



**Regular City Council Meeting**  
**Tuesday, March 3, 2015**  
**City Hall Council Chambers**  
**5249 South 400 East, Washington Terrace City**  
**801-393-8681**  
[www.washingtonterracecity.com](http://www.washingtonterracecity.com)

1. **WORK SESSION:** **5:00 p.m.**  
Topics to include, but are not limited to, a presentation and discussion with the Weber County Elections Office concerning vote-by-mail options for the 2015 Municipal election.
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 FEBRUARY 17, 2015, MEETING 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. **COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS**  
Council and staff will consider and address concerns and take appropriate measures to follow up on any comments made in the citizen comments item on the agenda.
8. **NEW BUSINESS**
  - 8.1 **MOTION/ORDINANCE 15-02: AMENDING CHAPTER 4.20 OF THE MUNICIPAL CODE RELATING TO CONTRACTS AND CONTRACT EXTENSIONS**  
Amendments to Municipal Code, Chapter 4.20 relating to Contracts and Purchasing, including Contract Extensions.

For more information on these agenda items, please visit our website at [www.washingtonterracecity.org](http://www.washingtonterracecity.org)

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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.

**9. COUNCIL COMMUNICATION WITH STAFF**

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

**10. ADMINISTRATION REPORTS**

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

**11. UPCOMING EVENTS**

March 17th: Council Meeting 6:00 p.m.

March 26<sup>th</sup>: Planning Commission 6:00 p.m.

April 7<sup>th</sup>: Council Meeting (tentatively cancelled)

April 8<sup>th</sup>- 10<sup>th</sup> ULCT Mid-Year Conference to be held in St. George

April 21<sup>st</sup>: Work Session 5:00 p.m.

April 21<sup>st</sup>: Council Meeting 6:00 p.m.

**12. ADJOURN THE MEETING: MAYOR ALLEN**

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# City of Washington Terrace

Minutes of a Regular City Council meeting

Held on February 17, 2015

City Hall, 5249 South 400 East, Washington Terrace City,  
County of Weber, State of

## **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT AT WORK SESSION**

Mayor Mark C. Allen  
Council Member Mary Johnston  
Council Member Blair Brown  
Council Member Robert Jensen  
Council Member Scott Monsen  
Council Member Val Shupe  
City Recorder Amy Rodriguez  
Public Works Director Steve Harris  
Fire Chief Kasey Bush  
Asst. Fire Chief Clay Peterson  
City Manager Tom Hanson

### **1. WORK SESSION: FIRE TRUCK DEMONSTRATION & RIBBON CUTTING 5:00 p.m.**

The Mayor and Council gathered in the North parking lot for the ribbon cutting ceremony of the recently purchased ladder truck. Chief Kasey Bush, along with some members of the Fire Department demonstrated the features of the truck.

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

Mayor Mark C. Allen  
Council Member Mary Johnston  
Council Member Blair Brown  
Council Member Robert Jensen  
Council Member Scott Monsen  
Council Member Val Shupe  
City Recorder Amy Rodriguez  
Public Works Director Steve Harris  
City Manager Tom Hanson  
Lt. Jason Talbot, Weber County Sheriff's Office  
Deputies from the Weber County Sheriff's Office

## **OTHERS PRESENT**

Charles Allen, Larry Weir, Del Kraaima, Sheriff Terry Thompson, Chief Clint Anderson, Ulis Gardiner

### **2. ROLL CALL**

**6:00 p.m.**

### **3. PLEDGE OF ALLEGIANCE**

### **4. WELCOME**

49 **5. CONSENT ITEMS**

50  
51 **5.1 APPROVAL OF AGENDA**

52 **5.2 APPROVAL OF FEBRUARY 3, 2015, MEETING MINUTES**

53 Items 5.1 and 5.2 were approved by general consent.

54  
55 **6. CITIZEN COMMENTS**

56 Resident Travis Thyfault-326 E 4800 S- brought his falcon into the council chambers. He wanted to  
57 address Council about proposed changes to the Animal Ordinance to allow falconry. He stated that he  
58 would like to have a meeting with staff and Council concerning the changes before it is passed. He would  
59 like other falconers to be able to give their opinion.

60  
61 **7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN**  
62 **COMMENTS**

63 Hanson stated that he will give his comments in item 8.3.

64  
65 **8. NEW BUSINESS**

66 **8.1 SHERIFF'S OFFICE MONTHLY REPORT**

67 Lt. Talbot noted that the closed reports from investigations was not included in the packet, but will be  
68 given to Council once it is available. He will be reviewing the investigation reports with Hanson.  
69 The Mayor stated that he received several calls on skateboarders. Mayor Allen asked the reasoning  
70 behind the low citation numbers compared to last year. Talbot stated that parking citations could be down  
71 because of the lack of snow this year.

72 Lt. Talbot introduced officers that are working in the City. The officers included: Scotty Sorenson, Doug  
73 Nye, Jared Green, Dave McKinnis, Camille Colvin , Jason Vandenberg, Jake Weasey, Brian Jacobs,  
74 Andy Allen, Eric Wadman, Jeremy Rock, Mark Gordman, Mike McDonald, Tyler Greenhall, Chad  
75 Allen, Bob Johnson, Cameron Hartman, Cody Ryan, Jeff Lemberes, Matt Jensen, Daniel Zumbagna.

76  
77 Council Member Jensen stated that he appreciates the crew. He asked Lt. Talbot if there was anything  
78 that he specifically wants to accomplish. Lt. Talbot stated that he brings change and new goals. He stated  
79 that he appreciates phone calls from Hanson or Council on issues so that he knows what is happening in  
80 the City. Mayor Allen thanked Lt. Talbot and the entire crew for the job that they do. The Mayor also  
81 noted that Hanson has written a newsletter article regarding his feelings concerning law enforcement in  
82 the City. He wanted to let the Office know that the City is on their side and they are appreciated.

83  
84 Hanson stated that Lt. Talbot is an extension of his administrative team. Hanson stated that Talbot keeps  
85 him informed and that information is passed on to Council when warranted.

86 Council Member Monson asked about confidentiality concerning privacy issues. Lt. Talbot stated that  
87 whatever he tells Hanson is ok to release to Council and concerned citizens if asked.

88  
89 **8.2 MOTION: RE-APPOINTMENT OF PLANNING COMMISSIONERS**  
90 **SCOTT LARSEN AND LARRY WEIR**

91 The Mayor stated that his recommendation is to re-appoint both Commissioners to the  
92 Commission.

93 **Motion by Council Member Johnston**  
94 **Seconded by Council Member Jensen**  
95 **To Re-appoint Planning Commissioners**  
96 **Scott Larsen and Larry Weir**

97 **Approved unanimously (5-0)**  
98

99 **8.3 DISCUSSION/MOTION: COUNCIL TO DIRECT STAFF AND PLANNING**  
100 **COMMISSION TO MAKE RECOMMENDATIONS REGARDING FALCONRY**  
101 **WITHIN THE ANIMAL CONTROL ORDINANCE**

102 Hanson stated that staff has done research on falconry and animal control issues. Hanson stated that the  
103 process needs to originate through the Planning Commission. He stated that the topic would deal with  
104 number of falcons, feeders, and other issues. He asked if Council would like for this issue to go through  
105 Planning Commission for further considerations or recommendations.

106 Council Member Shupe stated that he has received calls from neighbors with concerns about the birds.  
107 He stated that he would like staff to talk to the neighbors and the people who are affected by it. Council  
108 Member Shupe stated that Council will need input from the neighbors in the area.

109 Council Member Monsen stated that he is in favor of moving forward with the fact finding portion of  
110 falconry. He would like to proceed in the process.

111 Hanson stated that a public hearing would be held during the Planning Commission meeting. Council  
112 Member Shupe stated that people don't always come to public hearings, but he would like staff to talk to  
113 the neighbors in conjunction with the hearing.

114 Council Member Johnston stated that she is curious as to what the neighbor complaints consist of.

115 Council Member Brown stated that he would like move forward.  
116

117 **Motion by Council Member Brown**  
118 **Seconded by Council Member Monsen**  
119 **To proceed and send the item to Planning Commission**  
120 **For further review**  
121 **Approved unanimously (5-0)**  
122

123 **8.4 PRESENTATION: THE GOOD LANDLORD PROGRAM**

124 Hanson and Rodriguez presented on the requirements and practices of the Good Landlord Program,  
125 stating that it is a proactive Landlord Program that helps reduce criminal activity by the use of best  
126 practices in tenant selection and management. Hanson stated that he received a letter from a resident who  
127 had issues with how many rental properties there are in the City. Hanson stated that it is a right of a  
128 homeowner to rent out their property if they choose. Hanson stated that he has been working with a  
129 coalition working on Good Landlord problems and concerns.

130 Council Member Brown stated that he would like to see the City be a little tougher on the appearance of  
131 properties across the board.

132 Council Member Jensen asked if Hanson thought the program is successful in keeping up with property  
133 maintenance with owners that do not live in the city. Hanson stated that he realizes that the issues do not  
134 always get solved and is challenging, but the City is trying to keep the lines of communication open and  
135 continue the effort in cleaning up the properties.  
136

137 **9. COUNCIL COMMUNICATION WITH STAFF**  
138

139 \* Council Member Johnston stated that it was fun to see the fire truck in action and stated that it makes  
140 her feel proud that we've come this far in the City.  
141

142 \* Council Member Brown stated that the new fire truck exceeded his expectations and is very impressive.  
143

144 \* Council Member Jensen asked about increased accidents on the widened Adams Ave. Road. Harris

145 stated that there have been fewer accidents in the area than before the widening of the road.

146

147 \* Council Member Monsen stated that he appreciates the Sheriff's deputies sitting in the Council  
148 meetings and he expressed his appreciation for the Sheriff's Office.

149

150 \* Council Member Shupe asked Harris about leveling a bump on the Road onto Adams. Harris stated that  
151 the Adams Avenue Project will correct the project. He stated that it has not been able to be fixed with the  
152 weather. Council Member Shupe asked that the Sheriff's Office watch the speeding on Adams Ave.

153

154 \* Mayor Allen stated that he and Council Member Johnston will be representing the City tomorrow night  
155 at the Keys for Our Communities event. Mayor Allen commented on the newsletter this past month and  
156 the amount of information that is included. He stated that the department heads do a great job keeping the  
157 residents informed.

158

159 **10. ADMINISTRATION REPORTS**

160 There were no administrative reports.

161

162 **11. UPCOMING EVENTS**

163 February 26<sup>th</sup>: Planning Commission Meeting 6:00 p.m.

164 March 3<sup>rd</sup>: Council Work Session 5:00 p.m.

165 March 3<sup>rd</sup>: Council Meeting 6:00 p.m.

166

167 **12. ADJOURN THE MEETING: MAYOR ALLEN**

168 Mayor Allen adjourned the meeting at 7:28 p.m.

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170 **13. RDA MEETING (Immediately following the regular Council meeting)**

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**Date Approved**

\_\_\_\_\_ **City Recorder**

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177

## City Council Staff Report

**Author:** Tom Hanson  
**Subject:** Ordinance Amendment  
**Date:** March 3, 2015  
**Type of Item:** Motion/Ordinance



**Summary:** Occasionally there circumstances when it would be in the best interest of the City to extend an existing contract rather than go out to bid or send out an RFP for the services being provided. This amendment to the ordinance would allow the City Manager to extend an existing contract as long as it was in the best interest of the City and approved by the City Council.

### **Description:**

- A. **Topic:** Ordinance Amendment 4.20 Contract Extensions
- B. **Background:** There are times when it would be in the best interest of the City to allow for the extension of a contract rather than send the contract out to bid. In certain situations sending a service contract out to bid would result in higher contract costs for the City, higher costs to the contract provider to bid and higher cost to the City to conduct and manage the RFP/bid process. There are circumstances when it is clearly in the best interest of the City to allow staff to negotiate an existing contract and bring those results back to the Council for approval.
- C. **Analysis:** After reviewing the contract extension proposal with our legal counsel and discussing the options with specific administrative team members; it was determined that it would be in the best interest of the City to allow for negotiated contract extensions as long as those extensions were in the best interest of the City and were approved by the City Council before they were implemented.

At this point in time staff is required to send all contracts out to bid (after contractual extensions) even when the contractor is performing their duties well and are operating at a price point that is comparable to or below the going rate. Negotiating a contract in a positive way can often build stronger relationships with contract providers and can result in a more amenable price point and service level for the city.

### **Alternatives:**

- A. **Approve the Request:** Approving the request would allow the City Manager to negotiate contract extensions when a contract is set to expire and would otherwise require an RFP or bid process to occur.
- B. **Deny the Request:** Continue contract management as currently written and specifically require an RFP process for any contracts that have exhausted their extension period.

WASHINGTON TERRACE CITY  
ORDINANCE 2015-03

CONTRACTUAL AMENDMENTS

**AN ORDINANCE AMENDING CHAPTER 4.20 OF THE MUNICIPAL CODE RELATING TO CONTRACTS AND CONTRACT EXTENSIONS; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Washington Terrace City (hereafter referred to as "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §10-8-84 authorizes the City to provide for safety, preserve health, promote prosperity, peace, and good order;

**WHEREAS**, the City desires to implement efficient and effects measures for the administration of contracts;

**NOW, THEREFORE**, be it ordained by the City Council of Washington Terrace City as follows:

**Section 1: Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment.** Chapters 4.20 entitled "Financial Administration" is hereby amended to read as follows:

**Chapter 4.20  
Financial Administration**

**4.20.080. ~~Service Contracts And Purchasing.~~**

The city manager is ~~director~~ responsible for the solicitation and implementation of ~~a~~ service contracts and any other contracts. ~~Any notice under this subsection shall~~ If a request for proposal is sought by the city, it should outline the scope of work, detailing the specific services or performance contemplated, all work to be performed, and the time frame for completion of the work to be accomplished. The city manager may implement rules and regulations for the criteria for awarding a ~~service~~ contract, including the type of work to be performed, experience required, professional qualifications, past performance, location and accessibility, schedule for completion, projected time involved, associated costs, and waivers. Nothing in this section shall be construed ~~for as~~ preventing the city manager from directly contracting with a ~~service~~ provider for continuing matters that involve telecommunication, utilities, legal services, planning services, maintenance services, engineering services, or consultants, or similar.

**4.20.085. ~~Contract And Obligations Generally.~~**

1. Limited liability. No liability against the municipality shall or may be created and no expenditure of public funds may be made which is not for a purpose.
2. Pre-qualification. The city manager may implement policies and procedures for a contract to pre-qualify before that contractor can respond to a request for proposals.
3. Validity. No contract is valid or binding against the municipality unless:

- a. Contract is in written form and within budgetary limits.
  - b. Contract has been duly approved by the legislative body, if required.
  - c. Contract has been approved as to form by the city attorney, if required.
  - d. Contract has been properly executed and attested by the city recorder.
4. Insurance and bonds. Where required by state law, local ordinance, council, mayor, or city attorney, insurance certificates and permits, performance and material bonds shall be provided to the city recorder in the form and manner approved by the city attorney. When required such documents are conditions precedent to the municipality executing a contract. Such documents shall:
- a. Name the municipality as an additional insured.
  - b. Provide that no cancellation, if subject to cancellation, may be made without first giving 30 day prior written notice to the municipality.
  - c. Be in a sum sufficient to protect the interest of the municipality.
  - d. Be issued by an entity authorized or licensed to conduct business in the state, and be of sound reputation, as determined by the city attorney.
5. Material and performance bonds. The contractor under any contract for improvements or public works project shall be required to post performance and material bonds. If the proposed improvement or project is under \$25,000, this bond requirement may be waived by the city manager.
6. Withholding payment. If any payment on a contract is retained or withheld longer than 180 days, it shall be placed in an interest-bearing account and the interest shall accrue for the benefit of the contractor and subcontractors to be paid after the project is complete and accepted by the municipality. It is the responsibility of the contractor to ensure that any interest accrued on the retained amount is distributed by the contractor to subcontractors on a pro rata basis.
7. Refusal to receive bid. The city manager establish policies and procedures to preclude contractors or suppliers from submitting bids where such failed to perform prior contracts or services, has not satisfactorily completed a prior contract after notice of the same, has failed to complete a contract according to the documents or specifications relating to the project or other specifications, or has otherwise failed to perform any works for the municipality in a timely and satisfactory manner. If adopted, such rules and procedures shall provide reasonable notice to the contractor and an opportunity for administrative appeal hearing.
8. Cooperative purchasing and pre-qualified suppliers. The purchasing agent for the municipality may maximize public benefit and costs as appropriate to join with other units of government in cooperative purchasing arrangements. The purchasing agent may purchase supplies, materials, and equipment from the vendor who has submitted the lowest bid price for such items to the State of Utah Purchasing Office at the quoted price, without any solicitation or price quotation or invitation to bid.
9. Negotiation. The mayor or his designee may negotiate contract terms and provisions with a prospective bidder. Should terms fail to be reached, the mayor any terminate negotiation and proceed with the next prospective bidders, in order, until satisfactory terms are negotiated.
10. Exceptions. This section does not apply if, waived in writing by the mayor based upon a legitimate justification, contracts for independent legal services and expert witnesses, emergency situations, contracts administered by another agency where the municipality is subcontractor or signator, contracts involving an interlocal agreement, investigatory services where confidentiality is necessary, or contractual requirements preclude adherence of this section.
11. Extensions. Notwithstanding any prior extensions or expiration, when the best interest of the city is served, the city manager may propose any contract extension and/or modification without

