

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

Documents:

[9-1-2021 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, September 1, 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 August 18, 2021 Regular Meeting

### PUBLIC BUSINESS

1. Introduction of Miss Uintah County Royalty
2. Presentation and Campaign to wear Bike / Skate Helmets – Natalie Stone
3. Report on 2021 Dinosaur Roundup Rodeo – Carson Young

### POLICY AND LEGISLATION

1. Amendment to the Vernal City Municipal Code , Sections 2.28.050 – Powers and duties of City Manager & 2.32.010 – Appointment – Ad Hoc Deputies for City Recorder – Ordinance No. 2021-17 – Quinn Bennion
2. Appointment of Vernal City Recorder – Mayor Doug Hammond
3. Update of Justice Court Space in City Hall – Quinn Bennion
4. Open Meetings Training – Quinn Bennion  
<https://training.auditor.utah.gov/>

### ADMINISTRATIVE REPORTS

### 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 Sept 1, 2021 Council Meeting*

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## PUBLIC BUSINESS

1. **Introduction of Miss Uintah County Royalty**
2. **Presentation and Campaign to wear Bike / Skate helmets** – Natalie Stone.  
Councilmember Clark helped arrange this presentation. Natalie's family started a campaign to remind riders of helmet use after a family tragedy.
3. **Report on 2021 Dinosaur Round-up Rodeo** – Carson Young

## POLICY AND LEGISLATION

1. **Amendment to the Vernal City Municipal Code, Sections 2.28.050 – Powers and duties of City Manager & 2.32.010 – Appointment – Ad Hoc Deputies for City Recorder – Ordinance No. 2021-17** – Quinn Bennion. As City Manager, I recommend changing the City Recorder designation. For many years, the City Manager has also served as the City Recorder. I recommend that the Deputy Recorder position be modified to be a City Recorder position. The salary schedule was adjusted at the last meeting to reflect this change. This ordinance removes the responsibility from the City Manager position.
2. **Appointment of Vernal City Recorder** – Mayor Doug Hammond
3. **Update of Justice Court Space in City Hall** – Quinn Bennion.
4. **Open Meetings Training** – Quinn Bennion <https://training.auditor.utah.gov> Mayor and City Council are required to participate in an open meetings training course annually. This training will be held at the end of the Council meeting. The training can also be taken online at Council's convenience.

**M**INUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST  
18, 2021 at 7:00 p.m. in the Vernal City Council room, 374 East Main, Vernal, Utah 84078.

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

6  
7 **WELCOME:** Mayor Doug Hammond welcomed everyone to the meeting.

8  
9 **INVOCATION OR UPLIFTING THOUGHT:** The invocation was given by Councilmember  
10 Ted Munford.

11  
12 **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Councilmember Travis  
13 Allan.

14  
15 **APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF AUGUST 4,**  
16 **2021:** *Councilmember Nick Porter moved to approve the minutes of August 4, 2021.*  
17 *Councilmember Dave Everett seconded the motion. The motion passed with Councilmembers*  
18 *Everett, Munford, Allan, Porter and Clark voting in favor.*

19  
20 **DISCUSSION ON STATE ARPA FUNDS AND GRANT MATCH:** Quinn Bennion explained  
21 there are two parts to these funds. First is the airport ARPA funds and second a grant that focuses  
22 on water, sewer or broad band. The application for the grant is due September 15<sup>th</sup> and requires  
23 a 50% match. Ken Campbell, Airport Manager, stated that the ARPA funds is good news for the  
24 airport as it is in addition to the other funds that have been approved. Quinn Bennion stated the  
25 State is receiving a significant amount of funds and are setting aside \$50,000,000 for cities. He  
26 proposed that the City apply for funds to replace water lines that desperately need attention due  
27 to lead fittings or asbestos. The City will be competing with other cities, however, the State is  
28 focusing on rural communities. Councilmember Nick Porter stated he thought that was  
29 reasonable. Keith Despain, Public Works director, stated the City's infrastructure is in need and  
30 some of the lines are high priority. Councilmember Ted Munford asked how much the City  
31 will request. Quinn Bennion stated it will be in the millions. The consensus of the Council was  
32 to apply for the funds.

33  
34 **CONSIDER APPROVAL OF LEASE AGREEMENT WITH WHITE HOUSE**  
35 **ACADEMY:** Quinn Bennion explained this is an annual renewal for this lease and the amount is  
36 identical with last year and the Board Members of the school say they have a good, positive  
37 enrollment. Councilmember Ted Munford stated he was in favor as they are good tenants. He  
38 asked if there was any other interest. Quinn Bennion stated that the City could expand the  
39 Innovation Hub that has a waiting list for individual offices. If funds are available in the future,  
40 the City should consider expanding. Mayor Doug Hammond asked if the Academy requested a  
41 rate reduction. Quinn Bennion stated they did not. Councilmember Bert Clark asked how much  
42 the rent is. Quinn Bennion answered it is \$2500 a month plus a share of the utilities.  
43 *Councilmember Ted Munford moved to approve the lease agreement with White House Academy.*  
44 *Councilmember Dave Everett seconded the motion. The motion passed with the following roll*  
45 *call vote:*

46

**MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD AUGUST 18, 2021**

47            *Councilmember Munford*.....*aye;*  
48            *Councilmember Allan* .....*aye;*  
49            *Councilmember Everett* .....*aye;*  
50            *Councilmember Porter* .....*aye;*  
51            *Councilmember Clark*.....*aye.*

52  
53    **CONSIDER APPROVAL OF UPDATED INDIGENT DEFENSE SERVICES**  
54    **AGREEMENT:** Allen Parker reminded the Council that they considered this agreement in July.  
55    The initial request to renew this agreement was for \$4500 a month. The Council approved  
56    \$3750 a month. The attorney, Jordan Ostendorf provides the indigent defense services, and he  
57    does not feel he can provide those services for less than \$4000 a month. He noted that he also  
58    asked Mr. Ostendorf about the case load numbers and he does count when there are multiple  
59    hearings for the same individual. Councilmember Dave Everett stated that he did anticipate he  
60    would counter with a higher amount. The consensus of the Council was the City needed his  
61    services. *Councilmember Dave Everett moved to approve the indigent defense services*  
62    *agreement for \$4000. Councilmember Ted Munford seconded the motion. The motion passed*  
63    *with the following roll call vote:*

64  
65            *Councilmember Munford*.....*aye;*  
66            *Councilmember Allan* .....*aye;*  
67            *Councilmember Everett* .....*aye;*  
68            *Councilmember Porter* .....*aye;*  
69            *Councilmember Clark*.....*aye.*

70  
71    **REQUEST FOR APPROVAL OF AMENDMENT TO THE VERNAL CITY MUNICIPAL**  
72    **CODE SECTION 9.44.005 – PARKING REGULATIONS (2<sup>ND</sup> READING) – ORDINANCE**  
73    **NO. 2021-14:** Allen Parker reminded the Council of this Ordinance dealing with travel trailers  
74    and oversize trailers being parked on public roads for an extended period of time. During the  
75    previous discussion, the Council directed the staff to change the ordinance to address all trailers  
76    and adjust the period of time that a trailer can remain in one location from 72 hours to 48 hours.  
77    The amended version of this ordinance has a new definition of a trailer to fit the directive, and  
78    the definition of a vehicle, was amended to take out trailers and add motorhomes. Then the  
79    parking regulations were changed to include trailers instead of oversize trailers and camp trailers.  
80    Councilmember Ted Munford asked why the time frame was changed. Allen Parker stated the  
81    Council felt 48 hours was sufficient. Quinn Bennion stated that the point was made that 72  
82    hours gives residents over the weekend when there is no code enforcement on duty anyway.  
83    Councilmember Ted Munford stated he would rather leave the time frame at 72 hours as this  
84    Ordinance is to take care of abusers. Councilmember Travis Allan agreed that this is for the  
85    chronic abusers who create a public safety issue rather than a nuisance. He noted that the bigger  
86    issue will be the enforcement. Allen Parker stated that the level of enforcement will depend on  
87    staff resources. After further discussion, *Councilmember Travis Allan moved to approve*  
88    *Ordinance No. 2021-14 with the time frame changed to 72 hours. Councilmember Bert Clark*  
89    *seconded the motion. The motion passed with the following roll call vote:*

90  
91            *Councilmember Munford*.....*aye;*  
92            *Councilmember Allan* .....*aye;*

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93            *Councilmember Everett* .....aye;  
94            *Councilmember Porter* .....aye;  
95            *Councilmember Clark*.....aye.

96

97 **PUBLIC HEARING: REZONE REQUEST FROM DENNIS & CAROL JUDD TO**  
98 **REZONE PROPERTY LOCATED AT 313 SOUTH VERNAL AVENUE FROM R-3**  
99 **(RESIDENTIAL) TO C-2 (COMMERCIAL) – ORDINANCE NO. 2021-13:** Allen Parker  
100 explained that the City received a request from Carroll Judd to rezone a small parcel of property  
101 from R-3 residential zone to a C-2 commercial zone. Mr. Parker displayed a map showing the  
102 .42 acre parcel with a home on it. The property adjoins a vacant lot, and too lots up is another lot  
103 that is also zoned C-2 commercial. This area of the City in the general plan is listed as mixed  
104 use, which includes high density and commercial. Rezoning this parcel would not be  
105 considered spot zoning so the Council can control how development goes forward in this area.  
106 This proposal was presented to the Planning Commission and there were several neighbors there  
107 who had concerns about the direction this change will take the neighborhood. There were also  
108 concerns about parking. The Planning Commission forwarded a positive recommendation for  
109 this request. Councilmember Ted Munford stated when he sees a rezone request, he always has  
110 the same question – why. He also thanked those in attendance for showing up and giving input.  
111 Carol Judd, applicant, explained that she has owned this home for quite a while and thinks it  
112 would provide a unique setting for a small retail store. The area fits this kind of store.  
113 Councilmember Ted Munford stated the R-4 zone does allow certain kinds of businesses. Carol  
114 Judd stated this would be retail. Allen Parker indicated retail is not allowed in a residential  
115 zone. Councilmember Ted Munford asked about parking. Carol Judd stated they could work  
116 that out. Allen Parker stated that the parking code was impacting development downtown so  
117 the code was changed that as long as a new tenant does not expand the footprint of the structure  
118 no new parking would be required. Councilmember Dave Everett asked what type of retail  
119 would be opened. Carol Judd stated it would be a used bookstore, mostly, to help the book  
120 foundation. The other uses cannot be disclosed yet. Mayor Doug Hammond opened the public  
121 hearing.

122  
123 Barbara Risbon, resident at 305 South Vernal Avenue, explained that her home is across the  
124 street from this property and was under the impression that a small retail business could be on  
125 that property without being rezoned. Allen Parker answered that it has to be commercial for  
126 that type of use. Barbara Risbon stated they are asking for some transparency as she is concerned  
127 of what type of business will be opened and the impact to a residential area. The old bus yard is  
128 already commercial and that is also concerning. She noted that the rumor is that Mr. Judd is  
129 interested in that property as well for more small retail shops. Parking is also a concern and  
130 with the change in the speed limit, the traffic is going very fast. Councilmember Ted Munford  
131 stated it is a challenging issue as the property owner understandably wants to be quiet about the  
132 plans for the home because of competition. Barbara Risbon stated it will have an impact on the  
133 neighborhood and with the revitalization of downtown there has been talk of angled parking  
134 which is worrisome for the children in walking to the recreation center. Quinn Bennion  
135 clarified that the angled parking will only be from Main Street to 100 South. The rest of that  
136 street will have bike lanes. Barbara Risbon asked if the current owners sell this property, are  
137 the new owners allowed to come in and put whatever they want in there like a smoke or tattoo

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138 shop. Allen Parker stated they can within the constraints of the size of the lot. Carol Judd  
139 clarified that Mr. Judd does not want to buy the neighboring property nor put stores on it.

140  
141 Lyle Southam, owner of property on 100 East, stated that his concern is there is already a lot of  
142 traffic at night and there is more crime. What the current owner wants to do there is nice, but  
143 more commercial puts the foot in the door for other things to happen that are not conducive to  
144 the neighborhood. Councilmember Ted Munford stated that it is hard not to allow property  
145 owners to do what they want with their property. When you look at the map for this area, this is a  
146 small change. Lyle Southam stated it still puts the foot in the door that could be something  
147 good and special or it could not. He stated they just want to know what is going on.

148  
149 Curt Bingham, neighbor, stated the other lot has been cleared off as if something is going to  
150 happen. The matter before the Council now may not affect him except 30% of the street will be  
151 commercial. He asked how much of the area can be commercial and remain mixed use. Allen  
152 Parker answered that there is not a ratio, rather it is governed by processes like this. Curt  
153 Bingham asked if it all went commercial is it still mixed use. Councilmember Ted Munford  
154 answered yes. Curt Bingham noted that there is some renovation going on now for housing and  
155 his concern is the trend is for just a little bit more commercial, then a little bit more until there is  
156 a big change. Councilmember Ted Munford stated he had a valid point and it will change from  
157 what is already there.

158  
159 Summer Clark, resident at 478 South Vernal Avenue, stated that she is concerned that this road is  
160 very busy. The majority of the foot traffic is kids walking to school or the recreation center.  
161 There is crime in the neighborhood with things are disappearing out of yards and her security  
162 cameras are always going off. She stated she understands this is a prime location for a business,  
163 and the parking will impact the area making it harder to back out of the driveway. She  
164 suggested the speed limit be changed back to 25.

165  
166 Craig Herbert, resident at 247 So Vernal Avenue, stated he owns a historical house and asked  
167 what will happen with the value. Councilmember Ted Munford asked if he was running a  
168 business out of his house. Mr. Herbert stated that we was. Councilmember Ted Munford  
169 stated it is difficult to forecast values, however, commercial zones are usually higher valued.

170  
171 Barbara Risbon apologized for her comment about a tattoo shop and smoke shop and noted that  
172 some of the homes are being renovated. She thanked the Council for their time.

173  
174 Carol Judd stated that the current plan will have a lot of grandma's and family type items. In  
175 the future it could be something else. The property next door is being cleared by the seller.

176  
177 Councilmember Bert Clark asked what the square footage was for this property. Allen Parker  
178 stated it is ¼ of an acre with a house and detached garage. Councilmember Dave Everett stated  
179 one disadvantage the Council has when making a decision, is they do not getting any feedback  
180 afterward. However, it is hard to tell someone what they can or cannot do with their property.  
181 He hoped this change will allow the neighborhood and community to hold its charm and  
182 character. Councilmember Bert Clark commented that if there is more traffic, maybe the speed  
183 should be reduced back. Councilmember Ted Munford stated he would bring it up to the Public

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184 Safety Committee. Councilmember Bert Clark stated there are events in this area that may be  
185 impacting this neighborhood. Barbara Risbon stated it is not that bad and the traffic clears out  
186 quickly when there are events at the Western Park. She stated they want to feel like they have a  
187 voice.

188  
189 Lyle Southam noted that during the rodeo a vehicle took out a fire hydrant and the City just  
190 removed it. He stated he would like to have the fire hydrant back.

191  
192 Allen Parker stated that the City is trying to invest in neighborhoods, and this area did qualify for  
193 a grant for sidewalk installation on 100 East. There being no further public comments, Mayor  
194 Doug Hammond closed the public hearing.

195  
196 Councilmember Ted Munford stated that he is a proponent to allow residents to use their  
197 property the way they want to, within reason, and in this case, because it is already surrounded  
198 by commercial, it should not be a problem. The greater impact will be from the vacant property  
199 next door. Councilmember Dave Everett stated that he respects and understands the concerns  
200 and wants this area to retain the nostalgia and charm that Vernal is known for. If the intent is to  
201 provide a bookstore, that use goes hand and hand with that charm. *Councilmember Dave*  
202 *Everett moved to approve the rezone of property at 313 South Vernal Avenue from R-3 to C-2 -*  
203 *Ordinance No. 2021-13. Councilmember Ted Munford seconded the motion. The motion passed*  
204 *with the following roll call vote:*

205  
206 *Councilmember Munford.....aye;*  
207 *Councilmember Allan .....aye;*  
208 *Councilmember Everett .....aye;*  
209 *Councilmember Porter .....aye;*  
210 *Councilmember Clark.....aye.*

211  
212 **PUBLIC HEARING: REQUEST TO AMEND THE VERNAL CITY SALARY**  
213 **SCHEDULE RESOLUTION NO. 2021-10:** Quinn Bennion explained that he is presenting a  
214 salary schedule adjustment with the mid point being adjusted 1.5%. Councilmember Ted  
215 Munford asked if this is across the board. Quinn Bennion stated there are a few changes. He  
216 explained that the judge’s salary is set by the State and the other changes deal with the City  
217 Records office. The assistant clerk is being recommended to be designated as a deputy  
218 records clerk and the deputy recorder changed to the city recorder. Mayor Doug Hammond  
219 opened the public hearing. Councilmember Ted Munford stated that the Administrative  
220 Committee met and discussed these changes and it is important to adjust the salary schedule.  
221 Quinn Bennion stated that it has not been done for going on eight years. Councilmember Nick  
222 Porter stated this is reasonable and wished it could be slightly more. There being no further  
223 public comments, Mayor Doug Hammond closed the public hearing. *Councilmember Nick*  
224 *Porter moved to approve Resolution No. 2021-10 as presented. Councilmember Bert Clark*  
225 *seconded the motion. The motion passed with the following roll call vote:*

226  
227 *Councilmember Munford.....aye;*  
228 *Councilmember Allan .....aye;*  
229 *Councilmember Everett .....aye;*

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230 *Councilmember Porter* .....aye;  
231 *Councilmember Clark*..... aye.

232

233 **REQUEST FOR APPROVAL OF SAFE ROUTES TO SCHOOL NOTICE OF AWARD,**  
234 **CONTRACT AND NOTICE TO PROCEED WITH BURDICK CONSTRUCTION FOR**  
235 **500 WEST STREET PROJECT:** Keith Despain explained that this is the same project along  
236 500 West on the North entrance to Discovery Elementary on the east side of the road. The  
237 contractor is able to complete the work at a cost just shy of \$200,000 with the City providing the  
238 traffic control. After further discussion, *Councilmember Ted Munford moved to approve notice*  
239 *of award, the contract and the notice to proceed for Burdick to complete the safe routes to schools*  
240 *project. Council Nick Porter seconded the motion. The motion passed with the following roll*  
241 *call vote:*

242  
243 *Councilmember Munford*.....aye;  
244 *Councilmember Allan* .....aye;  
245 *Councilmember Everett* .....aye;  
246 *Councilmember Porter* .....aye;  
247 *Councilmember Clark*..... aye.

248

249 **CONSIDER APPROVAL OF COST-OF-LIVING ADJUSTMENT FOR CITY STAFF**  
250 **STARTING AUGUST, 2021:** Quinn Bennion reminded the Council that they discussed this  
251 item a few weeks ago and the recommendation is to give a 2% cost-of-living adjustment to the  
252 staff. Councilmember Ted Munford stated the Administrative Committee met and thought this  
253 would be a good time to do this change. Quinn Bennion stated that there has been one  
254 development since that discussion. The Sheriff’s Department is seriously looking at a 5%  
255 increase for all sworn personnel to remain competitive. Initially the police officers were going  
256 to be excluded from this increase because they recently received a market adjustment and no  
257 other employees did. Quinn recommended the 2% be applied to all employees.  
258 Councilmember Travis Allan voiced his frustration with receiving back lash from the County  
259 Commission for the market adjustment and now they are back on this leap frog approach to  
260 remain competitive. Councilmember Bert Clark asked when that adjustment will happen.  
261 Quinn Bennion stated it has not been finalized yet. After further discussion, *Councilmember*  
262 *Bert Clark moved to approve a 2% cost-of-living adjustment for all the employees including law*  
263 *enforcement. Councilmember Travis Allan seconded the motion. The motion passed with the*  
264 *following roll call vote:*

265  
266 *Councilmember Munford*.....aye;  
267 *Councilmember Allan* .....aye;  
268 *Councilmember Everett* .....aye;  
269 *Councilmember Porter* .....aye;  
270 *Councilmember Clark*..... aye.

271

272 **DISCUSSION ON DOWNTOWN PICKLE BALL COURTS DESIGN, BUDGET AND**  
273 **BID:** Quinn Bennion explained that there has been a lot of discussion about adding pickle ball  
274 courts in the Basin as the closest ones are in Midway. This sport has a broad appeal and  
275 captures all skill levels. In looking at possible locations, it was decided the best place was close

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276 to downtown. The County is willing to allow the vacant lot at 100 South and 200 East to be  
277 used for this purpose and another possibility is to put it by the recreation center. Councilmember  
278 Nick Porter stated the Recreation District is updating the master plan and there is resistance to  
279 adding pickle ball courts. Quinn Bennion stated that this project was not included in the City's  
280 budget. The estimated cost is \$80,000 to \$100,000. There is one donation of \$25,000, the  
281 County is willing to pay \$10,000. The Healthy and Active Committee will be approached to see  
282 if they will commit any funding. After further discussion, the consensus of the Council was to  
283 move forward with the bidding process and approach other organizations for funding.  
284

**STAFF REPORTS**

Open Meetings Training.

285 Councilmember Bert Clark asked the staff to schedule the Open Meetings Training.  
286

Balloon Festival:

287 Quinn Bennion reported that there are 33 balloons and pilots signed up to come to Vernal for the  
288 Dino Saur Days festival. There will be ten balloons each night along Main Street for the  
289 balloon glow.  
290

ULCT conference:

291 Quinn Bennion reminded the Council of the upcoming conference in Salt Lake City. All of the  
292 Council voiced their plans to attend.  
293

UDOT meeting:

294 Quinn Bennion explained that the UDOT Commission met here in Vernal and toured downtown.  
295 They also had a bus tour up to Simplot to discuss the realignment of Highway 191.  
296

Finance Director:

297 Mike Davis thanked the Council for everything they have done and reported that Naples City  
298 offered him a position as their new City Manager. He stated this will be a new adventure for his  
299 family. The Council acknowledged this will leave a huge hole and wished him the best in his  
300 new job.  
301

302  
303 **CLOSED SESSION:** *Councilmember Bert Clark moved to discuss the character, professional*  
304 *competence, or physical or mental health of an individual and reconvene into open session once*  
305 *that discussion is concluded. Councilmember Ted Munford seconded the motion. The motion*  
306 *passed with the following roll call vote:*  
307

- 308  
309  
310  
311  
312  
313  
314 *Councilmember Munford.....aye;*  
315 *Councilmember Allan .....aye;*  
316 *Councilmember Everett .....aye;*  
317 *Councilmember Porter .....aye;*  
318 *Councilmember Clark.....aye.*  
319  
320

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2021

321 **RECONVENE AND ADJOURN:** The Council reconvened into open session. There being no  
322 further business; *Councilmember Bert Clark moved to adjourn. Councilmember Travis Allan*  
323 *seconded the motion. The motion passed with a unanimous vote and the meeting was declared*  
324 *adjourned.*

325

326

327

328

329

330

331

332

ATTEST:

\_\_\_\_\_  
Roxanne Behunin, Deputy Recorder

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

( S E A L )

**VERNAL CITY  
ORDINANCE NO. 2021-17**

**AN ORDINANCE OF THE VERNAL CITY COUNCIL AMENDING THE VERNAL CITY MUNICIPAL CODE, SECTIONS 2.28.050 - DUTIES - POWERS OF CITY MANAGER AND 2.32.010 - APPOINTMENT - AD HOC DEPUTIES FOR CITY RECORDER.**

**WHEREAS**, the City Council finds that the City Manager position has many other duties in addition to serving as the City Recorder; and

**WHEREAS**, the City Council finds that changing the duties of the City Manager is necessary to appoint a different City Recorder, and;

**WHEREAS**, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

**WHEREAS**, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulations.

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

**SECTION 1: AMENDMENT** "Section 2.28.050 Duties -- Powers" of the Vernal Municipal Code is hereby *amended* as follows:

**AMENDMENT**

**Section 2.28.050 Duties -- Powers**

The City Manager shall have and exercise such powers and perform such duties as specified in this section, or in such other ordinances as specified by the governing body of the City. Specifically, the duties and powers of the Manager shall be:

A. To be Chief Administrative Officer, and to have authority, supervision and direction over the City employees. The City Manager shall have authority, subject to the approval of the governing body of the City, for the appointment and dismissal of the heads of each City department and appointing officers as deemed necessary for the efficient management of City government. The City Manager shall have authority for the appointment and dismissal of all other city employees;

B. To create no liability for any City department in excess of the amount of that department's total appropriations published in the budget as adopted or subsequently amended. The City Manager shall create no liability against any City department in excess of two thousand five hundred (\$2,500) dollars without the approval of the governing body, where that liability represents a change to the basic intent of the appropriation as originally approved or subsequently amended;

C. To attend all meetings of the Council with the right to take part in the discussion but not to vote; and to recommend to the City Council the adoption of such measures as he may deem necessary or expedient;

D. To provide for a purchasing agent of the City, who will approve all claims before presentation of the same to the City Council to see that all goods purchased by or for the City are received as per contract;

E. To prepare monthly and annual reports for the governing body, together with whatever other reports the governing body may request;

F. To be the Budget Officer for the City, responsible for the fiscal operations of the City, including:

1. The preparation of the City budget,
2. The exercise of budgetary control over the City departments and services,
3. The maintenance of uniform accounts and records of financial transactions,
4. The purchasing of materials, supplies, equipment and services,
5. The pre-audit of claim and disbursements of City funds and state law, and
6. To keep the governing body of the City advised as to the financial condition of the City;

G. To provide for the care of and preserve all machinery, tools, appliances and property belonging to the City;

H. To notify the Mayor immediately upon the Manager's cognizance of any emergency situation existing in any department or office under his supervision, where an emergency condition requires or will likely require future action on the part of the governing body of the City, or where the emergency threatens to interrupt normal City operations. If the Mayor takes no action and the Manager feels the Council should be informed, he may so advise the Council;

~~I. To act as City Recorder and supervise all functions rendered by others relative to this function;~~

~~J. I.~~ To perform such other duties as may be required of him by this chapter, by state law, or by ordinance or resolution of the governing body of the City;

~~K. J.~~ To adhere to the City Management Code of Ethics as published by the International City Management Association. (Ord. 80-9 § 6; amended during 1993 recodification) (Ord. 2008-03, Amended, 03/05/2008)

**SECTION 2: AMENDMENT** “Section 2.32.010 Appointment - Ad Hoc Deputies” of the Vernal Municipal Code is hereby amended as follows:

AMENDMENT

**Section 2.32.010 Appointment - Ad Hoc Deputies**

The Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Recorder, who shall have such powers and perform such duties as are now or may hereafter be provided by law or ordinances ~~and who shall also serve as City Manager.~~

The City Recorder may appoint an ad hoc deputy or deputies as is required from among the existing employees of the City as are necessary to assist in the Recorder's public duties. Such ad hoc appointment shall not affect the existing job status or salary of the deputy. (Added during 1993 recodification)

PASSED AND ADOPTED BY THE VERNAL COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_.

	<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,

\_\_\_\_\_  
Roxanne Behunin, City Recorder

( S E A L )

***Effective 5/9/2017***

**10-3-916 Appointment of recorder and treasurer in a city of third, fourth, or fifth class or a town -- Vacancies in office.**

- (1)
  - (a) In each city of the third, fourth, or fifth class and in each town, the mayor, with the advice and consent of the city council, shall appoint a qualified person to the office of city recorder and a qualified person to the office of city treasurer.
  - (b) The mayor and city council shall use best efforts to ensure the office of city recorder or office of city treasurer is not vacant.
- (2) The city recorder is ex officio the city auditor and shall perform the duties of that office.
- (3) The mayor, with the advice and consent of the council, may also appoint and fill vacancies in all offices provided for by law or ordinance.
- (4) All appointed officers shall continue in office until their successors are appointed and qualified.

Amended by Chapter 36, 2017 General Session



# Open and Public Meetings Act Training 2021

Required Annual Training for All Public Governing Body Members

Enroll for free

Replay Course

## Course Description

- **Who must complete it:** All public governing body members

- **Time frame for completion:** Yearly
- **Who provides it:** Anyone the presiding officer deems appropriate
- **Who tracks it:** Presiding officer, in conjunction with records officer
- **Who enforces it:** Office of the Attorney General and County Attorney
- **Statute:** [Utah Code 52-4-104](#)



## Office of the State Auditor

The Office of the State Auditor provides Utah taxpayers and government officials with an independent assessment of operation, statutory compliance, and performance management for state and local government. Specific activities include performing financial audits, conducting Federal funds compliance audits, providing local government with conducting agency and program performance audits, performing fraud and compliance audits, and operating a Hotline for citizens to report suspected financial issues or improprieties. These capabilities strengthen Utah's government and help taxpayers have confidence in the integrity of Utah's government agencies. The State Auditor is a Constitutional Officer of the State of Utah, elected directly by the state's citizens every four years. The role of the State Auditor is authorized by Article VII, Section 15 of the Utah Constitution. For more information, see [auditor.utah.gov](http://auditor.utah.gov).

# Course curriculum

## 1 Introduction



Welcome



Disclaimer

## 2 Video and Evaluation



Introduction to the Open and Public Meetings Act



OPMA Evaluation

## 3 Feedback



Feedback Survey



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