

Minutes of the Regular meeting of the Syracuse City Council held on October 10, 2017 at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Andrea Anderson  
Corinne N. Bolduc  
Mike Gailey  
Dave Maughan  
Jordan Savage

Mayor Terry Palmer  
City Manager Brody Bovero  
City Recorder Cassie Z. Brown

City Employees Present:  
City Attorney Paul Roberts  
Finance Director Steve Marshall  
Community Development Director Brigham Mellor  
Police Chief Garret Atkin  
Interim Fire Chief Larry Jo Hamblin  
Public Works Director Robert Whiteley  
Parks and Recreation Director Kresta Robinson

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1. Meeting Called to Order/Adopt Agenda

Mayor Palmer called the meeting to order at 6:02 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. Mayor Palmer provided a thought regarding the recent shooting event in Las Vegas, Nevada, after which he provided an invocation. Councilmember Bolduc led the audience in the Pledge of Allegiance.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT THE AGENDA. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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2. Presentation of Syracuse City and Syracuse Chamber of Commerce "Award for Excellence" to Grant Goodsell and Clara Carr for the month of October 2017.

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with the Syracuse Chamber of Commerce, present the recipients for the "Syracuse City & Chamber of Commerce Award for Excellence". This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City Newsletter, City's Facebook and Twitter Feed, and the City's website.

Chamber of Commerce Representative Andrew Sherman noted both youth receiving the award for May 2017 were nominated by the staff of Cook Elementary School.

Grant Goodsell:

Grant inspires me to do better every day. If Grant can succeed in life, I can also, Grant has cancer and has been battling it for several years. He lost an arm to this disease. However, he has not let his loss of an arm be a disability. He has looked at it as an opportunity. He works hard in school, plays hard when not at school and always has a great attitude. All of the students want to play with him, even the girls. He is so positive, that he has only friends. He does all subjects in our class just like everyone else. He does not want to be given special privileges because of his missing arm. He wants to be treated just like everyone else. Grant is the most positive student I have met in my ten years as an elementary student. He could be negative and blame life for giving him a bad deal. He does not do this. Even when he is hurting, he tries not to let others know. He does not want special attention, he just wants to be like everyone else. As mentioned above, Grant has only one arm and he has learned how to do most tasks using this arm and other body parts. He would prefer to do it himself even though it would be easier if someone did it for him, he has to learn how to do hard things. He loves baseball and is a wonderful one-armed baseball player. Grant is active

in his church and is involved in Scouting. Grant is the type of student that you wish you had several of. He always does his school work. He is always on task and he does quality work. I never have to worry about Grant getting things done.

Clara Carr:

Clara is a proactive and responsible leader and student. Clara has taken the initiative to be her best in all aspects of her schooling. She recognizes the value of hard work and invests the necessary time and effort to complete her goals with pride. Clara invests a great amount of time outside of school hours to perfect her piano and keyboarding skills. she can be found helping at home and encouraging others to also do their best. Clara is involved in ballroom dance, the school play and the Cougar choir here at Cook Elementary. Clara is a top performer in school and district keyboarding competitions. She is well respected by her peers for the way she contributes to classroom discussions and the sense of community that she builds in the 6th grade. Clara is involved in ballroom dance, the school play, and the Cougar choir. She is also a top student in the school and district for speed and accuracy in keyboarding.

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3. Public comment.

There were no public comments.

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4. Approval of Minutes:

The following minutes were reviewed by the City Council: Work Session and Special Meeting of August 22, 2017 and Regular Meeting of September 12, 2017.

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COUNCILMEMBER BOLDUC MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER GAILEY SECONDED THE MOTION.

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5a. Common consent: Proposed Resolution R17-39 amending the rules for conducting public meetings of City Council and Planning Commission using electronic means.

A staff memo from the City Recorder explained Councilmember Maughan asked for review and discussion of the Council's electronic meeting policy; more specifically, he asked that the Council consider an amendment to the policy that would prohibit electronic participation in meetings closed in accordance with the Open and Public Meetings Act. The proposal was discussed during the September 26 work session meeting and the Council concluded to support the recommended amendments and directed staff to include an item on the October 10 agenda to allow for formal action.

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COUNCILMEMBER GAILEY MOVED TO ADOPT PROPOSED RESOLUTION R17-39 AMENDING THE RULES FOR CONDUCTING PUBLIC MEETINGS OF CITY COUNCIL AND PLANNING COMMISSION USING ELECTRONIC MEANS. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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5b. Common consent: Proposed Resolution R17-41 appointing Judy Meservey to the Syracuse City Disaster Preparedness Committee.

A staff memo from the City Recorder explained Mayor Palmer has recommended the appointment of Judy Meservey to the Disaster Preparedness Committee to fill the vacancy created by Karen Jenkins; if appointed, Ms. Meservey will complete her predecessor's term, which expires June 30, 2018.

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COUNCILMEMBER GAILEY MOVED TO ADOPT PROPOSED RESOLUTION R17-41 APPOINTING JUDY MESERVEY TO THE SYRACUSE CITY DISASTER PREPAREDNESS COMMITTEE. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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5c. Common consent: Appoint poll workers for 2017 Municipal General Election to be held November 7, 2017.

A staff memo from the City Recorder explained Utah Code Annotated Section 20A-5-602(1) requires the local legislative body to appoint poll workers for the upcoming election; this action must be taken no later than October 23. The General Election will be held November 7, 2017. As part of the approval action, the City Council is also asked to authorize for the replacement of any of the poll workers included on the list, should the need arise.

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COUNCILMEMBER GAILEY MOVED TO APPOINT POLL WORKERS FOR 2017 MUNICIPAL GENERAL ELECTION TO BE HELD NOVEMBER 7, 2017. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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5d. Common consent: Re-affirmation of Ordinance 17-08 declaring the annexation of 39.134 acres of property located at approximately 4000 W. 800 S. into the City of Syracuse, Davis County, Utah, approving an annexation agreement, and establishing zoning for the property.

A staff memo from the City Recorder explained that following the Council's action on May 9, 2017 to approve the annexation of property located at 4000 W. 800 S., there was a delay in finalization of the annexation plat as staff was working with applicant to address outstanding issues and secure all required signatures. As such, the plat and ordinance were not submitted to the State of Utah Lieutenant Governor's Office for certification within the required 30-day time period. The City Recorder received word last week that the annexation would not be certified until the Council has reaffirmed adoption of the ordinance and the ordinance is resubmitted to the Lieutenant Governor. There are no changes to the ordinance or annexation plat; this is simply a housekeeping item.

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COUNCILMEMBER GAILEY MOVED TO RE-AFFIRM ORDINANCE 17-08 DECLARING THE ANNEXATION OF 39.134 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 4000 W. 800 S. INTO THE CITY OF SYRACUSE, DAVIS COUNTY, UTAH, APPROVING AN ANNEXATION AGREEMENT, AND ESTABLISHING ZONING FOR THE PROPERTY. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

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6. Proposed Resolution R17-38 appointing Larry Jo Hamblin as the interim Syracuse City Fire Chief.

A staff memo from the City Manager explained that with the vacancy of the Fire Chief position by Chief Froerer's retirement, an Interim Fire Chief will be needed in order to fulfill the required duties during the coming weeks until the position is filled. It is proposed that Larry Jo Hamblin be appointed as the Interim Fire Chief. Jo will also continue his duties as Deputy Chief and Fire Marshall. It is anticipated that the Interim Fire Chief will be needed for approximately 4-6 weeks.

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Mr. Bovero reviewed his staff memo.

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Councilmember Anderson asked if the process to recruit and hire a new Fire Chief is still underway. Mr. Bovero answered yes and noted that the Council will be involved in the latter steps of that process before a candidate is chosen and recommended for appointment.

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COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R17-38 APPOINTING LARRY JO HAMBLIN AS THE INTERIM SYRACUSE CITY FIRE CHIEF. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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7. Opportunity for residents to provide input regarding the Recreation, Arts, Parks (RAP) Tax Ballot Proposition to be included on the November 7, 2017 General Election ballot.

A staff memo from the City Recorder explained this item was included on the agenda in order to comply with Utah Code Annotated Section 59-1-1605; when a taxing entity is including a ballot proposition on their election ballot, the Governing Body of that taxing entity is required to conduct a public meeting no more than 45 days and no less than four days before Election Day, allowing interested parties an opportunity to present 'oral testimony' regarding the proposition. The Syracuse City Council adopted Resolution 17-24 on June 13, 2017, submitting an opinion question to the residents of Syracuse City regarding the imposition of a local sales and use tax for recreational, arts, and parks uses. If approved, the RAP tax would be 1/10<sup>th</sup> of one percent sales tax; it does not apply to most food items, it is not a property tax, and it is not permanent. On a qualifying \$100 purchase, the RAP tax would be 10 cents and on a \$1,000 purchase, the tax would be \$1.00. Authorization of the RAP tax is projected to provide an estimated \$190,000 annually or \$1.9 million over a ten-year period. This revenue is generated only by purchases made within the community by residents and visitors. The City Council would make final decisions on how to use RAP tax revenues; potential projects will be considered annually as part of the City's regular budget process, which includes the opportunity for public review and comment. Some eligible projects include: improvements to existing parks, development of new parks, spots and recreation facilities, trail improvements, and support of the Arts Council and other cultural groups and programs that benefit Syracuse citizens.

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City Recorder Brown reviewed her staff memo.

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Mayor Palmer invited public input; there were no residents appearing to provide input regarding the RAP tax ballot question.

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8. Public Hearing – Proposed Resolution R17-40 updating and amending the Syracuse City Consolidated Fee Schedule by making adjustments to the civil parking fees.

A staff memo from the Finance Director explained City staff has benchmarked other cities from the surrounding areas to provide additional information about fees and collection schedules. Other cities' fees range from \$15 to \$270. Most of the fees escalate in amount based on when they are paid. The range in terms of days of the fee escalation was between 7 days to 30+ days. Based on council discussions and the benchmark data, below is a proposed fee schedule amendment for civil parking fees:

- Parking Violation Penalty Fee:
  - Paid within 3 days of issuance \$10
  - paid within 14 days of issuance: \$30
  - paid within 15 and 30 days of issuance: \$50
  - paid after 31 days of issuance: \$70, plus costs of collections, if applicable
- Parking Violation Appeal Hearing Fee: \$25

There was discussion about increasing the fee upon multiple infractions. This becomes very difficult to track and could result in a lot of confusion. For example, a car could be sited each day for 4 days in a row because of multiple snow storms. It would be very difficult to track which offense was 1<sup>st</sup>, 2<sup>nd</sup>, etc. and when to charge the higher rate. There was also discussion regarding towing the vehicle after the 3<sup>rd</sup> infraction. The ordinance already discusses towing and when it is appropriate. The City would not be paid any money for the towing expense because the citizen would pay the fine directly to the towing company. Therefore, a fee is not necessary in the fee schedule.

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Mr. Marshall reviewed his staff memo. Additionally, he noted there is another recommended amendment to the fee schedule relating to relocation of the low impact home occupation fee of \$25 from the business license fee section of the schedule to the administrative fees section.

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Councilmember Anderson indicated she would like to have additional discussion regarding the low impact home occupation fee of \$25; she suggested the City rely upon the fees set forth in State Code for this type of license rather than setting varying fees.

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The Council engaged in discussion regarding the penalty schedule related to civil parking violations; there was a focus on the proposal to reduce penalties for fines paid within three days of issuance of the citation and City Manager Bovero stated that proposal came from the last discussion of the matter during the September 26 work session meeting. Councilmember Savage suggested that the fee be renamed to 'appeal within three days of issuance' rather than 'paid within three days of issuance' and find some way to communicate to residents that they will only be granted the reduced fee for an appeal of their first violation. Councilmember Maughan stressed the need for the City to track violations in order to determine whether someone requesting a reduced fine is doing so for a first violation; he also asked that those granted a fine reduction be required to somehow acknowledge an understanding of the City's ordinances relating to on-street parking.

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Mayor Palmer opened the public hearing. There were no persons appearing to be heard and the public hearing was closed.

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COUNCILMEMBER MAUGHAN MOVED TO ADOPT RESOLUTION R17-40 UPDATING AND AMENDING THE SYRACUSE CITY FEE SCHEDULE BY MAKING ADJUSTMENTS TO THE CIVIL PARKING FEES, WITH THE FOLLOWING CHANGES:

- CHANGE THE LANGUAGE "PAID WITHIN THREE DAYS OF ISSUANCE" FOR "FIRST TIME OFFENSE/EDUCATIONAL OPPORTUNITY FOR APPEALANT".
- REMOVAL OF LOW IMPACT HOME OCCUPATION FEE OF \$25 PER APPLICATION.

COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

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9. Authorize Administration to award and execute contract for new Fire Pumper/EMS Transport Engine.

A staff memo from the Fire Department explained a request for proposals (RFP) for a new Fire Pumper/EMS Transport Engine was published and sent to nine (9) fire apparatus manufacturers, including Rosenbauer, Pierce Fire Apparatus, HME Incorporated, Boise Mobile Equipment, KME, Ferrara Fire Apparatus, E-One, Smeal Fire Apparatus, and Spartan Fire Apparatus. The RFP period was August 10 through September 11, 2017. An EMS Transport Fire Engine is a very customized apparatus that few manufactures have built throughout the country. The Department received one proposal to build our Fire Pumper/EMS Transport Engine from Pierce Manufacturing Inc. through their local dealer, Superior Equipment in Murray, Utah. Though Pierce was the only bidder in our process, they did not know they would be the only bidder. They have submitted a proposal to build an apparatus for Syracuse City that is within budget at \$747,372.87, with pre-payment discounts of up to \$32,093.55. Since 2011, Pierce Manufacturing Inc. has produced ten (10) Fire Pumper/EMS Transport apparatus to the following agencies throughout the country:

- 2011 – Broward County Fire Rescue, Fort Lauderdale, FL
- 2011 – Ogden City Fire Department, Ogden, UT
- 2012 – West Jordan City Fire Department, West Jordan City, UT (2 Units)
- 2012 – West Valley City Fire Department, West Valley City, UT
- 2012 – Newberg Fire Department, Newberg OR
- 2013 – Lone Peak Fire District, Highland, UT
- 2015 – North Davis Fire District, West Point, UT
- 2017 – City of Greenville, Greenville, NC
- 2017 – City of Sierra Vista, Sierra Vista, AZ

Since 2012, Pierce Manufacturing Inc. has delivered 75 fire apparatus to fire agencies across the country. Syracuse Fire Department currently has a 2008 Fire Pumper/EMS Transport Apparatus in our fleet, manufactured by Pierce Manufacturing Inc., which

has served the city well, and will continue to be part of our fleet for another 10 years. The Specification Committee made up of fire officers and driver engineers has reviewed the Pierce proposal in detail. Their proposal meets the specification required with the RFP, and it is within budget. Fire Department leadership recommends the City Council approve the proposal and allow the City to move forward with a contract with Superior Equipment and Pierce Manufacturing Inc. for a new Fire Pumper/EMS Transport Engine for Syracuse City Fire Department.

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Interim Fire Chief Hamblin reviewed the staff memo.

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Council discussion of the proposed purchase of a new fire pumper/ems transport engine centered on whether it would be appropriate to wait until a new Fire Chief for the City is selected before proceeding. City Manager Bovero indicated the City's purchasing policy mandates that contracts be awarded within 45 days of the closure of a request for proposal (RFP) process. Councilmember Maughan suggested that an additional RFP process be carried out once a new Fire Chief is selected. Mr. Bovero stated that can be problematic because once a decision is made regarding the contract, all proposals will become public and can be reviewed by other bidders; this can be disconcerting to those responding to RFP's from the City.

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Councilmember Savage then stated that it is somewhat concerning that the RFP was sent to nine manufactures and only one responded with a proposal. Mr. Hamblin indicated that is due to the fact that the transport engine aspect of the apparatus is unique; however, the Department expected to receive a proposal from at least three of the manufacturers that the RFP was sent to. He added that he and the entire Department are very confident in the quality of Pierce products and they feel the apparatus will serve the City well in the long term.

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Councilmember Anderson stated she is comfortable with the decisions that were made in advance of the adoption of the current budget relative to the need for the apparatus that was subject to the RFP. She asked Mr. Hamblin if he believes that any person selected as the new Chief for the City would be pleased with the apparatus that would be provided according to Pierce's apparatus, to which Mr. Hamblin answered yes. He stated that making a transport engine a part of the City's fleet will make it possible for the City to respond to more calls that would otherwise be sent to other agencies with greater response capabilities.

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Councilmember Savage asked if City Administration has analyzed the potential return on investment associated with the purchase of the transport engine. Mr. Bovero stated a formal analysis has not been completed, but it will be possible for the City to capture some increased revenue associated with transport of patients. Councilmember Savage stated that the greater return may be that the City is providing improved service for Syracuse residents. Mr. Bovero and Mr. Hamblin agreed.

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Councilmember Gailey thanked Councilmember Maughan for raising the idea of potentially waiting for a new Fire Chief to make the final decision on the purchase of the apparatus because that is a kind gesture to what may be a potential new employee of the City; however, he acknowledged the difficulty created for the City when the decision is made to not proceed with accepting proposals after someone has responded to a formal. RFP.

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COUNCILMEMBER SAVAGE MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE CONTRACT FOR NEW FIRE PUMPER/EMS TRANSPORT ENGINE. COUNCILMEMBER MAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

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10. Authorize Administration to execute contract with JUB Engineers for the Storm Water Master Plan and Impact Fee Facility Plan update.

A staff memo from the Public Works Director explained the City's current 2007 impact fee plans must be updated with an Impact Fee Facility Plan according to Utah Code 11-36a. A Request for Proposal was advertised Sept 17, 2017 for professional services

to complete the master plan and the IFFP. Two proposals were received on Oct 2, 2017. Evaluations were made based upon price, quality, experience, and schedule. Rankings were on a scale of one to five with five being the best. Results are shown as follows:

	<b>JUB</b>		<b>Bowen Collins</b>	
<b>Price</b>	\$37,600.00	10	\$58,000.00	8
<b>Quality</b>	Report was professionally bound and well formatted	10	Report was stapled, no cover, very limited graphics, photos, and color. Tables are very small text, difficult to read.	5
<b>Experience</b>	Good software experience, Recent stormwater CFP and IFFP experience with 18 Utah municipalities,	10	Good software experience, Recent stormwater CFP and IFFP experience with 9 Utah municipalities,	8
<b>Schedule</b>	Complete by Feb 19, 2018	10	Complete by end of March 2018	10
<b>Reference</b>	Good reference from Ogden City.	10	Good reference from Layton City	10
<b>Total</b>		50		41

The memo concluded staff recommends the Council award the project to JUB Engineers.

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Mr. Whiteley reviewed his staff memo.

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Councilmember Anderson asked if there is any penalty associated with failure to complete the project by the February 19 date listed in the agreement. Mr. Whiteley answered no and indicated that JUB Engineers recommended the February 19 date. City Attorney Roberts stated that the City can include a penalty provision for failure to perform, but for a professional service agreement there is greater opportunity for completion of a project to be delayed because the project will require performance from both parties. This differs greatly from a construction project. Councilmember Anderson stated she only raised the issue because if she were a contractor and she knew that she would not be held to the date she recommended in her proposal, she would indicate an early completion date in order to receive a higher score in the proposal ranking process. Mr. Whiteley stated that in this case he awarded both bidders the same score relating to completion date given that the dates were so close. Councilmember Anderson asked if the same score would have been given if the completion dates for the two bidders were six months apart. She added that she feels that City contracts should include penalty clauses for non-performance. Mr. Bovero stated that would depend on the time sensitivity of a given project.

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Councilmember Maughan expressed a concern about this agenda item and the next agenda item; when he first became a member of the Council there was a string of occurrences where the City was only receiving one or two bids for projects and questions were asked why that was the case. He stated that as he has evaluated contracts awarded over the last year and a half, he has noticed that nearly all contracts of this nature have been awarded to JUB Engineers. He stated that other firms may not be responding to City RFPs because they feel the City has shown favoritism to JUB. He stated the City should be getting at least three bids on all projects and more than that in reality because bidders should feel they have an opportunity to win a project. He stated the rumor he is hearing is that bidding does

not matter because JUB gets every contract in Syracuse and that is a bad reputation for the City to have. Councilmember Bolduc argued those that evaluated the proposals did so in a very arbitrary manner and it is not their fault that JUB came in with the lowest bid. Mayor Palmer agreed and noted that a price difference of \$20,000 between the two bidders is very significant. Councilmember Maughan stated he may not necessarily change the outcome of the award for this particular project, but he wanted to express his concerns about a pattern in the City. Councilmember Bolduc advised that the Council be careful in their comments because the City does not want to offend JUB. Councilmember Maughan stated he has heard so many times over the past several months that it is important that the City not offend JUB and that is the problem with the City being so beholden to one contractor. Mr. Whiteley pointed out that a recent update of the Transportation Impact Fee Facilities Plan was awarded to a contractor other than JUB. He added that he and other members of City Administration take the RFP process very seriously and they are careful to administer each process fairly and appropriately, but he has no control over the responses provided by contractors. Councilmember Maughan stated that he is simply concerned about the history of awarding contracts. He added that he wants to see three bids in response to each RFP. Mr. Whitely stated that he follows the same RFP process for each project. Councilmember Savage asked if City Administration has heard of any contractor's reluctance to submit a bid based on the City's contract award history, to which Mr. Bovero answered no. He stated he could understand Councilmember Maughan's concerns if JUB consistently submitted higher bids, yet still received contract awards, but it is up to individual firms to offer competitive pricing if they want to secure work with the City.

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COUNCILMEMBER ANDERSON MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE A CONTRACT WITH JUB ENGINEERS FOR THE STORM WATER MASTER PLAN AND IMPACT FEE FACILITY PLAN UPDATE. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

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11. Authorize Administration to execute contract with JUB Engineers for the engineering design for culinary water tank and secondary water tank conversion project.

A staff memo from the Public Works Director explained the City's current 2017 impact fee plan indicates a current need to increase our water storage one-million gallons to meet minimum state requirements for peak day use according to Utah Code 309-510. The need for this increase is due to recent population growth. A Request for Proposal was advertised Sept 17, 2017 for professional services to complete the design of a two-million gallon above ground water storage tank as well as the design for conversion of the one-million gallon tank to be used for secondary water. Two proposals were received on Oct 2, 2017. Evaluations were made based upon price, quality, experience, and schedule. Rankings were on a scale of one to five with five being the best. Results are shown as follows:

	<b>JUB</b>		<b>Sunrise</b>	
<b>Cost</b>	\$83,200	10	\$88,400.00	8
<b>Quality</b>	Very professional report. Good graphics, color, format, and organization.	10	Very professional report. Good graphics, color, format, and organization.	10
<b>Experience</b>	Designed 17 tanks in Utah over the past 10 years. Described 7 tanks similar to our needs above ground.	10	Designed 11 water storage tanks in Utah over the past 5 years. Described one tank similar to our needs above ground.	10
<b>Sch</b>	Design ready for construction to begin in Oct 2018 and water tank in service April 2019.	10	Design ready for construction to begin in Oct 2018 and water tank in service April 2019.	10
<b>Ref</b>	Good reference from Ogden City	10	Good reference from Woods Cross City	10
<b>Ttl</b>		50		48

The memo concluded staff recommends the Council award the project to JUB Engineers.

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Mr. Whiteley reviewed his staff memo and facilitated a brief discussion among the Council regarding the scoring process used for the two bids.

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Councilmember Savage asked if this project will help to address concerns about low water pressure in east Syracuse, to which Mr. Whiteley answered yes. He briefly discussed the design of the project and explained how it will help to address pressure issues in the City.

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Councilmember Maughan referenced the scoring criteria used to evaluate bids and stated that it differed for this contract when compared to the contract considered in the previous agenda item. He added he will also call to question how JUB continues to miraculously submit prices below those of other bidders. Mr. Whiteley stated he has no control over the prices submitted by bidders.

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COUNCILMEMBER GAILEY MOVED TO AUTHORIZE ADMINISTRATION TO EXECUTE A CONTRACT WITH JUB ENGINEERS FOR THE ENGINEERING DESIGN FOR CULINARY WATER TANK AND SECONDARY WATER TANK CONVERSION PROJECT. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER MAUGHAN, WHO VOTED IN OPPOSITION.

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12. Discussion and/or action regarding budget allocation for Tuscany Park play structure.

A staff memo from the Parks and Recreation Director explained during the September 26 work session, the Council requested an item on the next agenda for discussion of this matter. Documentation included in the Council packet was provided by Councilmember Maughan.

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Councilmember Maughan stated he has worked to reduce the cost for the play structure to be located at Tuscany Park and in his own evaluation of available funding left over from other finished projects in the City, he feels there is sufficient funding to pay for the structure. He asked that the Council authorize the purchase of the structure.

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Councilmember Bolduc stated the City's purchase policy indicates that the City must competitively bid any project or purchase over \$25,000 and she asked why that policy would not be applied to this matter and, instead, the purchase is being classified as sole source. Mr. Marshall stated that there are certain exceptions to the competitive bidding policy, one of those exceptions being that a product can only be acquired through a sole source, which is a vendor who is the only vendor that can provide a product. He stated the Council needs to decide whether there is something unique about this structure that makes it eligible to be classified as a sole source purchase.

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Councilmember Anderson asked that City Attorney Roberts read the definition of a sole source purchase for the record. Mr. Roberts read from the City's purchasing policy as follows: "**H. Circumstances Justifying Award of Contract Without Competition.** A contract may be awarded for a supply, services, or construction item without competition when the purchasing agent or a designee determines in writing that there is only one source for the required supply, service, or construction item; or the award to a supplier, service provider, or contractor is a condition of a donation that will fund the full cost of the supply, service, or construction item."

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Councilmember Maughan stated he met with Mr. Roberts and Mr. Marshall regarding his certainty that the structure qualifies as a sole source purchase; the company that builds the structure holds unique patents that provide for longer life of the product when compared to similar products. He acknowledged there are similar structures made by other companies and over the weekend he reached out to those companies and they quoted him prices much higher than what he has been able to secure from the vendor he has worked with.

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Council debate then centered on whether the City should proceed with awarding a contract based on the determination that the acquisition truly meets the definition of sole source in the City's policy or if a competitive bidding process should be followed, after which Mr. Marshall summarized the funding available for the project; last April the City awarded the Tuscany Park project contract. The bid for the project included a restroom and play structure, but the bid was higher than the budget amount that had been allocated for the project. The Council decided to remove the restroom and play structure and award all other components of the project. Later, the Council funded the restroom in the current Fiscal Year (FY) budget at a cost of \$496,000. He stated he does not believe that the project will be completed under budget and at this time the City does not have any funding allocated for the play structure in Tuscany Park; in order for the Council to approve the purchase, they would need to find funding elsewhere in the budget. He stated he reviewed the last FY budget and found three active park projects: Tuscany Park, Monterey Trail, and 3000 West Trailhead. He stated it is his understanding that the \$20,000 budgeted for the 3000 West Trailhead project will not be spent because it would eventually be eliminated by the West Davis Corridor project. Additionally, there is approximately \$25,000 available from the Monterey Trail project. He stated that means there is \$45,000 in funding that is potentially available for the Tuscany Park play structure. Councilmember Maughan added that the developer that is building north of Tuscany Park has made a donation of \$9,000 for improvements to the Park. Councilmember Anderson stated it is her understanding that money was dedicated to pavilions at the project. Mr. Marshall stated that the money is unallocated at this time. Continued debate centered on whether the City should proceed with competitive bidding for the play structure, which could take up to one month to complete and a contract could be awarded November 14. Mr. Marshall stated that the item could be considered as part of the mid-year budget opening, which should be listed on the Council business meeting agenda for November 14.

[7:28:58 PM](#)

Councilmember Savage inquired as to the location in the budget for the funding that was set aside for the splash pad project. Mr. Marshall stated that \$325,000 in park impact fees has been set aside to be used as grant matching funds in the event the City is awarded a grant for the project. Councilmember Savage asked if that amount will cover the splash pad project. Mr. Marshall stated that depends on the size and scope of the project. Councilmember Maughan added that the splash pad project has the potentially to receive more private funding support because of its location and the fact that it is associated with Chloe's playground nearby. Councilmember Savage stated he simply wanted to discuss the issue because if there is money 'floating around' he wants to consider all projects that could benefit from an increased budget. He stated that it is important to consider that the \$45,000 could also be allocated to the splash pad project to make it better.

[7:31:11 PM](#)

COUNCILMEMBER MAUGHAN MOVED TO SET ASIDE UP TO \$50,000 FOR THE PLAY STRUCTURE AT TUSCANY PARK AND PROCEED WITH AN RFP FOR THE STRUCTURE.

[7:31:43 PM](#)

Mr. Roberts suggested that the Council simply take a 'straw poll' on the matter given that a budget amendment has not been advertised for action this evening. Mr. Marshall agreed and stated the money he referenced in his previous comments has not yet been allocated and any action to allocate it to a project or purchase would need to occur through a legal budget opening. Mr. Roberts stated that the Council could take action on the determination of whether the purchase qualifies as a sole source purchase, which led to continued debate regarding whether the structure meets the definition of a sole source item. Councilmember Maughan stated he is happy to proceed with the RFP process for the structure and all Councilmembers concurred.

[7:37:19 PM](#)

COUNCILMEMBER MAUGHAN MOVED TO DIRECT STAFF TO PREPARE A FORMAL REQUEST FOR PROPOSALS (RFP) FOR A PLAY STRUCTURE TO BE LOCATED AT TUSCANY PARK. COUNCILMEMBER GAILEY SECONDED THE MOTION; ALL VOTED IN FAVOR.

[7:37:51 PM](#)

Mr. Bovero asked if the Council has any interest in specifying whether the play structure should be a 'ropes based' structure. Councilmember Anderson answered no. Councilmember Maughan stated that throughout discussion of the design of the Park and the play structure specifically, the decision was made to seek a ropes-style apparatus. He acknowledged there is more than one company that manufactures those types of structures, so including that specification in the RFP would not be limiting. Councilmember Savage agreed with Councilmember Anderson; the purpose of locating a play structure at a park is to give kids a place to climb and play and the structure does not need to be a ropes apparatus to accomplish that purpose. Councilmember Bolduc agreed. Councilmember Anderson then asked that the RFP include a maximum price for the structure of \$50,000.

[7:39:51 PM](#)

Councilmember Maughan then stated that the space for the play structure has been defined as 55 feet by 85 feet and that must be included in the RFP; additionally, the decision was made early on in the project that the structure should appeal to grade school aged children and older and that it be a climbing structure. Councilmember Anderson stated she simply does not want the scope of the design to be so narrow by listing that it be ropes-based.

[7:41:12 PM](#)

COUNCILMEMBER MAUGHAN AMENDED HIS MOTION TO DIRECT STAFF TO PREPAR A FORMAL REQUEST FOR PROPOSALS (RFP) FOR A CLIMBING STRUCTURE THAT WILL FIT IN THE SPACE SET ASIDE AT TUSCANY MEADOWS PARK AND TO BE NO MORE THAN \$50,000. COUNCILMEMBER ANDERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

[7:42:08 PM](#)

13. Public comment.

Joshua Stam stated he lives near Tuscany Park and he is very interested in the Park; he has two children – a two-year-old and eight-month-old – and he is hopeful they will have a structure to play on at the Park. He looks forward to and encourages the Council to allocate money and select a structure to be installed in the near future. He knows that as things can be delayed, it may be that other projects take their place. He then stated that while it is smart to look around at other options, there is a reason that people choose top of the line items and he used car seats and strollers as an example to prove his point; most parents opt for the top of the line products to keep their kids safe and the same could be true for playground structures.

[7:44:03 PM](#)

14. Councilmember reports.

At each meeting, the Councilmembers provide reports regarding the meetings and events they have participated in since the last City Council meeting. Councilmember Bolduc's report began at [7:44:19 PM](#). She was followed by Councilmembers Savage, Maughan, Anderson, and Gailey.

[8:03:50 PM](#)

15. Mayor's Report.

Mayor Palmer's report began at [8:03:56 PM](#).

[8:21:20 PM](#)

16. City Manager report

City Manager Bovero's report began at [8:21:25 PM](#).

[8:24:29 PM](#)

17. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property.

[8:24:34 PM](#)

COUNCILMEMBER GAILEY MADE A MOTION TO CONVENE IN A CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF DISCUSSING THE PURCHASE, EXCHANGE, OR LEASE OR REAL PROPERTY AND PENDING OR REASONABLY IMMINENT LITIGATION. COUNCILMEMBER BOLDUC SECONDED THE MOTION; ALL VOTED IN FAVOR.

The closed session began at 8:24 p.m.

The meeting reconvened at 9:38 p.m.

City Council Regular Meeting  
October 10, 2017

At 9:38 p.m. COUNCILMEMBER BOLDUC MADE A MOTION TO ADJOURN. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

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Terry Palmer  
Mayor

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Cassie Z. Brown, MMC  
City Recorder

Date approved: November 14, 2017