strike force search, seize and sale. Mr.
162 Bassett asked about the number of employees in the strike force. Mr. Gledhill stated there are
163 six with one from each local agency. Mr. Gledhill explained the procedure for the process of the
164 strike force and their interdiction activity or roundup with pending drug buys. Mr. Bassett
165 explained the training that is involved with the strike force. Mr. Gledhill stated that the swat
166 team is available by phone call. Councilmember Clark asked about the tribe and their
167 involvement. Mr. Rooks explained that the tribe has their own drug issues to deal with, and they
168 have their own jurisdiction to deal with. Mr. Gledhill stated that the tribe has their own issues
169 and the strike force stays off the reservation.

170
171 **VICTIMS ADVOCATE:** Ken Bassett explained that the Victim Advocate program has its ups
172 and downs with the economy. Alisha Gowen stated that she is fine with her department's
173 budget. Mayor Sonja Norton asked Ms. Gowen if she has seen an increase in domestic violence
174 since the down turn in the economy. Ms. Gowen stated that there are a lot of people traveling
175 out of town to work and when returning home, you may see an increase in domestic violence.
176 The victim stays here in the home with a restraining order on the offender who leaves to go back
177 to work; therefore, the women's shelter is down. Mr. Bassett explained that the women's shelter
178 is owned by the City, and the State is looking to bring in a third party administrator to manage
179 the shelter. Mr. Bassett stated that his comment to the State was that it depends on the program
180 and the third party that would be managing the facility. Mayor Norton asked if the City is
181 responsible to pay for this third party. Mr. Bassett stated no. Ms. Gowen stated that there are
182 only two shelters that are under the direction of the State of Utah, Vernal and Price. All of the
183 rest have gone private with third parties managing them. The State would like to be out of the
184 shelter business to cut costs. Ms. Gowen explained that what that would mean for the City is
185 donations would now transfer to operating expenses. Ms. Gowen reported that the program did

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186 receive a VOWA grant, but did not get a VOCA grant this year, which in the past was \$9,000.
187 Through the VOWA grant, the program could ask for \$1,500 in emergency funds that pays for
188 gas cards, Walmart cards for diapers and formula, etc. Mayor Norton asked if the City still has
189 VOCA expenses even if there is not VOCA grant to offset the costs. Ms. Gowen answered yes,
190 there are VOCA expenses all the time. Mr. Bassett and the Council thanked Ms. Gowen for all
191 her hard work.
192

193 **POLICE:** Ken Bassett reported that the committee went through this budget and looked at the
194 needs that they felt were necessary. Councilmember Bert Clark asked about the dispatch funds.
195 Dylan Rooks stated that dispatch is at \$96,000 versus \$102,000 last year. The Basin has done a
196 great job in managing the E911 funds. Mr. Rooks reported that the captain of the
197 communications center came out and reported to the board that there was \$1.2 or \$1.6 million
198 dollars in the E911 funds. There was an increase in contributions, because they made
199 dispatchers a part of the public safety retirement. Mayor Sonja Norton stated that there needs to
200 be more than one dispatch meeting a year. Mr. Rooks explained that the governing board meets
201 once a year; however, every four months all of the agency department heads meet. Mayor
202 Norton mentioned that she did not know they were meeting every four months. Mr. Rooks
203 added that he usually meets with Laonna once or twice a week to go over issues. Mr. Bassett
204 asked the Council if they had any questions on the numbers or line item purposes. The Council
205 agreed with the budget.
206

207 **WATER AND SEWER:** Ken Bassett mentioned that there is water flowing in Ashley Creek
208 right now which has not happened in a while and water running down Dry Fork. This has been a
209 better water year. Councilmember Bert Clark asked if Steinaker was full. Mr. Bassett answered
210 no. They can only fill Steinaker to a certain level due to some geological issues. Mr. Bassett
211 reported that he met with the Water Conservancy District a few weeks ago, and they are trying to
212 find a way to correct the issues. They need to make sure that there is no stress on the dam like
213 last year. Mayor Sonja Norton thought the dam was scheduled to be fixed a year or two ago.
214 Mike Davis, Water Superintendent stated they did not get the funding. Mr. Bassett stated that he
215 is not aware of concerns with water usage and creating any schedules to water at certain times of
216 the day. It is suggested to now water between 10:00 p.m. to 6:00 a.m. Mayor Norton mentioned
217 that there is nothing set in place yet for scheduling. Mr. Davis stated that the Governor has a
218 "slow the flow" campaign. The Rural Water Association has a campaign called H2oath to have
219 cities and businesses pledge to conserve water. Mr. Bassett mentioned that the cost of treatment
220 of the water is going up a little. They are adding another employee at the treatment plant, and
221 Vernal City is the primary user of the Central Utah plant, and Ashley Valley, Maeser, and Jensen
222 use a little bit. Mr. Davis reported that Ashley Valley is building a new treatment facility.
223 Councilmember Clark asked why the increase in employees. Mr. Davis explained that the new
224 UV treatment plant is managed 24 hours a day with three employees who never get a day off and
225 generates overtime. They decided it would be best to hire a new entry level employee. Mr.
226 Bassett recalled the Flint Michigan situation with the treatment of water. Mr. Davis explained
227 how the water samples are checked and sent in to be evaluated for lead, which got Flint
228 Michigan in trouble. Mr. Bassett reported that at the next Council meeting, the vendor will be
229 announced for the CIB project for the meter system as well as the sewer relining project coming
230 up. Mayor Norton asked when the project will start. It was noted that it would start in July. Mr.
231 Davis explained that with the backhoe lease you pay \$981 a year for 300 hours. Councilmember

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232 Clark asked about the merchant bank fees. Mike Davis, Finance Director, explained that there is
233 a small fee paid every time someone pays with a debit or credit card for a miscellaneous expense
234 such as a fine, building permit fee, etc. Mayor Norton mentioned that more people are probably
235 using cards to pay their bills. Mr. Davis explained that the fee is not charged for customers
236 paying their water bill. Mayor Norton asked how many customers are paying with a debit or
237 credit card. Mr. Davis reported around 700 customers are using express bill pay. Mayor Norton
238 asked out of how many customers. Mr. Davis stated around 3,500. Mayor Norton asked if the
239 City collects more money with the addition of express bill pay. Mr. Davis explained that the
240 customer has to pay or be shut off after two months, so it has been a nice convenience for
241 customers to pay with a card. Mayor Norton stated that it will be nice to have the new water
242 meter system installed. Mr. Davis stated that it is the best we can get. Mr. Davis reported that
243 the sewer cleaning machine is on a five year rotation and will need replaced in during the
244 FY2018 budget. If it does not get replaced next year, the City loses the 50% buy back option.
245 Mayor Norton asked how much the machine is going to cost. Mr. Davis stated they paid around
246 \$500,000 for the original purchase. Mr. Davis stated that in the past the City Council has
247 allowed him to borrow the money from the equipment replacement fund which was paid back in
248 three years.
249

250 **MAYOR & COUNCIL:** Councilmember Bert Clark asked who gave approval for the carnival
251 to be held in a public street. Mayor Sonja Norton stated that the City approved it.
252 Councilmember Clark asked if these permits require an inspection after they leave to see if there
253 was any damage done. Councilmember Ted Munford stated that when he lived next to the area,
254 he saw areas in the parking lot that were damaged. Mayor Norton mentioned talking with the
255 County about this issue. Councilmember Clark asked who was responsible. Councilmember
256 Munford asked who made the request. Ken Bassett stated the County made the request.
257 Councilmember Munford explained that some of that equipment causes lots of damage.
258 Councilmember Clark stated that there needs to be some follow up on this issue, and suggested
259 they put metal plates down.
260

261 Ken Bassett reported that there is no election this year. All the numbers for contributions
262 represent a 25% decrease. Councilmember Munford asked about the rodeo and other
263 sponsorships. Mr. Bassett stated that most of those come out of the general fund.
264 Councilmember Dave Everett asked if the Council approved the annual Rod and Gun Club. Mr.
265 Bassett stated that they did not come to the Council this year. Mayor Norton stated that she
266 thought they did. Councilmember Travis Allan mentioned that he had not seen them since he's
267 been here from January. Councilmember Clark stated that maybe they will come before the fall
268 shoot. Mayor Norton asked what groups are non-profit versus profit. Does the youth baseball
269 make money off their tournaments? Mike Davis stated that they cannot charge attendance fees
270 for the regional tournaments. Councilmember Clark stated if they do make money it is to buy
271 supplies, pay for umpires, etc. Mayor Norton mentioned that the triathlon switched hands and
272 came before the City this year. Mr. Bassett stated yes. Mayor Norton stated that she likes when
273 they bring a report every year on how the money is spent. Councilmember Clark asked about the
274 energy summit. Mr. Bassett stated that it is very well attended from a local, State, and National
275 level. Councilmember Munford asked if Alive After Five was making a profit. Mr. Bassett
276 stated that he did not believe they were making any profit. Mayor Norton mentioned there was
277 some concern in the past over missed used money with the rodeo. Councilmember Clark

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278 explained that one person uses a credit card to attend meetings to make the rodeo successful.
279 Mayor Norton asked how many people they pay for to go to these meetings. Councilmember
280 Clark stated that he thought there were 10 from the rodeo committee, and if it costs \$150 for a
281 hotel, then he is fine with it. Mayor Norton added that is if they are volunteers. Councilmember
282 Clark stated that during the week of the rodeo, the committee works really hard. Mayor Norton
283 talked to Mike Karren to see if it is really important that 10 people need to go to those meetings.
284 Councilmember Clark stated that there is better accountability on the tickets and tracking system.
285 Mayor Norton mentioned that she talked with Aubrey Young, and they will no longer be selling
286 tickets online, and they will be moving their ticket booth from Cobblestone to the Lamplighter
287 Motel. Mayor Norton stated that not selling them online may hurt their business.
288 Councilmember Clark stated that in the past they did not have strict accountability, and it would
289 still cost to print the tickets online. Councilmember Clark added that this year will be more
290 efficient after talking with Cindy Williams. Councilmember Allan stated that he agreed with the
291 Mayor, but as a City do we investigate every detail of their budget? Mr. Bassett stated that there
292 are some things like the pageant that they cannot get around, but there may be some things they
293 could do without. Councilmember Allan stated that it is a significant amount of money that the
294 City contributes. Mayor Norton stated that she agrees with Councilmember Clark on the rodeo
295 committee giving the City a printout of where the money is spent. Councilmember Allan stated
296 that they must have a CPA, and maybe they could come and present the budget to the Council to
297 show where the City's money is going. Councilmember Clark stated that he will get with Cindy
298 and let her know that the Council would like to see the figures of where the money is being
299 spent. Mayor Norton added that she is meeting with Mike Karren and will bring it up as well.

300
301 **CITY MANAGER:** Ken Bassett reiterated that he is retiring next year, and there will be some
302 extra cost to hire and train someone to take his place. Councilmember Bert Clark asked Mr.
303 Bassett if his last day will be the end of June next year. Mr. Bassett answered yes. Mike Davis
304 explained that a part of the wage in this department is a cash out payment for vacation and sick
305 leave. Mayor Sonja Norton stated that the City Manager is underpaid compared to other cities.
306 Mr. Bassett agreed that today's wages are up higher. Councilmember Travis Allan asked if
307 hiring another person to take Mr. Bassett's place is in the budget. Mr. Bassett explained that it
308 was not in the budget and could be adjusted later.

309
310 **FINANCE:** Ken Bassett reported that there are no changes in this department. Councilmember
311 Bert Clark asked if this department is hiring another employee. Mike Davis explained the
312 changes that have been made with employees in his department. Michelle Rushton is leaving at
313 the end of July, Sarah Lamb has stepped down into that position, and Mary Brickler has stepped
314 down into Sarah's position leaving an opening for Treasurer. Councilmember Clark asked Mr.
315 Davis if they are receiving applications for that position now. Mr. Davis answered yes. Mr.
316 Bassett applauded Mike Davis for dealing with all the issues in his department and for having a
317 very squeaky clean audit.

318
319 **CITY ATTORNEY:** Ken Bassett stated that he will be meeting with Dennis Judd, Mike
320 Harrington and Lance Dean to make sure they are good for the same contract amount. Mayor
321 Sonja Norton mentioned "or less". Mr. Bassett explained that eventually the City might hire one
322 in-house attorney for civil and prosecution; however, it would take another full-time employee
323 supplying staff for that attorney. There is a room that is for a City attorney. Mr. Bassett

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324 mentioned that the personnel appeals process has not been cheap, and the City is still looking at
325 an appeals officer.

326
327 **NON DEPARTMENTAL:** Ken Bassett reported that there are no changes in this department.
328

329 **TRANSFERS:** Ken Bassett explained the payments to the cemetery and paying the County for
330 the convention center. Mayor Sonja Norton suggested that the Cemetery Board post signs
331 around the cemeteries stating when items from the graves will be removed instead of just relying
332 on the newspaper and radio. Councilmember Bert Clark suggested getting a list of concerns
333 together and giving it to the commissioners who oversee the new board. Councilmember Clark
334 also suggested having names to contact on those signs if there are problems with water, fixing
335 the pot holes in the road, where were the employees on Memorial Day, etc. Councilmember
336 Clark explained that this is crucial to bring up at a joint meeting and will take the lead on it.
337 Mayor Norton asked about books to look up graves. Councilmember Clark stated that you can
338 search online for that information. Mayor Norton asked if the County is considering an airport
339 advisory board to help the Transportation District. Councilmember Clark stated no. Mayor
340 Norton asked when there will be another City and County meeting and reiterated the importance
341 of these meetings for communication.

342
343 **ADJOURN:** There being no further business, Councilmember Ted Munford moved to adjourn
344 the meeting. Councilmember Travis Allan seconded the motion, and the meeting was declared
345 adjourned.

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ATTEST:

Roxanne Behunin, Deputy Recorder

Mayor Sonja Norton

(S E A L)

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
JUNE 15, 2016 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

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

WELCOME: Mayor Sonja Norton welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: An invocation was given by Councilmember Ted Munford.

PLEDGE OF ALLEGIANCE: The pledge of Allegiance was led by Councilmember Travis Allan.

APPROVAL OF THE MINUTES OF THE SPECIAL BUDGET WORKSHOP MEETING OF MAY 16, 2016: *Councilmember Bert Clark moved to approve the minutes of May 16, 2016. Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers Munford, Allan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

APPROVAL OF THE MINUTES OF THE REGULAR COUNCIL MEETING OF JUNE 1, 2016: *Councilmember Ted Munford moved to approve the minutes of June 1, 2016. Councilmember Samantha Scott seconded the motion. The motion passed with Councilmembers Munford, Allan, Everett, Scott, and Clark voting in favor for a unanimous vote.*

PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE - CHAPTERS 16.04, 16.20, 16.24, 16.26, 16.48, 16.50 & 16.52 - ADDING DATA CENTERS AS A USE - ORDINANCE NO. 2016-03 – POSTPONED: Ken Bassett stated this item has been postponed.

SETTING THE 2016 TAX RATE - ORDINANCE NO. 2016-07: Ken Bassett referred the Council to the information received from the Uintah County Auditor's office regarding the assessed value of property within Vernal City. He noted that the County comes up with the certified tax rate to provide the same amount of tax revenue for the ensuing year that the City received the previous year. If the Council wants to increase the tax rate, a public hearing process, that is fairly stringent, must be held. The assessed value for 2015 was \$622 million dollars, and for the 2016 year the value is only \$617 million leaving a negative growth of \$23 million dollars including any new growth that might have occurred. The explanation from the County for this decrease is the reassessment of property, particularly property in the oilfield that decreased significantly. Also, the value of the Vernal Towne Center will not show up until the CDA payments are completed around 13 years from now. Mayor Norton questioned what percentage of the property tax goes back to the developer. Ken Bassett answered that the developer receives 75% of the property tax and 25% of the sales tax from Vernal City. The State Assessor's office has reviewed the certified rate and has accepted them. The certified rate for the City .000607 for this year. Councilmember Bert Clark asked if the City does not accept the certified rate, but rather keeps the 2015 rate, what would be the difference in revenue. Ken

48 Bassett stated the old tax rate would decrease the revenue by about \$7000. After further
49 discussion, *Councilmember Dave Everett moved to approve the certified tax rate as presented,*
50 *approving Ordinance No. 2016-07. Councilmember Bert Clark seconded the motion. The*
51 *motion passed with the following roll call vote:*

52 *Councilmember Munford..... aye;*
53 *Councilmember Allan aye;*
54 *Councilmember Everett..... aye;*
55 *Councilmember Scott aye;*
56 *Councilmember Clark..... aye.*

57

58 **REQUEST TO APPROVE SUCCESSFUL BIDDER FOR SEWER LINING PROJECT:**

59 Ken Bassett explained that four bids were received for this project to reline a portion of the
60 sewer system. The bid specifications allowed the bidders to use either a CIPP product or a PVC
61 product to line the pipe. Mike Davis, Utility Superintendent, explained that CIPP stands for a
62 cured in place pipe product or the contractor could use a poly vinyl pipe product. In the past the
63 PVC product was the only alternative. Ken Bassett stated the CIPP product is less expensive than
64 the PVC based on the bids received. The bid specifications included lining down to a 6" pipe.
65 Mike Davis stated the process includes putting the lining in the pipe, swell it with steam and
66 pressurize it to force the lining against the host pipe. Once it cools, the lining hardens. A camera
67 / cutting machine is used to cut the sewer laterals out. With a six inch pipe after it is lined the
68 diameter of the pipe is too small to put the camera equipment, so those areas may need to be dug
69 up and replaced with larger pipe. Councilmember Travis Allen asked how much of the project
70 is 6" pipe. Mike Davis answered that they have not estimated that figure yet. Ken Bassett noted
71 that the funding is to reline the pipe so clarification will be needed from the CIB Board to replace
72 any sewer pipe. The low bidder, Planned & Engineering Construction has good references. There
73 was some discussion regarding infiltration of irrigation water. *Councilmember Ted Munford*
74 *moved to approve the bid from Planning and Engineering Construction and award the contract*
75 *to this low bidder once the funding documents are finalized. Councilmember Travis Allan*
76 *seconded the motion. The motion passed with the following roll call vote:*

77 *Councilmember Munford..... aye;*
78 *Councilmember Allan aye;*
79 *Councilmember Everett..... aye;*
80 *Councilmember Scott aye;*
81 *Councilmember Clark..... aye.*

82

83 **REQUEST TO APPROVE SUCCESSFUL PROPOSAL FOR RADIO READ METER**

84 **SYSTEM PROJECT:** Ken Bassett explained that for the radio red meter system project the
85 asked for proposals rather than a bid, because a list of items will be used to find the lowest
86 responsive bid. Two companies submitted proposals, Mountainland Supply and Hydro
87 Specialties. A point system was used in the specifications to evaluate the proposals including the
88 type of equipment, local and technical capabilities, expandability of the system, cost, and
89 experience and qualifications. The specifications were based on the type of meter the water
90 system is using now which is Sensus. Mountainland Supply is the company that provides
91 Sensus meters, while Hydro Specialties deals with Badger meters. Ken Bassett went over the
92 point system with the Council. Mountainland Supply received 100 points compared to Hydro
93 Specialties who received 60 points. The main reason for the differences in points is the
94 equipment. Mike Davis explained he contacted other agencies in the area to see what meter

95 brands they are using, and most agencies are using Sensus. The Sensus meters can be read using
96 a wireless signal facilitated by a plugged in radio while the badger brand must be hard wired.
97 Councilmember Ted Munford asked if the Mountainland proposal would be a private band radio.
98 Mike Davis answered yes. Also the specifications were for a 2 watt radio and Hydro Specialties
99 offered the equivalent of a ½ watt radio. Mayor Norton noted that this system will save money in
100 the long run. Mike Davis agreed. After further discussion, *Councilmember Travis Allan moved to*
101 *accept the proposal from Mountainland Supply as the only responsive proposal without*
102 *to the specifications, and award the contract after the funding documents are finalized.*
103 *Councilmember Samantha Scott seconded the motion. The motion passed with the following*
104 *call vote;*

- 105 *Councilmember Munford..... aye;*
- 106 *Councilmember Allan..... aye;*
- 107 *Councilmember Everett..... aye;*
- 108 *Councilmember Scott..... aye;*
- 109 *Councilmember Clark..... aye.*

110
111 **ADOPTION OF FY2017 BUDGET - ORDINANCE NO. 2016-06:** Ken Bassett explained that
112 the FY2017 budget is \$9.8 million dollars. Mike Davis noted that \$317,000 of the
113 unappropriated fund balance had to be used to balance the budget leaving \$1.8 million dollars
114 unappropriated. Ken Bassett reminded the Council that by State law, the City can only
115 maintain up to 25% of revenue as unappropriated and the City has approximately 20%.
116 Councilmember Bert Clark stated he spoke with the Rod & Gun Club who heard the City did not
117 have any funds so they did not specifically ask for help with their event this year. He asked if
118 funding for this event was included in the FY2017 budget. Councilmember Dave Everett asked if
119 the funds for this fiscal year could be transferred to Travel and Tourism, possibly the VTV and
120 travel channel. Ken Bassett suggested they be invited to come in and make a specific request.
121 After further discussion *Councilmember Bert Clark moved to adopt the FY2017 budget,*
122 *Ordinance 2016-06. Councilmember Ted Munford seconded the motion. The motion passed*
123 *with the following roll call vote.*

- 124 *Councilmember Munford..... aye;*
- 125 *Councilmember Allan..... aye;*
- 126 *Councilmember Everett..... aye;*
- 127 *Councilmember Scott..... aye;*
- 128 *Councilmember Clark..... aye.*

129
130 **ADMINISTRATIVE REPORTS**

131
132 Flags:

133 Councilmember Bert Clark asked the staff to stay aware of times when the flag should be at
134 half-mast as ordered by the President or Governor.

135
136 Vernal Excitement Events:

137 Councilmember Samantha Scott stated that Fiscus and Gravy will be the entertainment at the
138 park tomorrow night for kids and adults.

139
40 Signs:

141 Councilmember Clark asked if code enforcement is working on sign violations, specifically
142 political and yard sale signs. Ken Bassett stated the code enforcement officer is confiscating
143 those signs that are not in compliance. He asked the Council to notify the staff if they become
144 aware of any violations. Mayor Norton mentioned that she has suggested to Ken that the
145 Planning Commission review the sign ordinance and define where signs can be placed such as
146 mow strips which are actually City right-of-way, but the resident maintains it. Ken Bassett stated
147 the staff has not been removing those signs, only those specifically on City property. Mike Davis
148 stated his crew takes down yard sale signs, however, those are repeat offenders, so once the sign
149 is down nothing more is done. He suggested more public education be done.
150 Councilmember Munford agreed.

151

152 Utah League of Cities and Towns:

153 Ken Bassett reminded the Council of the upcoming ULCT annual conference in Salt Lake City
154 scheduled for September 14th through the 17th.

155

156 Joint City / County Meeting:

157 Ken Bassett asked the Council if they would be available to attend a joint City / County meeting
158 on June 20th at 3:30 pm. Councilmember Everett stated he would not be available.
159 Councilmembers Clark, Scott and Munford stated they would be available. Councilmember
160 Allen stated he was not sure yet.

161

162 Founding Fathers:

163 Mayor Norton explained that she has asked GJ Searle, IT Manager, to put on the City's website
164 historical items to start recognizing the founding fathers. Also, at Council she would like the
165 Council to think of a short story to tell the history of the area and encourage people to submit
166 stories starting in July.

167

168 **ADJOURN:** There being no further business, *Councilmember Ted Munford moved to adjourn.*
169 *Councilmember Samantha Scott seconded the motion. The motion passed with a unanimous*
170 *vote and the meeting was declared adjourned.*

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Mayor Sonja Norton

175 ATTEST:

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Roxanne Behunin, Deputy Recorder

(S E A L)

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AWAITING FORMAL APPROVAL

MINUTES OF THE VERNAL CITY COUNCIL SPECIAL MEETING HELD
JUNE 29, 2016 at 4:00 p.m. in the Vernal City Council room, 374 East Main, Vernal,
Utah 84078.

PRESENT: Councilmembers Ted Munford, Dave Everett, Bert Clark, Samantha Scott, and Mayor Sonja Norton. Councilmember Travis Allan was excused.

WELCOME: Mayor Norton welcomed everyone to this special meeting.

ACKNOWLEDGEMENT AND APPROVAL OF SPECIAL MEETING: Councilmember Dave Everett moved to approve this special meeting. Councilmember Samantha Scott seconded the motion. The motion passed with a unanimous vote.

PUBLIC HEARING: FY2016 BUDGET REOPENER #2 – ORDINANCE NO. 2016-10:

Mayor Norton opened the public hearing. Ken Bassett explained that the the purpose of this public hearing is to allow the public to weigh in on the final budget and make necessary adjustments to expenses and revenues before the end of the fiscal year. The Council met with the department heads and made adjustments to each department's budget. The tax revenue decreased by \$83,000 mostly from highway sales tax, so in order to balance the budget, funds had to be transferred from the unappropriated fund balance. At the beginning of the fiscal year, the projected dollar amount to be transferred from the unappropriated fund balance was \$407,000 dollars. During the first budget reopener the projected amount was changed to \$276,000 and now the final actual dollar amount is \$218,000. The main reason for the difference is the police vehicle lease. Initially the intent was to transfer \$200,000 from the general fund to the equipment replacement fund to cover that expense. However, there are enough funds in that budget for the next few years so that transfer was not necessary. After adjusting the budgets, the total budget for this fiscal year is \$9,709,000. Mayor Norton asked if the staff is aware of any expenses that have not been billed yet besides the costs from Uintah County. Mike Davis, Finance Director, answered no. There being no public comment, the hearing was closed. After further discussion, *Councilmember Bert Clark moved to approve the FY2016 Budget reopener #2, Ordinance No. 2016-10.* He asked if the City has recouped any costs from the Haven Estates infrastructure yet. Mike Davis answered that the City received \$149,000 last year and \$35,000 this year. Ken Bassett stated the total cost for that project was around \$200,000 dollars. *Councilmember Dave Everett seconded the motion. The motion passed with the following roll call vote:*

Councilmember Munford..... aye;
Councilmember Everett..... aye;
Councilmember Scott..... aye;
Councilmember Clark..... aye.

REQUEST TO AMEND THE VERNAL CITY MUNICIPAL CODE - SECTION 15.01.010

- CODES - FEES - ORDINANCE NO. 2016-08: Cory Coleman, Building Official, explained that every year the State Legislature reviews the building codes and adopts new codes, usually on a three year cycle. This year the State Legislature adopted the 2015 codes. He did note that after further research, the fire code also needed to be amended as referred to by Utah State Code. Mayor Norton asked if the City code had to be specific about the year. Ken Bassett stated yes.

MINUTES OF THE VERNAL CITY COUNCIL SPECIAL MEETING HELD JUNE 29, 2016

48 Councilmember Munford asked if this is required by the State of Utah. Cory Coleman
49 answered yes. He stated that in the building community, developers ask why the City has
50 adopted international codes, and sometimes there are exceptions approved by the State.
51 Councilmember Samantha Scott moved to approve Ordinance No. 2016-08 with the correction
52 on #5. Councilmember Dave Everett seconded the motion. The motion passed with the
53 following roll call vote:

54 Councilmember Munford..... aye;
55 Councilmember Everett..... aye;
56 Councilmember Scott..... aye;
57 Councilmember Clark..... aye.
58

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

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66 ATTEST:

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70 Roxanne Behunin, Deputy Recorder
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(S E A L)

AWAITING FORMAL APPROVAL

RESOLUTION 2016-12

A RESOLUTION OF THE VERNAL CITY COUNCIL AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN UINTAH COUNTY AND THE UINTAH TRANSPORTATION SPECIAL SERVICE DISTRICT AND VERNAL CITY FOR SPONSORSHIP, OPERATION AND MAINTENANCE OF THE VERNAL REGIONAL AIRPORT.

WHEREAS, pursuant to the provisions of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated, 1953, as amended, public agencies, of the State of Utah including political subdivisions of the State of Utah as therein defined, are authorized to enter into mutually advantageous agreements for the purpose of providing governmental services; and

WHEREAS, the City, the County and the District, through their respective governing bodies, have authorized this agreement after determining that the interests and welfare of the public will best be served by this Interlocal Cooperation Agreement to provide airport services; and

WHEREAS, both the County and the District desire to streamline the process of making payments while complying with the requirements of the federal government'; and

WHEREAS, article 14 of the Interlocal Agreement for the Sponsorship, Operation, and Maintenance of the Vernal Regional Airport permits the amendment of the Interlocal Agreement in whole or in part at any time by written amendment approved and signed by all three participating entities.

NOW THEREFORE, in consideration of the promises, representations and conditions set forth herein, the parties hereto agree as follows:

SECTION 1. Interlocal Agreement. That the Vernal City Council desires to amend the Interlocal Agreement with Uintah County, and Uintah Transportation Special Service District for airport services. (See Attached Agreement)

SECTION 2. Approval. The Vernal City Council hereby approves the Interlocal Agreement referred to above and authorizes the Mayor to execute it on behalf of Vernal City.

SECTION 3. Severability. The provisions of this resolution shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this resolution or the application in a different circumstance.

SECTION 4. Effective Date. This resolution shall become effective immediately upon adoption.

PASSED, AND ADOPTED this 6th day of July, 2016.

Mayor Sonja Norton

ATTEST:

Kenneth L. Bassett, City Recorder

(S E A L)

**AMENDMENT NO. 1
TO INTERLOCAL AGREEMENT
FOR THE SPONSORSHIP, OPERATION, AND MAINTENANCE
OF THE VERNAL REGIONAL AIRPORT**

This Amendment No. 1 (“AMENDMENT”) is entered into this 13th day of June, 2016 by and between Uintah County (“COUNTY”), Vernal City (“CITY”), the Municipal Building Authority (“MBA”) and the Uintah Transportation Special Services District (“DISTRICT”). Together all four entities COUNTY, CITY, MBA and DISTRICT shall be referred to as “PARTIES”.

WHEREAS, COUNTY approved the Interlocal Agreement for the Sponsorship, Operation, and Maintenance of the Vernal Regional Airport (“INTERLOCAL AGREEMENT”) with the DISTRICT on October 26, 2015; and

WHEREAS, both COUNTY and DISTRICT have a desire to streamline the process of making payments while complying with the requirements of the federal government for the utilization of PILT monies so that PILT monies are not jeopardized; and

WHEREAS, Article 14 of the *Interlocal Agreement for the Sponsorship, Operation, and Maintenance of the Vernal Regional Airport*, permits the amendment of the Interlocal Agreement in whole or in part at any time by written amendment approved and signed by all three participating parties.

NOW THEREFORE, the COUNTY, CITY and DISTRICT hereby agree to amend the INTERLOCAL AGREEMENT FOR THE SPONSORSHIP, OPERATION, AND MAINTENANCE OF THE VERNAL REGIONAL AIRPORT, to include such a process, as follows:

1. Article 7, entitled “ARTICLE SEVEN GDA CONTRACT” reads in its entirety: “In June 2014, Sponsors entered into a five-year agreement with Graham, Dietz and Associates, Inc., dba GDA Engineers for engineering, surveying, and construction administration services at the Airport. Sponsors hereby assign their rights, obligations and interests in said contract to District and shall hold Sponsors harmless from any claims by GDA arising after the effective date of this Agreement. District shall assume the responsibilities of Sponsors as outlined in the *Five Year Generalized Engineering Agreement* and its amendments. District agrees to be bound by the requirements of said agreement and amendments. The *Five Year Generalized Engineering Agreement and First Amendment to the Five Year Generalized Engineering Agreement* are attached as **Exhibit 5.**”

2. Article 7, entitled “ARTICLE SEVEN GDA CONTRACT, shall hereinafter read

“In June 2014, Sponsors entered into a five-year agreement with Graham, Dietz and Associates, Inc., dba GDA Engineers for engineering, surveying and construction administration services at the Airport. Sponsors hereby assign their rights, obligations and interests in said contract to District and shall hold Sponsors harmless from any claims by GDA arising after the effective date of this Agreement. District shall assume the responsibilities of Sponsors as outlined in the *Five Year Generalized Engineering Agreement* and its amendments, including the timely payment of any and all invoices owed to GDA. District agrees to be bound by the requirements of said agreement and amendments. The *Five Year Generalized Engineering Agreement and First Amendment to the Five Year Generalized Engineering Agreement* are attached as **Exhibit 5**.

All invoices and/ or requests for payment shall be directed to DISTRICT. DISTRICT shall maintain the responsibility for paying the entire amount of all invoices due and owing as of the time AMENDMENT 1 is accepted by both PARTIES. As such, COUNTY assigns the 95% reimbursements from the FAA to the DISTRICT. At the time payment is made by DISTRICT to GDA, a copy of said payment and invoice shall be forwarded to the Uintah County Grants Department. Upon receipt of these two documents, Uintah County Grants Department shall begin the reimbursement process with the Federal Government. Any and all reimbursement monies shall be sent by the Federal Government to COUNTY. COUNTY shall operate merely as a conduit for reimbursement monies from the Federal Government. No monies shall be kept by COUNTY. Reimbursement funds shall be passed to DISTRICT by COUNTY as soon as possible and COUNTY shall not unreasonably retain federal reimbursements monies. The Uintah County Grants Department shall immediately notify DISTRICT of any federal reimbursement monies and shall hold such monies until such time they are picked up by DISTRICT.

The foregoing recitals are deemed substantive and are incorporated herein into the *Interlocal Agreement for the Sponsorship, Operation, and Maintenance of the Vernal Regional Airport*, as if fully set forth.

Signatures on following page

IN WITNESS WHEREOF, the DISTRICT has caused this AMENDMENT to be subscribed by its Presiding Officer and COUNTY has caused this AMENDMENT to be subscribed by its Board of County Commission Chair and attested by its clerk and approved by its attorney.

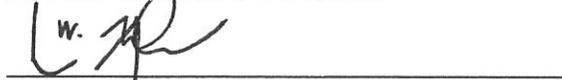
UINTAH TRANSPORTATION SPECIAL SERVICES DISTRICT:



Presiding Officer

Date: 6-14-16

APPROVED AS TO FORM:


Deputy Uintah County Attorney

UINTAH COUNTY:


Commission Chairman

ATTEST:

Date: 6-13-16



County Clerk

MUNICIPAL BUILDING AUTHORITY:


Board President

VERNAL CITY:

Vernal City Mayor

AGREEMENT

THIS AGREEMENT is made this 6th day of July, 2016 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. In addition, at the conclusion of every three-month period 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 forty-five (45) hours during that three-month period. 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.

4. TERM. The term of this agreement shall be for a period of July 6, 2016 and terminating after June 30, 2017, subject, however, to prior termination as hereinafter provided or extended as hereinafter provided. Any time after May 1, 2017 and prior to June 30, 2017, this agreement may be renegotiated by both parties providing for an extended period beyond June 30, 2017 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, 2017.

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:

Sonja Norton, Mayor

ATTEST:

Kenneth L. Bassett, 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. Daggett County Road District
4. _____
5. _____

AGREEMENT

THIS AGREEMENT is made this 6th day of July, 2016, by and between **VERNAL CITY** and **ALLRED, BROTHERSON & HARRINGTON, P.C.** (hereinafter referred to as "Attorney").

WHEREAS, Vernal City is desirous of entering into a written agreement with "Attorney" whereby "Attorney" will provide prosecutory 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. CITY PROSECUTOR. "Attorney" hereby agrees to act as City Prosecuting Attorney, with Michael Harrington serving as the Chief Prosecutor, with Clark Allred and Brad Brotherson as secondary prosecutors, providing prosecuting 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. "Attorney" shall not be an employee of Vernal City.

2. CITY PROSECUTOR DUTIES. The "Attorney" shall provide the following legal services:

A. Pursue all necessary prosecutions in the Vernal City Justice Court and appeals there from for violations of City ordinances and draft pleadings relating thereto.

B. Provide legal advice and training to the Vernal City Police Department in its enforcement of all City ordinances.

C. Provide all necessary clerical support and office facilities in order to perform duties as stated above.

D. In situations where a conflict of interest may occur in the performance of these duties, "Attorney" shall immediately notify the City of such conflicts and advise the City as to available options in remedying such conflicts.

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

A. The City will pay "Attorney" compensation at the rate of SIX THOUSAND TWO HUNDRED AND FIFTY DOLLARS (\$6,250.00) per month.

B. The City agrees to pay all reasonable and necessary costs incurred by "Attorney" in the fulfillment of his duties, including but not limited to, filing costs, service costs, witness costs, deposition costs, travel costs at Vernal City per diem rates, research costs, telephone, copying and other costs as pre-approved by the City Manager.

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

D. The City shall provide a continuing education allowance of one thousand (\$1000.00) dollars a year for an attorney to be used in transportation, costs, tuition, and fees associated with seminars and training related to Vernal City prosecution services.

4. TERM. The term of this agreement shall be for the period of July 6, 2016 and terminating June 30, 2017: subject, however, to prior termination as hereinafter provided or extended as hereinafter provided. The terms of this contract will be reviewed in April, 2017. Any time after May 1, 2017 and prior to June 30, 2017, this agreement may be renegotiated by both parties providing for an extended period beyond June 30, 2017 by formal action of the Vernal City Council and concurrence of such action in writing by "Attorney". 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, 2017.

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 "Attorney" 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 "Attorney" 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 "Attorney" 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 this agreement.

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:

Sonja Norton, Mayor

ATTEST:

Kenneth L. Bassett, City Recorder

(S E A L)

PROSECUTING ATTORNEY:

Attorney Signature

**AGREEMENT FOR PUBLIC DEFENDER SERVICES
for Vernal City**

This agreement entered into this 6th day of July, 2016 by and between Vernal City a subdivision of the State of Utah, hereinafter referred to as "CITY", and Law Office of Lance E. Dean, attorney at law residing in the State of Utah, hereinafter referred to as "ATTORNEY".

WHEREAS, the CITY in accordance with the laws of the State of Utah, is required to furnish legal defense for Vernal City defendants in cases presented in the Vernal City Justice Court in Uintah County, Utah which defendants are indigent and are unable to obtain defense counsel in criminal cases.

NOW, THEREFORE, the CITY hereby enters into the following agreement:

1. This agreement shall take effect on July 6, 2016 and shall continue in operation through the last day of June, 2017. Either party has the right to withdraw from this contract upon providing a 45-day written notice of termination to the other party.

2. The CITY hereby agrees to pay ATTORNEY the sum of Two thousand-two hundred and fifty dollars (\$2,250.00) per month in monthly payments to be paid by the CITY to ATTORNEY on the 10th day of each month following the month when services are rendered. Further, the CITY shall compensate ATTORNEY for actual copying fees, document filing fees, subpoena fees, discovery fees, and witness fees incurred in the course of providing said services. Billings for copying, filing fees, discovery fees, subpoena fees and witness costs shall be itemized and submitted to the CITY by the 20th day of each month, payment to be made on the 10th day of the following month. Travel costs outside of Uintah County associated with services rendered shall be paid only after being approved by the City Manager.

3. In exchange for the payments agreed to be made herein by the CITY, ATTORNEY hereby agrees to provide legal defense for all Vernal City indigent defendants in the Vernal City Justice Court in Uintah County, subject to the exceptions listed herein.

4. ATTORNEY agrees to be in Vernal, Utah to appear with his client for all court appearances and to provide legal services to clients as defined herein, unless otherwise authorized by the City.

5. ATTORNEY agrees to provide a twenty-four (24) hour per day local, phone access to clients during the course of this agreement period and at no cost to the CITY.

6. ATTORNEY will not be required to provide legal defense for indigent defendants when the judge presiding over the case, in his discretion, disqualifies ATTORNEY because of a conflict of interest.

7. Costs to provide indigent defense counsel in higher State or Federal courts shall be negotiated with the CITY on a case-by-case basis.

8. ATTORNEY, in consideration of the amount paid, will prepare all necessary documents as required by State law in conjunction with writs of habeas corpus, all appearances at arraignments, preliminary hearings, trials and other appearances requested by the Courts.

9. ATTORNEY is hereby retained in the capacity of an independent contractor and not as an employee of the CITY.

10. It is specifically understood that ATTORNEY will accept no other payment for the work provided herein other than that received from the CITY pursuant to said contract. In the event the court orders restitution for attorney fees from said indigent, then all said restitution shall be paid to the CITY.

11. ATTORNEY hereby agrees to provide competent legal services to indigent defendants in accordance with the Utah and United States Constitutions and the Code of Professional Ethics.

12. Upon termination of this agreement, ATTORNEY agrees to turn all files relative to services rendered under the provisions of this agreement over to the CITY.

13. ATTORNEY shall comply with all terms of the employment verification requirements of the State of Utah. (Utah Code Annotated 63G-11-103)

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

VERNAL CITY:

Sonja Norton, Mayor

ATTEST:

Kenneth L. Bassett, City Recorder

ATTORNEY:
Lance E. Dean, ESQ.

(SEAL)

Signature

Mailing Address