



Regular City Council Meeting

Tuesday, December 6, 2022

5249 South 400 East

Washington Terrace, UT 84405

801.393.8681

www.washingtonterracecity.com

1. **WORK SESSION** **5:00 P.M.**
Topics to include, but are not limited to:
 - **ANNUAL FINANCIAL & INDEPENDENT AUDITOR'S REPORT**
To review and discuss the City's annual comprehensive financial and independent auditor's report for fiscal year ended June 30, 2022.
2. **ROLL CALL** **6:00 P.M.**
3. **PLEDGE OF ALLEGIANCE**
4. **WELCOME**
5. **CONSENT ITEMS**
 - 5.1 **APPROVAL OF AGENDA**
Any point of order or issue regarding items on the agenda or the order of the agenda need to be addressed here prior to the approval of the agenda
 - 5.2 **APPROVAL OF NOVEMBER 15, 2022, MEETING AND NOVEMBER 19, 2022, COUNCIL RETREAT MINUTES**
6. **CITIZEN COMMENTS**
This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.
7. **NEW BUSINESS**
 - 7.1 **PRESENTATION/DISCUSSION: INDEPENDENT AUDITOR'S REPORT**
The City's independent financial auditor, Keddington & Christensen, will present to the governing body the scope and outcomes of the annual financial audit for fiscal year ended June 30, 2022.
 - 7.2 **DISCUSSION/MOTION: APPROVAL OF THE CONSOLIDATED PLAN – CAPITAL INVESTMENT PLAN PROJECT PRIORITIZATION**
A five-year Capital Investment Plan ranking the top priority projects that are eligible for the Community Development Block Grant (CDBG)
 - 7.3 **DISCUSSION/MOTION: APPROVAL OF AMENDMENT TO THE CITY**

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

CONTRACTING AND PURCHASING POLICY TO INCLUDE THE PROVISION OF “SOLE SOURCE” PROCUREMENT PRACTICES

Amendment to include the practice of awarding non-competitive bids when certain conditions are met.

7.4 DISCUSSION/MOTION: APPROVAL TO PURCHASE AMI EQUIPMENT FROM MOUNTAINLAND SUPPLY COMPANY USING SOLE SOURCE PROCUREMENT PRACTICES

Mountainland Supply Company is the regional supplier of the Sensus port lid radios needed to be compatible with The towers and software used by Weber Basin Water District.

7.5 DISCUSSION/MOTION: APPROVAL TO PURCHASE PICKLEBALL COMPLEX LIGHTING FROM L.W.E.

In accordance with City purchasing policy, three bids have been obtained for this project. Council to ratify purchase of equipment.

7.6 MOTION: APPROVAL OF THE 2023 ANNUAL MEETING SCHEDULE

8. COUNCIL COMMUNICATION WITH STAFF

This is a discussion item only. No final action will be taken.

9. ADMINISTRATION REPORTS

This is an opportunity for staff to address the Council pertaining to administrative items.

10. UPCOMING EVENTS

December 10th : Candy Cane Run 8:00a.m.

December 26th : City offices closed for Christmas Holiday

December 29th: Planning Commission Meeting 6:00 p.m.

11. ADJOURN THE MEETING: MAYOR ALLEN

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3 **City of Washington Terrace**
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5 **Minutes of a Regular City Council meeting**
6 **Held on November 15 , 2022**
7 **City Hall, 5249 South 400 East, Washington Terrace City, Utah**
8

9 **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT**

10 Mayor Mark C. Allen
11 Council Member F. Carey Seal
12 Council Member Jeff West
13 Council Member Jill Christiansen
14 Council Member Scott Barker
15 Council Member Randy Ferlin – arrived at 6:40 p.m.
16 City Manager Tom Hanson
17 City Recorder Amy Rodriguez
18 Lt. Colby Ryan, Weber County Sheriff
19

20 **Others Present**

21 Charles and Reba Allen, Steve Nielson, Sharae Nielson, Amelia Graff, Anna Graff, Ava Graff, Mike Mathieu
22

23 1. **ROLL CALL** **6:00 P.M.**
24

25 2. **PLEDGE OF ALLEGIANCE**
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27 3. **WELCOME**
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29 4. **CONSENT ITEMS**

30 4.1 **APPROVAL OF AGENDA**

31 4.2 **APPROVAL OF NOVEMBER 1, 2022, MEETING MINUTES**

32 Items 4.1 and 4.2 were approved by general consent.
33

34 5. **SPECIAL ORDER**

35 5.1 **PUBLIC HEARING: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**
36 **FIRST PUBLIC HEARING TO CONSIDER POTENTIAL**
37 **PROJECTS FOR WHICH FUNDING MAY BE APPLIED UNDER THE**
38 **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES**
39 **PROGRAM FOR PROGRAM YEAR 2023**
40

41 Mayor Allen opened the public hearing at 6:02 p.m.
42

43 **COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC HEARING**

44 Mayor Allen opened the public hearing for the CDBG program and stated that the purpose of the hearing
45 is to provide citizens with pertinent information about the Community Development Block Grant Program

and to allow for discussion of possible applications for the 2023 funding cycle. It was explained that the grant money must be spent on projects benefitting primarily low and moderate-income persons. The Wasatch Regional Front, in which Washington Terrace is a member, is expected to receive approximately \$978,712 in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time.

Mayor Allen read several of the eligible activities listed including examples, such as Construction of public works and facilities, e.g., water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters.

Mayor Allen indicated that in the past Washington Terrace has received 12 CDBG grants which were used to purchase Fire Department Equipment to include a skid loader for the brush truck, thermal imaging equipment, breathing apparatus, turn out gear and radios. Other projects awarded funding include seismic upgrades to two Water Tanks, a restroom and bowery at Victory Park, the 4525 South Sewer Main Replacement, construction of the Civic/Senior and Fire Station, Water Main Feeds, installation of water valves throughout the city, and currently purchase of AMI Metering equipment. The city has handed out its capital investment plan as part of the regional "Consolidated Plan". This list shows which projects the city has identified as being needed in the community.

It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The Recorder will include your names in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

The Mayor asked if there were any suggestions.

Steve Nielson asked if the money could be used to fund anything, such as a code inspector position, or new street lights. Rodriguez and Mayor Allen explained some of the requirements and eligibility for projects.

Paul Klema asked if could be used for an 18 and under dance club.

There were no other citizen comments.

The hearing was adjourned at 6:16 p.m.

6. CITIZEN COMMENTS

Steve Nielson voiced concerns on the recycling contract that was spoken about at the last meeting.

He stated that he did research on toxins and it is very bad. He was concerned about the air emissions as far as the kiln is concerned, stating that they are not subject to emission standards. He stated that if our trash is going to the kiln, it could be bad publicity for the city if we are contributing to toxins and chemicals in the air.

Nielson stated that there are shades in the parks plan and asked if there is a plan to remove the canvass shades in the fall and winter to minimize any potential damage.

7. NEW BUSINESS

7.1 DISCUSSION/MOTION: RENEWAL OF THE LEASE AGREEMENT WITH

91 **OGDEN CITY REGARDING WASHINGTON TERRACE FIRE STATION #51**

92 Hanson stated that the City looked into unifying our fire department with Riverdale and South Ogden. At
93 that time there was a fiscal analysis done. Hanson stated that after several meetings, it was determined that
94 the City wanted to take a wait and see approach. Hanson stated that the volunteer department had an
95 increase in stipend to help recruit and retain. At this time, Hanson met with Ogden Fire Chief Mike
96 Mathieu concerning leasing the fire station as a source of revenue to feed back into the volunteer fire
97 department. Hanson stated that Ogden City leases an area in our station for ambulance services. Hanson
98 stated that Ogden City has been paying \$50,000 a year, plus 6 percent per year.

99 Hanson stated that he and Ogden City have proposed extending the contract for 10 years. They discussed
100 changing the terms to not to go higher than 6 percent based on the Western Region CPI, and not to go
101 lower than 3 percent yearly.

102 Hanson stated that the City would like to ratify the lease agreement with the flex of the minimum of 3 and
103 maximum of 6 for ten years. Hanson stated that there will be an opt out clause of 365 days notice.

104 Hanson stated that both the City and Ogden City have benefited from the agreement.

105
106 Chief Mathieu stated that he has worked with Washington Terrace Department for quite some time. He
107 stated that the reason that the agreement has worked so well is because it allows them to keep their unit in
108 the area of the area that they service, considering that Ogden Regional and McKay Dee Hospital are so
109 close. He stated that this allows a chief commander to come out for major events management. He stated
110 that it is to serve the residents collectively, noting that the working together creates stability. He stated that
111 it has been a very professional relationship. He stated that he anticipates that Mayor Caldwell will sign the
112 agreement.

113
114 Council Member Barker asked if our building is adequate for their needs. Chief Mathieu stated that he has
115 inspected it and it is. He stated that there is any damage to the facility, Ogden will work through the fire
116 chief to rectify the situation.

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118 **Motion by Council Member Christiansen**
119 **Seconded by Council Member Seal**
120 **To renew the lease agreement with**
121 **Ogden City regarding Washington Terrace**
122 **Fire Station 51**
123 **Approved unanimously (4-0)**
124

125 **7.2 DISCUSSION: WEBER COUNTY HOUSING AFFORDABILITY AND ACCESS**
126 **STUDY**

127 Mayor Allen presented on the Weber County Housing Affordability and Access Study. Mayor Allen
128 highlighted the Washington Terrace Page. He stated that Washington Terrace will grow 44 percent by
129 2060. He stated that the City has higher shares of single parent households, and seniors living alone in the
130 county. He stated that we can learn from these statistics on the choices that we make for the community
131 and activities that we provide. Mayor Allen stated that 30 percent of our residences are renters. He stated
132 that we are second in the county, after Ogden City, for rental properties.

133 Mayor Allen stated that housing costs are the fourth lowest in the county. He stated that the study helps in
134 planning for the future, as well as planning for the community.

135 Mayor Allen stated that we provide 5.2 percent of affordable housing units in the county, noting that is
136 more than our fair share. He stated that we need to work with other communities in the county to have

137 them do their fair share to allow affordable housing and allow multi family units.
138 Mayor Allen stated that it shows our median income in 2022 is \$71,000. He stated that he will be using
139 this data in several different meetings and committees that he attends.

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141
142 **7.3 MOTION/RESOLUTION 22-20: APPROVAL TO UPDATE THE CITY OF**
143 **WASHINGTON TERRACE CIVIL RIGHTS POLICY**

144 Rodriguez stated that the policy was originally adopted in 2016 as part of CDBG requirements to comply
145 with Equal Opportunity and HUD's Fair Housing requirements. Rodriguez stated that while she was looking
146 over documents for a grant, she realized that some of the information in the originally resolution adopted in
147 2016 was outdated. Rodriguez stated that the updates to the Civil Rights policy entails updating addresses
148 and contact information for State and Federal Departments. It also updates the Language Access Plan with
149 current census information. The Plan covers ADA requirements for communication with individuals with a
150 disability affecting hearing, vision, speech, cognitive limitations, and physical limitations. The Language
151 Access Plan helps provide language assistance to persons with limited English proficiency. Rodriguez
152 stated that it also will be incorporated into our Employee Policy and Procedures Manual at the next
153 revision.

154
155 **Motion by Council Member West**
156 **Seconded by Council Member Barker**
157 **To approve Resolution 22-20**
158 **Updating the Civil Rights Policy**
159 **Approved unanimously (5-0)**
160 **Roll Call Vote**
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163 **8. COUNCIL COMMUNICATION WITH STAFF**

164 Council Member Barker asked about updates to our Emergency Preparedness Plan, noting that it should be
165 reviewed periodically and Council and contact information should be updated.

166
167 Mayor Allen stated that he imagines that we would pull the park sun shades down at the end of the season.
168 Hanson confirmed. Mayor Allen commented on the recycling question. He stated that we will have less
169 exposure with the new recycling company than we would have had at our previous operation. Hanson
170 stated that the new company is working on retrofits for emissions handling.

171
172 Wasatch Front Regional Council Transportation and Transit Planning committee will meet tomorrow from
173 4-6 and encourages Council to attend if possible.

174
175 Mayor Allen stated that Council has traditionally provided a day off coupon to the employees instead of a
176 Christmas party, dinner, or monetary compensation. He stated that it is a soft cost and does not cost the
177 city any money. He would like to continue this tradition. Council agreed to continue the tradition.

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179 **9. ADMINISTRATION REPORTS**
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181 Hanson stated that Council retreat will be this Friday at 8:00 a.m. and on Saturday at 8:00 a.m. as well.

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11 UPCOMING EVENTS

November 17th Planning Commission Meeting 6:00 p.m. (CANCELLED)
November 18th and 19th : Council Retreat 8:00 a.m.- 12:00 p.m.
November 24-25th: City Hall closed for Thanksgiving Holiday
December 6th: City Council Meeting 6:00 p.m.
December 10th : Candy Cane Run 8:00a.m.
December 26th : City offices closed for Christmas Holiday
December 29th: Planning Commission Meeting 6:00 p.m. (Tentative)

12. ADJOURN THE MEETING: MAYOR ALLEN

**Motion by Council Member West
Seconded by Council Member Barker
To adjourn the meeting
Approved unanimously (5-0)
Time: 7:07 p.m.**

Date Approved

City Recorder

2022 Council Retreat Minutes

November 18 - 19, 2022

PUBLIC WORKS SHOP
575 East 5600 South
Washington Terrace, UT 84405

November 18th (Friday)

7:30 a.m. Continental Breakfast

Mayor, Council, Staff Present

Mayor Allen
Council Member Seal
Council Member Christiansen
Council Member West
Council Member Barker
Council Member Ferlin
City Manager Tom Hanson
Finance Director Shari' Garrett
Public Works Director Jake Meibos
Community Development Director Tyler Seaman
Recreation Director Carlos Grava
Court Supervisor Jean Blair
Fire Chief Clay Peterson

8:00 a.m. Welcome:

- Welcome
- Pledge of allegiance
- Overview of schedule

8:15 a.m. Council Field Trip

- Driving tour of the City

Staff and Council watched a movie explaining the “What, How, and Why” of what we do.

Hanson conducted a driving tour of the City Parks, City facilities, Residential areas, and Commercial areas of the City. The Mayor and Council watched a demonstration on a water valve excise, as well as a demonstration of the sewer cleaning vac.

Council reviewed the Policy and Priorities that were set at last year's retreat and reviewed in work session in September of 2022.

11:30 p.m. Staff will join Council for discussion during a working lunch

12:00 p.m. The meeting was adjourned

2022 Council Retreat Minutes

November 18 - 19, 2022

November 19th (Saturday)

7:30 a.m. Continental Breakfast

8:00 Welcome:

- Welcome
- Pledge of allegiance

8:15 a.m. Council discussion of Prioritized Initiatives

Mayor and Council reviewed the highlights that they observed during the field trip on Friday.

Mayor Allen stated that you have to run a city professionally and not politically.

Council discussed Hanson's role as City Manager, and the public perception of how involved Council may or not be in the running of the city.

Hanson walked Council through the main headings of the Policy and Priorities and talked about the vision of the Council moving forward with a plan. Council discussed edits or consolidations on each policy.

Council Member Barker stated that infrastructure and roads is one of his top priorities.

Mayor Allen stated that he would like to start saving for the future Recreational Facility at T.H. Bell. He stated that he does not want to improve on any parks or recreation unless we received grant money. He stated that roads and infrastructure are a top priority.

Council Member West stated that Council needs to find their top priorities and realize there is a cost to these priorities and a fiscal plan must be created for these priorities.

Garrett stated that our five year budget document is not standard, and it is beyond and above the standard. Council agreed that the document is available for anyone to view and the city is very transparent with the budget. Council suggested to "blow our own horn" and put all the good, as well as areas that need improvement, out there for the public. Council discussed how we can get our information out to the residents.

Hanson asked Council what success looks like to them. Council Member West stated that we meet operational needs with a balanced budget.

Council discussed current road projects and how we can plan for the next five years and show performance measures.

Council discussed how we can control rentals in the city. Seaman questioned how fire and law enforcement vehicles can make it through the city with the many cars that are parked on the street, noting that the width of the streets are narrow in some areas.

2022 Council Retreat Minutes November 18 - 19, 2022

Mayor Allen suggested improvements to the city entrances, suggesting an electronic sign that could promote activities and social media. Council Member West agreed, stating that the average age of the city is around 34 years old. He stated we could get a lot of feedback through social media. Hanson suggested a QR code in our newsletter that could steer residents towards our website.

Council stated that they would like to improve community engagement.

Discussion on Employee Compensation. Hanson stated that recruitment and retention budget numbers will be essential in the upcoming year. Mayor Allen stated that we need to have excellent staff to have operational excellence. Council Member West stated that he would to us to have the ability to optimize our human capital value and communication through training opportunities. Council agreed that we must maintain competitive wages for our employees, while also recognizing that there are intangible benefits to employees.

Council Member Christiansen stated that Council Member Barker would like to have liasions from the city to reach out to faith based community leaders.

Mayor Allen suggested more lighting in the neighborhoods and the parks.

12:00 p.m. The meeting was Adjourned

Date approved

City Recorder

City Council Staff Report

Author: Administration/Public Works/Fire Dept
Subject: CAPITAL INVESTMENT PLAN PROJECT PRIORTIZATION
Date: December 6, 2022
Type of Item: MOTION

Summary Recommendations: The City Council, by motion, approve the capital investment plan project prioritization for the Community Development Block Grant

Description:

A. Topic: CAPITAL INVESTMENT PLAN (CIP) PROJECT PRIORTIZATION

BACKGROUND:

Every CDBG applicant is required to document that the project(s) they are applying for are consistent with the City and region's consolidated plan. These projects must be high priority and help fulfill the long-term goals of both the regional and local plans. These plans are reviewed and updated annually to ensure they meet the City's goals and priorities.

CDBG Rating & Ranking

The City's application will be rated and ranked on several criteria including project priority—local, county, and region. The higher the priority in each jurisdiction to more points assigned to the application.

The proposed CIP ranks the projects to be submitted for consideration as City priority #1 for the proposed phase two of the AMI antennae Project, which is listed as #1 under the culinary water heading. The City has applied for other funding sources for this project as well. If the project is awarded funding by the other grants, the City priority #1 would be the Fire Department Cab and Chassis for the Brush Truck update. It is unknown how the project submittals will be ranked as a county and regional priority. There is a \$250,000 cap on the amount we can receive for projects per entity.

Projects to be Applied For

Staff is proposing to submit applications for the following Projects:

1. *AMI antennae Project. The City may apply for \$147,600 for this project with a 38.5 percent match of \$97,000 to complete this project.*
2. *Fire Brush Truck Update. The City may apply for \$61,500 for this project with a 38.5 percent match of \$38,500.*

Recommendation: The City Council, by motion, approve the Capital Investment Plan and project prioritization for CDBG eligible projects.

CITY OF WASHINGTON TERRACE 5 YEAR CONSOLIDATED CAPITAL PLAN FOR CDBG PRIORITIES

This list is comprised of Projects designated in our City Capital Plan. They are re-evaluated periodically to assess if current conditions warrant expediting their priority in ranking.

CDBG HIGH PRIORITY PROJECTS

PRIORI RANKI	PROJECT IDENTIFYER	PROJECT LOCATION	PROJECT DESCRIPTION	PROJECT DESIGNATIO	ESTIMATED COST	Project Year
CULINARY WATER						
1	CW21	City Wide	AMI Anntenae Project phase 2 pending on SmartWater grant	City wide	\$ 240,000.00	2023
2	CW 30	300 West	Reconnect to Pressure zone Combine with STP	City wide	\$198,380	2024
2	CW 14	10" water main loop on 300 w	Replace 6" with 10" main to increase efficiency	City wide	\$35,685	2024
3	CW54	City Wide	Phase 2 Valve replacement	City Wide	220,000	2025
SANITARY SEWER						
4	SS18	500 W	Replace existing 12" & 10" line with 12" line	City wide	\$ 271,700.00	2025
7	SS20	250 E - 4575 S to 4450 S	Relocate existing line	Site Specific	\$ 132,555.00	2025
STORM WATER						
6	SD6	TH Bell	Regional Detention Basin (combin with weber school district)	City wide	\$ 746,850.00	2027
5	SD21	Road Intersections	Replace broken waterways	City wide	\$ 174,915.00	2026
Fire Dept						
2	TBD	6301 S 300 W Fire Station	Replacement of Fire Engine (combo)	City wide	\$ 400,000.00	2023
1	TBD	6301 S 300 W Fire Station	Brush Truck (cab and Chasis)	City wide	\$ 100,000.00	2023
Parks&Rec						
1		Rohmer Park	Phase 5 Parks master plan	City wide	5,000,000	2025

City Council Staff Report

Author: Amy Rodriguez
Subject: Addition to Purchasing Policy
Date: December 6, 2022
Type of Item: Discussion and Action



Summary Recommendations: Council may review and adopt the changes to the City Purchasing and contract policy to allow for sole source procurement.

Description:

A. Topic: The City has a Contracting and Purchasing Policy written into our budget documents. This policy is intended to provide a uniformed method of purchasing goods and services for the city. The purpose of this policy is to ensure that purchases made are in the best interest of the public and acquired in a cost effective manner. Current procedure outlines when a purchase or contract can be made with Department Head approval, City Manager approval, or when a purchase must have Council approval. Some purchases or contracts are required by our policies to go through a sealed bid process. The Council may then approve the contract to the lowest responsible bid.

Current policy allows for exemptions from the “formal” bidding process. Some examples are emergency contracts where there may be imminent danger to safety, health, or welfare; or purchases made using the state purchasing contract in which formal bidding was already completed.

Staff would like to add another exemption to the policy concerning non-competitive procurement of supplies or services. There may be some instances where the product or service can only be supplied by one source. This is called sole source purchase. In this instance, the city would not have to go out to bid for a project or equipment as long as all conflict of interest policies and documentation policies are followed. Documentation would be required as justification as to why the project would not require a formal bid. An example of a sole source procurement would be the AMI antennae system. The City is using the towers from Weber Basin Water. To connect to the Water District System, the City will need to use compatible equipment. There is only one company who is authorized to sell the antennae in the region. Therefore, the City would not benefit from going out to bid for this equipment.

Conflict of Interest policies must be followed, as well as a determination by the City Manager that the product or service is considered “Sole Source”. Council will still approve any contracts or purchases as with sealed bids and will be made aware that non-competitive bids were used.

B. Analysis: Non-competitive bids are not the norm, however, the city policy should reflect and account for such occurrences. The attached is the current policy, with the addition of sole source procurement exception.

C.Department Review: City Recorder, Finance, City Manager

Alternatives:

A Approve the Request: Council may approve the update.

A. Amend the Request: Council may deny or amend the update.

B. Recommendation: Staff recommends that Council adopt the changes to the City Contracting and Purchasing Policy as outlined in report.

FINANCIAL POLICIES AND OBJECTIVES

CONTRACTING AND PURCHASING POLICY

Purpose- These rules are intended to provide a systematic and uniform method of purchasing goods and services for the City. The purpose of these rules is to ensure that purchases made and services contracted are in the best interest of the public and acquired in a cost-effective manner. It is assumed, for this policy, that all amounts to be paid for purchases for goods or services have been approved as part of the budget.

Authority of City Manager or Designee - The City Manager or designate shall be responsible for the following:

1. Ensure all purchases for goods or services comply with these rules;
2. Review and approve all purchases of the City;
3. Establish and amend procedures for the efficient and economical management of the contracting and purchasing functions authorized by these rules. Such procedures shall be in writing and on file in the office of the manager as a public record;
4. Maintain accurate and sufficient records concerning all City purchases and contracts for services;
6. Make recommendations to the City Council concerning amendments to these rules.

General Policies. All City purchases for goods and services and contracts for goods and services shall be subject to the following:

1. No contract or purchase shall be so arranged, fragmented, or divided with the purpose or intent to circumvent these rules.
2. No purchase shall be contracted for, or made, unless sufficient funds have been budgeted in the year for which funds have been appropriated.
3. All purchases of capital assets and services in excess of \$25,000 must be awarded through a formal sealed bidding or request for proposals process, unless otherwise provided in this policy.

FINANCIAL POLICIES AND OBJECTIVES

4. When it is advantageous to the City, annual contracts for services and supplies regularly purchased should be initiated.
 - a. The City Attorney prior to entering into any such contract shall review all contracts for services.
5. The following items require City Council approval unless otherwise exempted in these following rules:
 - a. All contracts (as defined) over \$25,000.
 - b. All contracts and purchases awarded through the formal bidding or request for proposal process over \$25,000.
 - c. Accumulated “change orders” which would overall increase a previously approved contract by:
 - i. The lesser of 20% or \$25,000 for contracts of \$250,000 or less;
 - ii. More than 10% for contracts over \$250,000.
 - d. Exceptions
 - i. Purchases made in accordance with the City’s Fleet Management Plan.
Unless otherwise approved by the City Council for a designated project.
6. All purchases and contracts in excess of \$5,000 must be approved by the City Manager or designee. Amounts to be paid by the City of less than \$5,000, may be approved and authorized by the respective department heads consistent with the City procurement policies and procedures.
8. Acquisition for undertaking building improvement or public works projects shall adhere to the regulations prescribed by State law.
 - b. All uses of Class B and C Road funds shall adhere to the regulations prescribed by State law.
 - c. Contracts for grading, clearing, demolition or construction undertaken by the Community Redevelopment Agency shall adhere to the procedures prescribed by State law.

FINANCIAL POLICIES AND OBJECTIVES

9. Amounts to be paid by the City of less than \$5,000 that are budgeted, may be approved and authorized by the respective department heads. Purchases under this policy must be allocated in the specific budget.

Exceptions- Certain contracts for goods and services shall be exempt from bidding provisions. The City Manager or designee shall determine whether or not a particular contract or purchase is exempt as set forth herein.

1. Emergency contracts which require prompt execution of the contract because of an imminent threat to the safety or welfare of the public, of public property, or of private property; circumstances which place the City or its officers and agents in a position of serious legal liability; or circumstances which are likely to cause the City to suffer financial harm or loss, the gravity of which clearly outweighs the benefits of competitive bidding in the usual manner. The City Council shall be notified of any emergency contract that would have normally required their approval as soon as reasonably possible. The City Council shall ratify any emergency contract at the earliest possible time.

2. Purchases made from grant funds must comply with all provisions of the grant.

3. Purchases made through the State of Utah Division of Purchasing and General Services.

4. Sole Source purchase. Non-competitive procurement procedures may be used when a contractor or supplier is the only known source to provide the goods or services required. Documentation is required as justification as to why the project does not require a "formal bid". Circumstances for sole source funding include: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the federal awarding agency or pass through entity expressly authorizes non-competitive proposals in response to a written request from the city; or after solicitation of a number of sources, competition is determined inadequate.

General Rules

1. **Purchases of Materials, Supplies and Services** are those items regularly purchased and consumed by the City. These items include, but are not limited to, office supplies, janitorial

FINANCIAL POLICIES AND OBJECTIVES

supplies, and maintenance contracts for repairs to equipment, asphalt, printing services, postage, fertilizers, pipes, fittings, and uniforms. These items are normally budgeted within the operating budgets. Purchases of this type do not require “formal” competitive quotations or bids.

2. Purchases of Capital Assets are “equipment type” items which would be included in a fixed asset accounting system having a material life of three years or more and costing in excess of \$5,000. These items are normally budgeted within the operating budgets. Purchases of this type do not require “formal” bids. Attempt shall be made to obtain at least three written quotations on all purchases of this type.

3. Contracts for Professional Services are usually contracts for services performed by an independent contractor in a professional capacity that produces a service predominately of an intangible nature. These include, but are not limited to, the services of an attorney, physician, engineer, accountant, architectural consultant, technical analyst, dentist, artist, appraiser or photographer.

Professional service contracts are exempt from competitive bidding. The selection of professional service contracts shall be based on an evaluation of the services needed, the abilities of the contractors, the uniqueness of the service, and the general performance of the contractor. The lowest quote need not necessarily be the successful contractor. Usually, emphasis will be placed on quality, with cost being the deciding factor when everything else is equal. The manager shall determine which contracts are professional service contracts and may bid professional services as approved. Major professional service contracts (\$25,000 and over) must be approved by the City Council.

4. Conflicts of Interest: All contracts or transactions for goods or services, in which the contracting or transaction party is an employee or related to an employee of the City, must be competitively bid.

5. Contracts for Public Improvements are usually those contracts for the construction or major repair of roads, highways, parks, water lines and systems (i.e. Public Works Projects); and buildings and building additions (i.e. Building Improvements). Where a question arises as to whether or not a contract is for public improvement, the City Manager shall make the determination.

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6. **Minor public improvements (less than the amount specified by state code.):** The department shall make an attempt to obtain at least three written competitive quotations. A written record of the source and the amount of the quotations must be kept. The City Manager may require formal bidding if it is deemed to be in the best interest of the City.

7. **Major public improvements (greater than or equal to the amount specified by state code):** Unless otherwise exempted, all contracts of this type require competitive bidding.

Bidding Provisions

1. **Bid Specifications.** Specifications for public contracts shall not expressly or implicitly require any product by any brand name or make, nor the product of any particular manufacturer or seller, unless the product is exempt by these regulations or the City Council.

2. **Advertising Requirements.** An advertisement for bids is to be published at least once in a newspaper of general circulation and in as many additional issues, publications, and locations as the manager may determine, at least five days prior to the opening of bids. Advertising for bids relating to Class B and C road improvement projects shall be published in a newspaper of general circulation in the county at least once a week for three consecutive weeks.

All advertisements for bids shall state the following:

- a. The date and time after which bids will not be accepted;
- b. The date that pre-qualification applications must be filed, and the class or classes of work for which bidders must be pre-qualified if pre-qualification is a requirement;
- c. The character of the work to be done or the materials or things to be purchased;
- d. The office where the specifications for the work, material or things may be seen;
- e. The name and title of the person designated for receipt of bids;
- f. The type and amount of bid security if required;
- g. The date, time, and place that the bids will be publicly opened.
- h. The City retains the right to accept/reject/modify all or a portion of all bids.

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- i. The City will not reimburse bidders for bid related expenses.
- j. The City reserves the right to accept or reject all or a portion of any bid as the City determines to be in its best interest.

Requirements for Bids. All bids made to the city shall comply with the following requirements:

- a. In writing;
- b. Filed with the City Manager or designee;
- c. Opened publicly by the City Manager or designee at the time designated in the advertisement and filed for public inspection;
- d. Have the appropriate bid security attached, if required.
- e. “Sealed” bids does not preclude acceptance of electronically sealed and submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

4. Award of Contract. After bids are opened and a determination made that a contract be awarded, the award shall be made to the lowest responsive responsible bidder or the bid as stipulated in the published RFP.

The successful bidder shall promptly execute a formal contract and, if required, deliver a bond, cashier’s check, or certified check to the Treasurer in a sum equal to the contract price, together with proof of appropriate insurance. Upon execution of the contract, bond, and insurance, the bid security shall be returned. Contractors have no more than seven (7) business days to execute a formal contract with the City. Failure to execute the contract, bond, or insurance shall result in forfeit of the bid security.

5. Rejection of Bids. The City Manager or the City Council may reject any bid not in compliance with all prescribed requirements. The City also reserves the right to reject all or a portion of any and all bids if it is determined to be in the best interest of the City.

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6. Disqualification of Bidders. The manager, upon investigation, may disqualify a bidder if he or she does not comply with any of the following:

- a. The bidder does not have sufficient financial ability to perform the contract;
- b. The bidder does not have equipment available to perform the contract;
- c. The bidder does not have key personnel available, of sufficient experience, to perform the contract;
- d. The person has repeatedly breached contractual obligations with public and private agencies;
- e. The bidder fails to comply with the requests of an investigation by the City Manager or designee.

7. Pre-qualification of Bidders. The City may require pre-qualification of bidders.

Upon establishment of the applicant's qualifications, the manager shall issue a qualification statement. The statement shall inform the applicant of the project for which the qualification is valid, as well as any other conditions that may be imposed on the qualification. It shall advise the applicant to notify the manager promptly if there has been any substantial change of conditions or circumstances, which would make any statement contained in the pre-qualification application no longer applicable or untrue.

If the manager does not qualify an applicant, written notice to the applicant is required, stating the reasons the pre-qualification was denied, and informing the applicant of his right to appeal the decision within five business days after receipt of the notice. Appeals shall be made to the City Council. The manager may, upon discovering that a pre-qualified person is no longer qualified, revoke pre-qualification by sending notification to the person. The notice shall state the reason for revocation and inform the person that revocation will be effective immediately.

8. Pre-Qualification Process. When the City determines it is in its best interest to pre-qualify bidders for a project the City shall:

- a. Identify the information required for prequalification as part of the bid

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announcement including submission time, date, and information that must be submitted for pre-qualification.

b. Identify in the bid documents a reasonable time whereby a prospective bidder shall be informed of their pre-qualification status. The City Manager or designee shall investigate information provided by prospective bidders in a timely manner. In most cases two (2) weeks prior to bid opening.

c. Information requested from bidders shall be used to determine the qualifications and abilities of the prospective bidder. Information requested might include but not be limited to any information that may be necessary to determine the ability of a prospective bidder to complete the project. Examples of information that may be requested are demonstrated below.

- i. Demonstrated financial ability to complete contract.
- ii. Information on prior and pending litigation.
 - a. List of all lawsuits and arbitration to which the bidder has been a party in the 5 years preceding the bid opening date.
 - b. Name or Title of the litigation
 - c. Civil Number
 - d. Status and or result of the case
 - e. County in which the litigation was filed
 - f. Amount in question
- iii. Equipment and materials available to complete project.
- iv. Qualifications, work history, and references for critical personnel assigned to project.
- v. Referrals from past clients (5 years).
- vi. Work History for projects with comparable scope and financial implications.
- vii. History of change order requests from prospective bidder.

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- viii. Demonstrated history of successfully completing governmental projects.
 - ix. These examples are not intended to be an exhaustive list. The City reserves the right to identify any pre-qualification items that it may find useful in its bid processes.
- d. Failure to provide or producing inaccurate information may lead to the rejection of a bidder and termination of contact with associated penalties on the part of the negligent bidder. Prospective bidders have the ability to appeal their rejected pre-qualification to the Council as outlined in the appeals section of this policy.

9. Appeals Procedure. Any supplier, vendor, or contractor who determines that the City, in violation of these regulations, has made a decision adversely to them, may appeal that decision to the City Council.

The complainant contractor shall promptly file a written appeal letter with the City Manager or designee, within five (5) working days from the time the alleged incident occurred. The letter of appeal shall state all relevant facts of the matter and the remedy sought. Upon receipt of the notice of appeal, the manager shall forward the appeal notice, his investigation of the matter, and any other relevant information to the City Council.

The City Council may conduct a hearing on the matter. A written decision shall be sent to the complainant at the conclusion of the hearing.

City Council Staff Report

Author: Amy Rodriguez/Jake Meibos
Subject: Approval to purchase from
Mountainland Supply Company
Date: December 6, 2022
Type of Item: Discussion and Action



Summary Recommendations: Council may review and adopt the changes to the City Purchasing and contract policy to allow for sole source procurement.

Description:

A. Background: For several years the city had a goal to install an AMI meter system to support our overall water use tracking and reduce the undetected waste of water. Unfortunately, the city was not able to afford the system and the idea was shelved for a time. Most recently the city and Weber Basin Water were working together to create a water conservation plan when the potential of the AMI system was realized. It was not until this time that we realized we could work together to accomplish our collective goals of water conservation through real time water metering.

Weber Basin uses the Sensus 520M Radio units provided by **Mountain Land Supply Company**. The 520M radios transmit the readings to a point-to-point base station collector tower where the data is transmitted to the utility companies' server. Weber Basin has offered the use of their existing collector towers to collect and send Washington Terrace water meter data. The City will have to install a Sensus 520M antenna on each water meter and program it to the Weber Basin tower. Partnering with Weber Basin will allow the city to not have to install collector towers or maintain them or the software to transmit the data. To take advantage of this opportunity to improve technology in our water meter reading system, the only option was to use the equipment from Mountain Land Supply Company, as it is the only system that will be compatible with the Weber Basin system.

B. Analysis: Mountain Land Supply Company is the only regional supplier for the Sensus equipment needed to partner with Weber Basin Water. This procurement process was a non-competitive bid. Evaluation documentation has been received from Weber Basin Water as to why they chose to use the Sensus equipment, as well as a documentation letter from Sensus affirming that Mountain Land Supply Company is the equipment provider for Utah.

There are no conflict of interest between Mountain Land Supply Company and Washington Terrace City.

C. Department Review: City Recorder, Public Works Director, City Manager

Alternatives:

A Approve the Request: Council may approve to use non-competitive bid processes to contract with Mountain Land Supply Company for our equipment.

B. Amend the Request: Council may deny using this process for the equipment and bid out the project.

C. Recommendation: Staff recommends that Council allow this process to be used for the purchase of the AMI equipment.

City Council Staff Report

Author: Jake Meibos

Subject: Pickle ball court lighting

Date: 12/6/2022

Type of Item: Discussion / Approval



Summary Recommendation: Approve the purchase and installation of the pickle ball court lights.

Description:

- A. **Topic:** Include Pickle Ball court lights with phase one construction.
- B. **Background:** The pickle ball courts lights were planned to be installed in the second phase of the project. With further information, it is critical to install the bases for the light poles in phase one. To do so we would need to commit to a specific lighting system.

Analysis: I have obtained 3 bids competitive quotes from LWE (Lynn Woodward Electric), MUSCO, and Techline Sport Lighting. LWE has been selected to provide and install the lighting system. LWE has installed similar lighting systems for several sporting complexes in the area. West Haven City, West Warren Park, and Plain City. LWE submitted low Bid **\$68,233.78**

The City Purchasing Policy states:

Contracts for Public Improvements are usually those contracts for the construction or major repair of roads, highways, parks, water lines and systems (i.e. Public Works Projects); and buildings and building additions (i.e. Building Improvements). Where a question arises as to whether or not a contract is for public improvement, the City Manager shall make the determination.

Minor public improvements (less than the amount specified by state code.): The department shall make an attempt to obtain at least three written competitive quotations. A written record of the source and the amount of the quotations must be kept. The City Manager may require formal bidding if it is deemed to be in the best interest of the City.

The purchase of the lights is considered a Minor public improvement and is less than the amount specified by the state code \$125,000.

Staff has followed the City followed the purchasing policy by determining the type of project, obtaining 3 bids and selecting a contractor to install the appropriate lighting system for the Pickle Ball courts.

Funding: There is \$862,450 available for phase one. The contract bid for phase one is \$730,854 and \$102,442 for Engineering and contingency. Engineering cost will be very minimal for

phase one. With the remaining capacity in the budgeted amount and contingency the funding for the lights is available.

C. Department Review: City Manager, Public Works, and Finance

- A. **Approve the Request:** Staff is recommending the approval of the ratification for selecting LWE to install the light with phase one of construction.
- B. **Continue the Item:** Delaying the project at this time could affect the completion of phase one.

City Council Staff Report

Author: Amy Rodriguez
Subject: 2023 Meeting schedule
Date: December 6, 2022
Type of Item: Discussion and Action



Summary Recommendations: Council may review and adopt the 2023 annual meeting schedule

Description:

A. Topic: 2023 Annual meeting Schedule

State law mandates that if regular meetings are held throughout the course of a year, a meeting schedule must be adopted and posted at least once during the year.

B. Analysis: It is recommended that Council adopt a meeting schedule for 2023. The proposed meeting schedule would include regular city council meetings on the first and third Tuesday of every month. Additional meetings, such as work sessions or retreats, can be added with proper noticing requirements. If time or dates change, notice will be given accordingly.

Attached is a tentative calendar with meeting dates, tentative topics and other important dates in the city.

C. Department Review: City Recorder

Alternatives:

A. Approve the Request: Council can approve the proposed 2023 meeting schedule and meet on the first and third Tuesday of each month, with the exception of July 4th, which falls on the holiday, and December, where there will be only one regular scheduled meeting due to holiday schedules.

B. Amend the Request: Council can decide to amend the meeting schedule.

Recommendation: Staff recommends that Council adopt the 2023 annual meeting schedule as outlined in report.

CALENDAR OF EVENTS - Tentative

JANUARY 2023

Mon. 2nd: New Year's Observance- City Offices closed

Tues.3rd : Work Session

Tues.3rd City Council Meeting 6:00p.m.

- Council Training Open Meetings
- Ethical Behavior Pledge (staff and council included)

Mon. 16th Martin Luther King JR. Day- City Offices closed

Tues. 17th – City Council Meeting 6:00 p.m.

Thur.26th Planning Commission Meeting 6:00 p.m.

- Nominate and elect Chair and Vice Chair

FEBRUARY 2023

Tues. 7th City Council Meeting 6:00 p.m.

- Sheriff office quarterly report
- Fire Dept Quarterly
- Finance Quarterly
- Animal Control Quarterly

Tues. 21st City Council Meeting 6:00 p.m.

Mon. 20th President's Day- City Offices closed

Thur. 25th Planning Commission meeting 6:00 p.m.

MARCH 2023

Tues. 7th Terrace Days Planning 5:00 p.m.

Tues. 7th City Council Meeting 6:00 p.m.

Tues. 21st City Council Meeting 6:00 p.m.

Thur. 30th Planning Commission meeting 6:00 p.m.

APRIL 2023

Tues 4th Budget meeting 5:00 p.m.

Tues. 4th City Council Meeting 6:00 p.m.

Tues. 18th City Council Meeting 6:00 p.m.

- Sheriff's office quarterly report
- Fire Department quarterly report
- Finance Department quarterly report
- Animal Control quarterly report

Wed. April 19th -21st – ULCT (tentative)

Thur. 28th Planning Commission meeting 6:00 p.m.

MAY 2023

Tues. 2nd Budget Meeting 5:00 p.m.

Tues. 2nd City Council Meeting 6:00 p.m.

Tues.16th Budget Meeting 5:00 p.m.

Tues.16th City Council Meeting 6:00 p.m.

Mon. 29th Memorial Day- City offices closed

Thur. 25th Planning Commission meeting 6:00 p.m.

JUNE 2023

Tues.6th Budget Meeting 5:00 p.m.

Tues. 6th City Council Meeting 6:00 p.m.

Sat. 10th TERRARCE DAYS

Mon. 19th National Freedom Day (Juneteenth) observance- City Offices closed

Tues.20th City Council Meeting 6:00 p.m.

Thur. 29th Planning Commission meeting 6:00p.m.

JULY 2023

Tues. July 4th : City Offices closed in observance of Independence Day

Tues 18th City Council Meeting

- Sheriff Office Quarterly
- Fire Dept Quarterly
- Finance Dept Quarterly
- Animal Control Quarterly

Monday 24th Pioneer Day Observed – City offices closed

Thurs.27th Planning Commission meeting 6:00 p.m.

AUGUST 2023

Tues. 1st City Council Meeting 6:00 p.m.

Tues. 15th Primary- if needed

Tues. 15th City Council Meeting 6:00 p.m.

Thurs. 31st Planning Commission Meeting 6:00 p.m.

SEPTEMBER 2023

Mon. 4th Labor Day- City offices closed

Tues. 5th City Council Meeting 6:00 p.m.

ULCT Conference TBD

Tues. 19th City Council Meeting 6:00 p.m.

Thur.28th Planning Commission meeting 6:00 p.m.

OCTOBER 2023

Tues. 3rd City Council Meeting 6:00 p.m.

Mon. 9th Columbus Day- City offices closed

Tues. 17th City Council Meeting 6:00 p.m.

- Sheriff's office Quarterly report
- Fire Department Quarterly report
- Finance Department Quarterly report
- Animal Control Quarterly report

Thur 26TH Planning Commission meeting 6:00 p.m.

NOVEMBER 2023

Tues 7th ; Election Night

Tues. 7th City Council Meeting 6:00 p.m.

Fri. 10th Veteran's Day observed- City offices closed

Fri-Sat 18th -19th COUNCIL RETREAT

Tues.21st City Council Meeting 6:00 p.m

- Board of Canvass

Thur- Fri. 23-24 Thanksgiving Holiday- City Offices closed

Thur. 30th Planning Commission Meeting 6:00 p.m.

DECEMBER 2023

Tues. 5th City Council Meeting 6:00 p.m.

- Annual Meeting Schedule

Monday 25th Christmas Holiday- City Offices closed

Thurs. 28th Planning Commission 6:00 p.m.