

Extra Materials

Ordinance No. 2013 _____

An Ordinance to Amend the Purchasing Rules and Regulations of the Heber City Municipal code to Provide for a Local Business Vendor Preference, Pertaining to Purchases of Equipment, Goods, Supplies and Services.

Whereas ,The City of Heber purchases significant goods and services with public funds for the benefit of its citizens and desires in the public interest for the benefit of the citizens in the City of Heber to use its purchasing power to means to increase employment and economic development within the City: and

Whereas, Heber City Council desire to further its support of local businesses when awarding contracts for the provision of goods, services, supplies, and construction to the City through its established purchasing procedures; and

Whereas, the City Council of the City of Heber has determined and does hereby find that it is in the best interest of the City of Heber, its citizens and the business community of Heber City and Wasatch County to create and establish a new local business Vendor preference with regard to the procurement of products, materials and services;

Whereas, the City has a substantial interest in encouraging businesses to locate and remain in the City, and thereby enhance employment opportunities for persons living in the City, and an increase in expenditures and sales tax revenues in the local private sector: Therefore be it

Ordained, the city Council of the City of Heber, in Council duly assembled, that the Purchasing Rules and Regulations for the City of Heber be amended to add the following Section 1.06 Local Business Vendor Preference.

Section 1.06.01 –

A- Definitions: For the purpose of this Article, the following definitions apply;

1- “Awarding Authority” means the City Council or any officer or employee of the City authorized to award or enter into any Contracts, as defined in this Article, on behalf of the City.

2- “Bid” – means any response to a City solicitation for bids.

3- Budget Cost – shall mean the estimated cost of the project as determined by the appropriated Department Head and certified to the Purchasing Manger after a proposal is submitted to the City but prior to the opening of said proposal

4- “City” – means Heber City

5- “Contract” – for purposes of this Article only, means a written agreement for the purchase of equipment, goods, supplies or services by or for the benefit of the City or its residents.

6- “ Contractor” – means a person, business, or entity submitting a bid, seeking to be awarded a City Contract by the Awarding Authority.

7- “ County “ – means the County of Wasatch.

8- “ Local Business “ means a business entity that meets all of the criteria established under this Article.

9- “ Local Subcontractor “ – means a subcontractor that meets the same criteria as a “ Local Business “ as defined in this Article.

10- “ Proposal “ – means any response to a City solicitations for Proposals .

11- “ Responsible Local Bidder “ – is defined as: A local business bidder whose reputation, past performance and business and financial capabilities are such that the bidder would be judged by appropriate authority to be capable of satisfying the City’s needs for a specific purchase order or contract.

B- Qualified Local Business – To qualify as a Local Business, a Contractor must satisfy all of the following criteria;

1- The Business must have valid Heber City or Wasatch County business license for at least six months (6).

2- The Business must have a physical business address located within the limits of Wasatch County, and the Contractor must have been lawfully conducting its business primarily from that location for at least (6) six months prior to the intimal solicitation of Bids or Proposals for the Contract at issue. The Contractor must submit proof of local occupancy by supplying evidence of a lease, deed or other documentation satisfactory to the City that the business is located within the County. A post office box shall not be used or considered for purposes of qualifying as a Local Business or establishing said physical address;

3- The business must submit proof to the City Demonstrating that the business is in compliance with all applicable laws relating to licensing and is not delinquent on any Heber City or Wasatch County taxes, fees, or other amounts owed ;

4- A commercial office, store, distribution center or other place of business located within the boundaries of the County, with intent to remain on a permanent basis and at least one employee physical present at the local business location.

C - Application of the Preference to Bids.

The Local Business Preference shall apply to Bids and Proposals in the Following manner:

1- The City is authorized to give Local Business Preference to a responsive, responsive Local Business, when awarding a Contract for the purchase of equipment, goods, supplies or services. The Local Business must be able to provide the equipment, goods, supplies or services in a manner which meets the City's Bid specifications.

2- Purchases or Contracts under \$ 15,000. 00. Departments purchasing supplies, services procured under bid and construction items for less than \$ 15,000.00, must solicit at least one quote from a Wasatch County based business unless no Wasatch County-based business providing the service, supply or construction item can be identified.

3- In the event of a tie-bid between a local vendor and an out –of-area vendor, the contract shall be awarded to the local vendor.

2- (Option #1 for the council to look at)

For the purpose of determining the low bidder, local bidders who been pre-qualified by Subsection B, shall be granted preference on the amount of their bid by the applications of a discount of (5%) five percent. Specifically, the process will follow that, after the close of bids, the City Administrator or his designee will evaluate the offers of all bidders. Each Final Bid amount by a local vendor will be discounted by five percent (5%) price advantage in the evaluation of a Businesses total Bid price, not to exceed a maximum benefit of fifty thousand dollars (\$50,000.00). The Local Business Preference shall be used for the sole purpose of determining the lowest bid. Next

a- If the local vendor bid (without the discount adjustment) is the lowest bid, the contract will awarded to the local vendor.

b- If the net bid (after making the local preference adjustment) is not the lowest bid but is within five percent (5%) of the lowest bid submitted by a non-local vendor, the following process will apply:

1- The local bidder must notify the City Administrator or his designee within two (2) business days of notification by the City of final bid results that the local vendor intends to submit a bid matching the lowest bid.

2- If a local vendor fails to advise the City Administrator or his designee, within the designated time period, of the vendor's intent to match, the contract will be awarded to the lowest non-local vendor.

3- Upon the receipt of the initial notification by the City Administrator or his designee, the local bidder will be given two business days to submit a matching bid equal to the lowest non-local bid.

4- In case of extenuating circumstances and at the request of the local bidder, the City Administrator or his designee may extend the time allowed for submission of the matching bid up to three (3) additional business days for a maximum total of five (5) business days.

3- (Option # 2 for the Council to look at)

a- The person or business submitting the lowest bid shall be deemed the lowest bidder. If, however, the lowest bidder is not a Wasatch County based business, any Wasatch County-based business with a bid within 5 % of the lowest bid that has been deemed responsive and responsible under the purchasing ordinances shall be deemed the lowest bidder if it agrees to reduce its bid to match the bid of the lowest bidder. Upon the receipt of the initial notification by the City Administrator or his designee, the local bidder will be given two business days to submit a matching bid equal to the lowest non-local bid.

b- If a Wasatch County-based business declines to reduce its bid to match the lowest bid, then the next lowest responsible and responsive Wasatch County-based business with a bid within the established percentage of the lowest bid shall be given the opportunity to reduce its bid to match the bid of the lowest bidder, it will be deemed the lowest bidder and awarded the contract. Within two business day upon the receipt of the initial notification from the City to submit a matching bid equal to the lowest non-local bid.

c- If no responsive and responsible Wasatch County-based business within the established percentage of the lowest bid agrees to reduce its bid to that of the lowest bidder, then the contract shall be awarded to the person or business with the lowest, most responsive and responsible bid.

4- (Option # 3 – for the council to look at)

Local Preference applies to Wasatch County persons, firms and/ or corporations which meet the established criteria set forth in this Article. The local preference is subject to the policies and procedures as established by the City of Heber City purchasing policy. In all purchase or acquisitions of products, materials and services by the City of Heber, qualified Wasatch County persons, firms and /or corporations shall receive a local vendor preference. The local preferences as set forth herein shall apply and shall result in the otherwise qualified local vendor being awarded the contract, at the amount of the submitted bid, if the local vendor's bid is the next lowest bid and the bid amount is within the applicable percentage of the lowest bid submitted by a non-local vendor, as set forth below.

a- Five percent (5%) of the net bid price up to \$ 249,999.99, as referenced on the bid price schedule.

b- Four percent (4%) of the net bid price from \$ 250,000 to \$ 499,999.99, as referenced on the bid price schedule.

c- Three percent (3%) of the net bid price from \$ 500,000.00 to \$749,999.99, as reference on the bid price schedule.

d- Two percent (2%) of the net bid price from \$ 750,000,00 to \$ 1million, as reference on the bid price schedule. One million is the maximum allowed for the local vendor preference policy .

D – Public Notice of the City of Heber local vendor preference program, rules and procedures shall be included in all official public solicitations for bids by the City of Heber.

E- The Local Vendor Preference shall not apply to the following, but not limited to:

1- Purchases that are funded in whole or in part by funds from any federal, state or local agency whose laws or regulations prohibit local procurement preference.

- 2- Purchases that are funded in whole or in part by funds from any federal, state or local agency whose laws or regulations require that those contracts are awarded to the lowest responsible bidder.
- 3- Purchases requires as a result of an emergency where a delay would jeopardize the public health, safety, or welfare of the residents of the City.
- 4- The businesses submit a proposal that exceeds the projected Budget Costs.
- 5- Local Business Preference shall not be granted on a sole source purchases or contract;
- 6- Cooperative purchasing agreements or utilization of other agency contracts. (i.e. one or more agencies combining requirements in order to benefit from discounts that may be obtained through volume purchasing);
- 7- The Business is determined to be unqualified to perform the work as determined by the City.
- 8- Notwithstanding anything contained herein to the contrary, the City reserves its right to reject any bid received as non-responsive at any time prior to the award of a contract.
- 9- This Article neither creates a right to receive a Bid preference, not the duty to grant a Bid preference;
- 10- The proposal or bid is in excess of one million (\$1,000,000.00)

D- Effect or Failure to Maintain Status as Local Business:

- a- Any Contractor granted a Local Business Preference must continue to maintain its qualifications as a Local Business for the duration of the Contract for which the preference was granted. Contractors shall have an affirmative duty to notify City Administration if facts change, such that the Contractor no longer qualifies as a Local Business.
- b- If a Contractor fails to maintain its qualifications under the Article, the Awarding Authority shall be entitled to withhold or recover from the Local Business an amount equal to the value of the Local Business Preference granted. The Awarding Authority may also withhold or recover any other costs reasonably incurred by the City as a result of the Contractor's failure to maintain its qualifications under this Article. Prior to seeking to withhold or recover funds, City must provide fifteen (15) days prior written notice and opportunity to cure the violation to the Contractor.

E- Should any provision of the Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.



HEBER CITY CORPORATION
 BUSINESS LICENSE DIVISION
 75 North Main, Heber City, Utah 84032
 (435) 654-4830

APPLICATION for LOCAL CONSENT:
 BEER, WINE AND ALCOHOL ESTABLISHMENTS

To appear before the City Council, please file this application with the City Recorder's Office.

A. Business Name DBA: Sidetrack Cafe
 Proposed local business address: _____

B. Ownership Type: Corporation Partnership Proprietorship LLC
 If Corporation list Corp. name Jax Productions
 (Attach a copy of Certificate of Incorporation)

C. Information on: President General Partner Sole Proprietor (435 237-7136)
 Name Janine A. McKenty Home Phone 435 654-0563
 Home Address 455 W. Lower River Rd Francis, UT 84036
 Mailing Address 98 S. Main St Heber City, UT 84032
 (Street Number) (City) (State) (Zip)

D. Information on: Local Manager Partner Representative Responsible for Business
 Name Janine A. McKenty Home Phone _____
 Home Address Same as above
 Mailing Address _____
 (Street Number) (City) (State) (Zip)
 Date of Birth 03/18/58 Place of Birth 3/18/58

A Bureau of Identification criminal background check may be required for each local manager as part of the application approval process

E. Give a brief description of the proposed establishment and alcohol license requested, and check the appropriate box or boxes. Upgrade to full service & or club (private) license

- Full Service
- Restaurant License
 - Tavern License
 - Package Agency
 - Single Event Permit
 - Temporary Special Event Beer Permit
 - Limited Restaurant License
 - Private Club License
 - On-premise Banquet License
 - Manufacturers and Wholesale Facilities
 - Off-premise Beer Retailer's License
 - State Store
 - Special Use Permit
 - Liquor Warehousing License
 - On-premise Beer Retailer License

F. Attach a copy of a plat map from the County Recorder's office showing the proposed facility, as well as all other properties within 500 feet of the proposed facility.

G. Attach a certified Bureau of Criminal Identification background check of the applicant current within 30 days.

H. Verification of Accuracy - Acknowledgment of Responsibility

I hereby consent to grant an irrevocable license to the City permitting any authorized representative of the City or any law enforcement officer unrestricted right to enter and inspect the premises. I verify by oath that I am the executive officer or the person specifically authorized by the corporation, business or association to sign this application, and have attached written evidence of said authority.

Janine A. McKenty
 Authorized Business Owner
3/18/58
 Date

Heber City Police Department

Memorandum

To: Heber City Mayor, Council and Manager

From: Chief Dave Booth

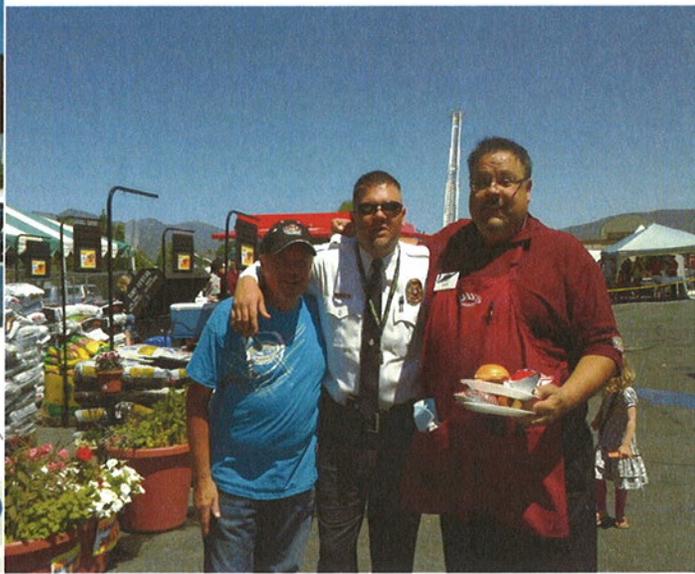
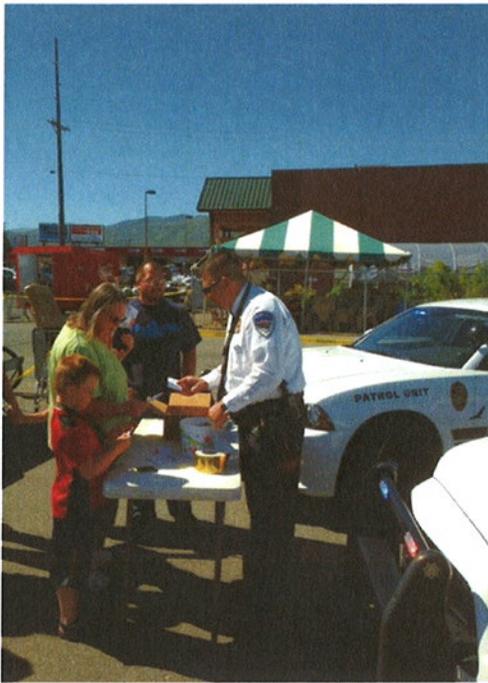
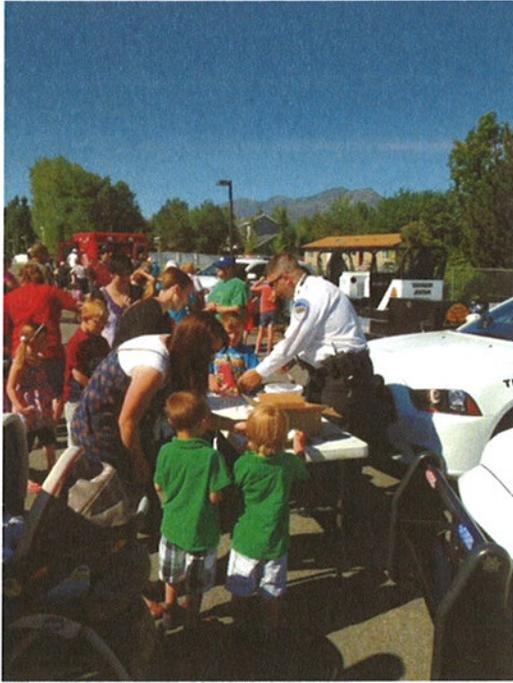
Date: July 16, 2013

Re: Monthly Report - June 2013

- **Dirty Dash:** Officers Xela Thomas entered, “The Dirty Dash” on June 8, 2013. The “Dirty Dash” is a 5K event which consists of running and obstacles in the mud. Great job, Xela!!!



- **Sex Offense:** A mandatory child abuse and neglect report was received from the Utah Division of Child and Family Services. The report indicated that a 15 year old female had sex with an 18 year old male. A CJC interview was conducted with the female. It was determined the incident did occur. The male will be interviewed and charged accordingly.
- **Domestic:** Officer Segura was dispatched to a domestic assault complaint. The victim was physically assaulted by her live in boyfriend. He punched her in the face leaving a swollen eye. The suspect was arrested for co-habitant abuse assault and intoxication.
- **Public Safety Awareness:** On June 8th Days Market held a Public Safety Awareness Fair. All local public safety agencies participated. Officer Segura coordinated the police department portion of the event. A lot of "Brag Tags" were given to local kids.

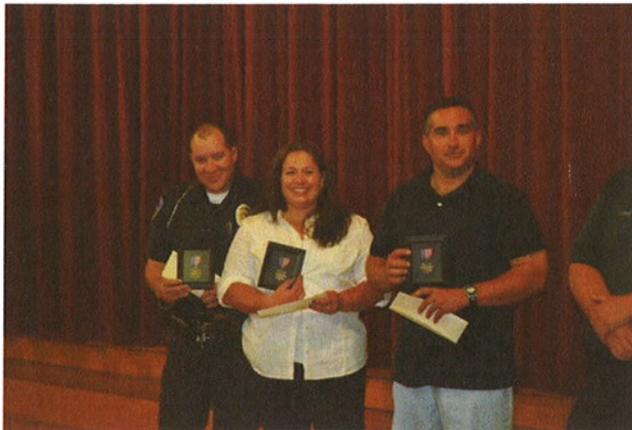




- **Stars and Bars Banquet:** Our annual Stars and Bars banquet was held on June 27, 2013. Officers were recognized for their hard work and dedication. Officer Mainord was given the Chief's Star which indicates the "Officer of the Year" award. Officer Dan Bunnell received a Life Saving Commendation.



Officer Dan Bunnell received the Lifesaving Commendation.



Officer Saldarriaga, Thomas, and Fitzsimmons received the Patriotism Award.



Officer Mainord received the Chief's Star (Officer of the year). This is Officer Mainord's second time receiving this award for this department.



Our Mayor congratulated all of the recipients and we were proud to have our city councilmen present during the award ceremony. Numerous awards and commendations were awarded to several of the department's members.

- **Snow Shack Robbery:** A male approached an employee at, "The Spot" located at 890 S. Main Street and brandished a handgun demanding money. After the robbery, the suspect fled on foot through the parking lot. The victim was not injured. The suspect did leave with an undisclosed amount of cash. As of June 22, 2013, the suspect was apprehended on outstanding warrants. Formal charges for Robbery are forth coming.



- **VEHICLE THEFT:** A victim called to report that somebody had stolen her white 1996 Dodge Truck from the Wing Point Apartment Complex. This vehicle has rust and a blue stripe with a white bed shell. The incident occurred sometime between 5:00 p.m. on June 2, 2013, and 5:00 a.m. on June 3, 2013. Suspect information has been given and this vehicle has been listed NCIC.
****VEHICLE AS BEEN RECOVERED****

- **TRAFFIC ACCIDENT:** Two vehicles collided at the intersection of Center Street & 100 East with no injuries.



- **ASSAULT:** Officers responded to a fight in progress at the Timp Tavern involving multiple suspects. Upon arrival, JAMES MCDONALD continued to cause a disturbance by yelling at other people in the parking lot. He was intoxicated to the point he was having a difficult time standing on his own. It was obvious he was a danger to himself and was causing an annoyance to the public. He was placed under arrest and then transported to the Wasatch County Jail.

Total Incident Reports- 688

Part one Crime:

- **Criminal Homicides 0**
- **Forcible Rape 0**
- **Robbery 1**
- **Burglaries 1**
- **Theft 16**
- **Vehicle Theft 1**
- **Arson 0**

Assorted Calls for Service:

- **Agency Assist 27**
- **Alarms 26**
- **Domestic Problems 4**
- **DUI Arrests 4**
- **Lockouts 53**
- **Parking Problems 11**
- **Traffic Accidents 32**
- **Warrant Arrests 28**
- **Traffic Violations 480**
- **59 Arrests with 97 offenses**

**HEBER CITY CORPORATION
ELECTION JUDGES
2013**

VOTING DISTRICT #1

Combined Precincts 20, 21, 22, 23, 24.1 Wasatch County School District Office Building

Julie Knaphus	435-671-3010	211 N. Millbrook	(24.1)
Monique Straughan	435-654-8381	689 E. 250 N.	(21)
Janet Greenhalgh	435-671-6553	1140 E. 170 N.	(21)

VOTING DISTRICT #2

Combined Precincts 10, 11, 12, 13, 14 Wasatch County Parks & Recreation Center Building

Rochelle Flores	801-927-7336	74 E. Horizon Ave.	(41)
Glenna Smith	435-654-0600	169 West 100 North	(11)
Janalee Dorrity	435-602-9706	2790 N. Commons Blvd. F104	(---)

VOTING DISTRICT #3

Combined Precincts 31.1, 40, 41, 42.1 Senior Citizens Center/Wasatch County Library

Cassandra Cox	801-234-9329	870 S. Hicken Ln.	(40)
Cynthia Carlile	801-636-7790	475 E. 200 S.	(13)
Shantelle Cox	801-234-9329	870 S. Hicken Ln.	(40)

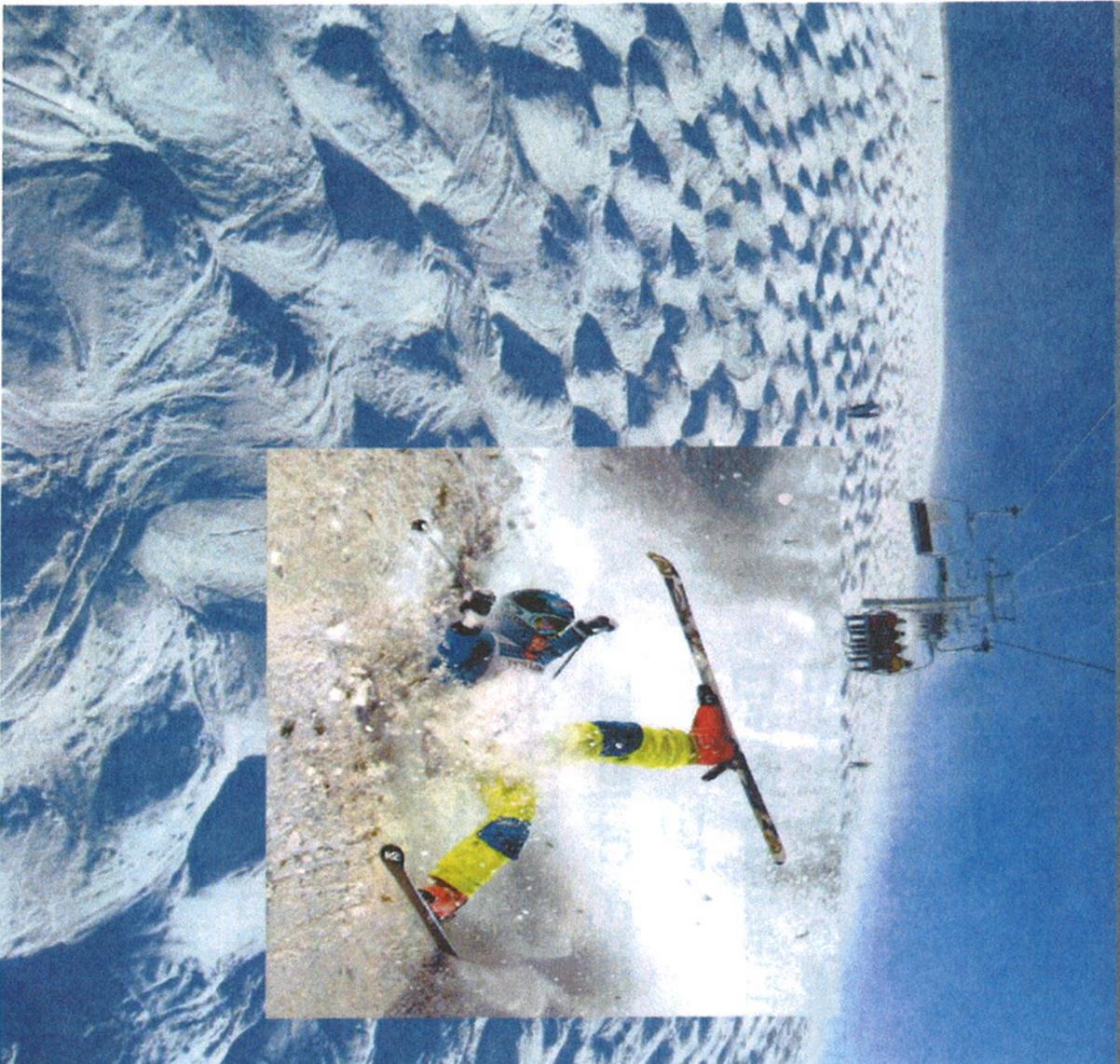
ALTERNATES:

Joy Allred Clark	435-654-0517	525 N. 600 W.	(10)
Alonna Cook	435-654-3068	1010 S. 1000 W.	(40)
Norma Richardson	435-654-0700	220 N. 600 E.	(21)
Ralph Richardson	435-654-0700	220 N. 600 E.	(21)

**HEBER CITY CORPORATION
COUNTING JUDGES
2013**

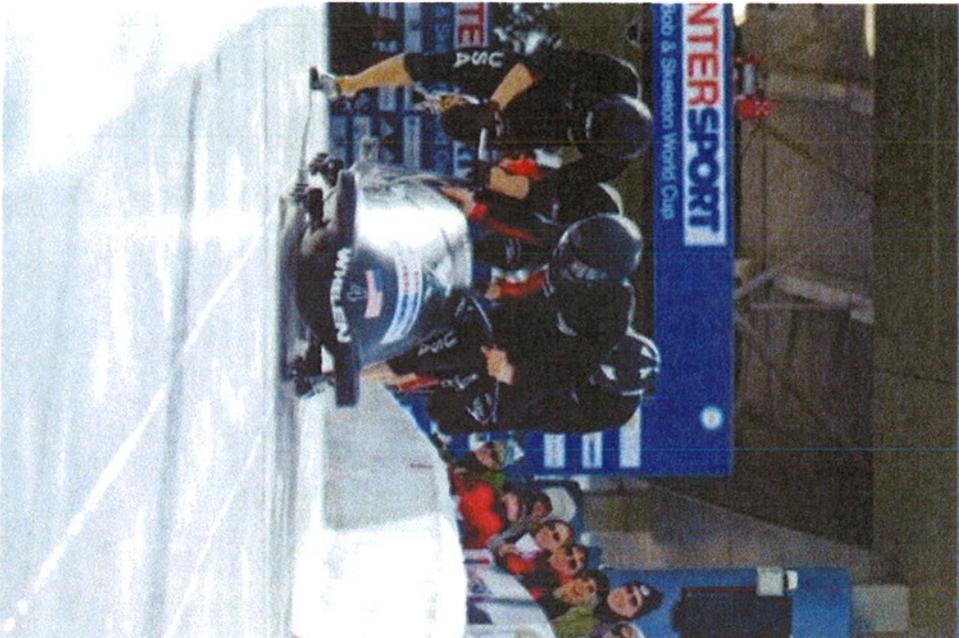
<u>Precinct</u>	<u>Name</u>	<u>Phone</u>	<u>Address</u>	<u>Voting District Assignment</u>
22	Sharon Jenkins	654-1522	296 N. 600 E.	1
21	Katrina Brush	657-0830	818 E. 50 N.	1
24.1	Malia Marcus	659-6015	P.O. Box 694	1
22	Charles Jenkins	654-1522	296 N. 600 E.	2
12	Jane Meeks	654-1444	346 S. 300 W.	2
20	Colton Luke	654-0166	127 E. Center St.	2
40	Annette Williams	654-8414	1012 S. 900 W.	3
20	Cody Luke	654-0166	127 E. Center St.	3
20	Barbara Brown	654-3885	48 N. 200 E.	3

Are You Business Unfriendly?



- Lack of unified leadership
- Licensing and Permitting are Obstacle Courses
- Lack of Growth & Development Plans
- No knowledge of incentive programs
- Poor Infrastructure
- ED Indifference

Or Are You Business Friendly?



- Engaged Leadership
- Knowledge of Federal, State, & Local Incentive Programs
- Ability to Expedite Permitting, Zoning, etc.
- Proactive Infrastructure Planning
- Robust Telecom
- Loyal to Existing Businesses
- Development Plan
- Engaged Schools
- Enthusiastic
- Realistic
- Knows where to go for help



Proposed email to Candidates:

Based on past successful legal challenges against cities for restricting signs on private property, the City will not strictly enforce provisions of Section 18.108.030 which reads as follows:

13. Political or Campaign Signs. In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows: Said signs for all candidates or other referenda, may not be erected earlier than 45 days prior to the voting date and all signs shall be removed by the Monday following the voting date. Signs may not be placed within 45 feet of an intersection, nor in any other location that creates a vehicular or pedestrian traffic visibility hazard. Political and campaign signs may be placed only with the approval of the property owner and must be placed on private property and not on public property or in a public right-of-way.

City staff will not remove political/campaign signs if they are placed more than 45 days before the election or not removed by the Monday following the election. The City, will however, remove any campaign signs that have been “placed on public property or in a public right-of-way”. Of course, we would hope that signs would be quickly removed by any candidates that fail to make it through the Primary Election and all remaining candidates after the November General Election.

With regard to political signs that have been placed on public right-of-way or on private property without permission, staff will be instructed to remove any political signs that fall in these two categories.

FYI, public right-of-way typically ends on the back side of the sidewalk. In the core of town (original lot & block) where sidewalk may be nonexistent, the public right-of-way is 82.5' wide. If you have any questions, feel free to contact me.