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## NOTICE

Notice is hereby given that the Mayor and City Council will hold a Work Session on September 8, 2010 in the Council Chambers, 45 West 100 South, beginning at 6:00 pm.

### DISCUSSION ITEMS

1. 400 East Project – Engineering Services
2. Firearms in a Public Building
3. Park Ordinance
4. General Discussion

If you are planning to attend this Public Meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City Office ten or more hours in advance and we will, within reason, provide what assistance may be required.

By: Susan B. Farnsworth, City Recorder

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**MINUTES OF A CITY COUNCIL WORK SESSION  
HELD IN THE COUNCIL CHAMBERS  
SEPTEMBER 8, 2010**

Mayor James E. DeGraffenried called the meeting to order at approximately 6:00 pm. Council Members attending: James Linford, Rick Steele and Brent Vincent. Martin Green will be arriving shortly and Filip Askerlund is excused.

Others attending: City Manager Ben Reeves, Community Development Director Dennis Marker, Director of Public Safety Dennis Howard, Director of Public Works Wade Eva, Legal Counsel Brett Rich, J-U-B Representatives David Thurgood and Mark Christensen, Utah County Engineer Richard Nelson, and other unidentified individuals.

**DISCUSSION ITEMS**

***400 East Project – Engineering Services***

Mayor DeGraffenried reported the 400 East Project is now being funded by County funds therefore the City would not be required to advertise for "Requests for Qualifications" for engineering services. It was reported a meeting was held with City Representatives, the County Engineer, UDOT Representatives and J-U-B Representatives to discuss the project. Mr. Nelson reported the County is working on a number of projects with this being a great time for receiving bids and encouraged the City to take advantage of economic times. The County Commissioners were in favor of the project. Council Member Steele questioned if there was a deadline as far as the County was concerned. Mr. Nelson indicated there wasn't an actual deadline but they would like to see the project completed within a year. Council Member Steele asked if there was a possibility that the City may not get the county funding. Mr. Nelson indicated if the project wasn't started the County may assign the funding to another project. Council Member Green was told the Federal Funding has been reallocated; therefore that funding is not an option.

Mayor DeGraffenried introduced Public Works Director Eva to report on the 400 E Project. He indicated there was a lot of great information presented at the meeting. He indicated the State would fund the proposed signal while the County will fund the remaining project. If State money is available the project could continue East along Main Street. Public Works Director Eva indicated representatives from every aspect of the project were in attendance. He indicated the City employees could begin on the project as early as Friday. Public Works Director Eva had told City Manager Reeves, he believed the Engineer of record should be kept on the project. He also indicated thought periodical "Request for Bids" is a good idea. City Manager Reeves also reiterated it would be healthy for the City Council to request proposals on upcoming projects within the City. While holding a discussion with J-U-B Engineering regarding requesting proposals, J-U-B Representative Dave Thurgood indicated they would not bid on those projects as they have acted as the City's Engineer for the past few years. Council Member Green indicated he has concerns with paying a new engineering firm to do the same work that has been performed already. Public Works Director Eva indicated the current engineering firm knows the City functions inside and out. City Manager Reeves said there has been approximately \$27,000 paid to J-U-B with regard to this project. He

indicated that investment has paid off with the \$3.3 million allocated to the City for this project and \$6.6 million for the sewer project.

After the discussion with regard to Firearms in a Public Building, Mayor DeGraffenried asked Mr. Thurgood and Mr. Christensen to present an overview of the total project. Mr. Christensen reported to date they have spent "a little less than \$30,000". This amounts includes compiling documents, some design work which was needed to apply for funding, and for the Engineers to assist with documents to acquire the right-of-ways. Mr. Christensen indicated surveying was scheduled to being early next week and doing all they can to move the project forward. He said the final design or budget has not been established as of yet. This will be completed as the engineers meet with the City Representatives. He indicated it is very reasonable to complete the design and specifications for the project this fall which would allow first of the year project bidding with construction in the spring. There weren't any questions with regard to the project from the Mayor or Council Members.

Mr. Christensen indicated he wanted to take a minute and promote the engineer selection. He indicated there are many professionals that have a lot to offer the City. He indicated J-U-B has grown as a company by being honest and trustworthy with all their customers. The company strives in many ways to keep the client happy which is evident when reviewing their client base He recommend the City review past history, past projects and speak to those that have worked with the engineer you are interested in. Mayor DeGraffenried indicated he was told by the State Representative that they have work on many projects with J-U-B and recommend them often for projects.

Community Development Director Marker requested Mr. Christensen review the difference between a "RFQ" and "RFP". He indicated a "RFQ" is a request for qualification. Engineering firms would submit example of projects they have been involved in as well as provide information on the people who would work on your project. A "RFP" is a request for proposal. A "RFP" usually includes the same information as a "RFQ" as well as a very detailed approach to the project tasks that would be preformed and a schedule associated with the task or project. The "RFP" may or may not include cost. Very often costs are submitted in an additional sealed envelope which is opened after the "RFP" is reviewed and a firm is selected.

City Manager Reeves asked Mr. Christensen if he, based on the information he currently has, could tell him what the 400 East and Main Street project would cost. Mr. Christensen indicated he could not. Although many questions were answered in the meeting held earlier in the day, the City hasn't made up their mind as to the specifics of Main Street. Community Development Director Marker indicated UDOT has approach specifications that would impact the businesses and residential homes along Main Street. He indicated may discussions will have to be held with those property owners. Mayor DeGraffenried voiced his opinion on having city staff involved in the discussions

and decisions as to what needs to be accomplished along Main. Council Member Green was in agreement. Council Member Vincent indicated there wouldn't be any option but to design the entrances to UDOT's requirements. Council Member Vincent asked if the Sinclair sign would have to be removed. Community Development Director Marker indicated until the signal design is complete, it is unknown. It is a possibility there may be some signage relocation costs associated with that location. These costs would be built into the project costs. It was determined that the sign could be relocated and still meet the requirements of the current codes. Mr. Christensen indicated the plans for Main Street have been to leave the two lanes of travel, removed some of the sidewalk area to extend the asphalt, change the slope of the roadway to a more normal slope, put new curb and gutter, install a 6" planter strips with light and trees and 5' sidewalks. The roadway would have a 12' center turn lane, a 11' travel lane in each direction and a 8' parking lane each side. There is hope that the project funds would allow the extension to 100 East on Main Street. Council Member Green indicated the County Commissioners are very supportive of the 400 East/Main Street projects and will support the continuation of funding to help facilitate the completion of each project. It was reported that the paper mill project to be located in the Elberta area is on hold with the developers looking at property in the Cedar City area. It was also reported that Rocky Mountain Power is looking closely to the Elberta area for construction of a power project. If the power project moves forward, all the power infrastructure would be in place to bring the paper mill project forward.

Mayor DeGraffenried asked if there were any additional questions with regard to the project discussion. Council Member Linford indicated he had concerns with regards to the impact on businesses. He said, "Anything that we do needs to be done quick and fast". This is so their business will be impacted as minimal as possible. Mayor DeGraffenried asked Mr. Thurgood if he had any comments for the Council. Mr. Thurgood indicated it was good to see them and would like to elaborate on a couple of things. He indicated the statement was made that if the City went to an "RFP" J-U-B would not submit one. The reason being is that the City would utilize J-U-B as the City engineer. He indicated that through a "RFQ" process an agreement may not be reached between the engineering firm submitting the "RFQ" and the City. This is expectable and the City now can move on to the next most qualified firm. The Mayor and Council Members will have the option to "get the best value for the dollar". Mr. Thurgood indicated that if a contract is vague, those submitting a bid are more likely to increase the price for the project in order to cover all their bases. There were no additional questions for Mr. Thurgood.

Community Development Director Marker requested the staff be given direction as to the project. Council Member Steele indicated he would like Council Member Askerlund to hear the information they just heard before a decision is made. Mayor DeGraffenried indicated he wanted Council Member Askerlund brought up to speed but would recommend continuing forward with the project. Council Member Green repeated his



earlier comments which indicated he was in favor of using J-U-B and moving forward. Council Member Vincent indicated his heartburn with the process is that the City is into the project just under \$30,000 which wasn't voted on by the Council because it wasn't required and now a vote is required. He feels someone is putting him in a corner telling him if he doesn't do this, he will be doing the wrong thing. He feels he doesn't have a choice because J-U-B has completed all this work. He questions why the project wasn't bid in the beginning. He indicated he feels J-U-B has done a great job but feels for some reason this project has a lot of people "cheerleading" for them. He indicated that may be a little rash to say but he wished the Council Members had some say at the first of the project. Community Development Director Marker reported that during the time of development discussions with the grocery store representatives, the need to improve 400 East was addressed. They questioned what their participation in the project would in tale and at what cost. At that point J-U-B, acting as the City Engineering firm was asked to review the costs involved in realigning 400 East. Council Member Vincent voiced his appreciation at being involved in property purchases along 400 East but voiced his concerns at spending this amount of money on a potential project without being consulted. City Manager Reeves indicated that part of the \$30,000 cost included property surveying and other needs associated with the information needed before making the property purchases. City Manager Reeves commented that he depends on the fact that the Mayor and Council Members have a certain amount of trust in the Staff that they will bring them a great value for their dollar. He indicated the Staff were not trying to circumvent the process in having the City Engineer complete the work required to enable this project to move forward. Council Member Steele indicated he agreed with Council Member Vincent. City Manger Reeves said J-U-B are the City Engineers and bring years of City knowledge to the project. Council Member Vincent indicated he doesn't have anything against J-U-B as engineers but does have a problem with how things are handled within the Staff. City Manager Reeves indicated the Staff is not working against the Mayor and Council Members they are working on behalf of and for them. He said the Staff is doing the very best they can with the direction given by the Mayor and Council Members on behalf of the residents of the City. It is very difficult to work in a situation where it feels that the efforts of the Staff are being questioned. He hopes there is enough confidence in him that he would be forthright and work only for the best of the residents. He indicated this is a great project and when completed could be the corner stone to help create a tax base, create jobs, all the things which will prevent the City from having to raise taxes. Council Member Steele was told by Mr. Thurgood that as the City's contracted Engineer, his is very sensitive to the City and requests help from in-house whenever possible. Council Member Linford indicated the City has an Engineer that is very capable and their recourses should be use. Council Member Green indicated there needs to be a high level of trust in the Staff and their abilities to make decisions that will benefit the residents. Community Development Director Marker reported that there isn't any reconstruction concept in place past 100 East. In order for the City to be added to the MAG funding list, a concept will need to be

completed and submitted to MAG. Portions of the concept can be completed in-house but some Engineering will be required which will cost the City.

***Firearms in a Public Building***

Director of Public Safety Dennis Howard led a discussion with regard to an ordinance pertaining to caring concealed within public buildings. He indicated the court has a policy which doesn't allow concealed weapons. Director of Public Safety Howard requested the Mayor and Council Members consider an ordinance prohibiting carrying of concealed firearms within the Public Safety Building for all but those authorized to carry. Director of Public Safety Howard was asked to discuss with the Mayor and Council the possibility of expanding the ordinance to cover all City owned buildings. Council Member Linford questioned if the ordinance should include all City owned properties. Director of Public Safety Howard voiced his concerns at expanding the coverage to all properties but was in favor of including the City Office Building. Council Member Steele was in agreement with Director of Public Safety Howard's comments. It was suggested the City Legal Counsel be involved in the ordinance writing process. Council Member Vincent asked if the ordinance should include other items that may be considered weapons. Director of Public Safety Howard felt at this point addressing within the ordinance, anything that shoots a projectile would be sufficient. Director of Public Safety Howard reported that the City currently does not have an ordinance addressing firing of a weapon within the City limits. They are currently governed by State Law which Director of Public Safety Howard quoted parts of. Council Member Linford suggested including within the ordinance any Municipal Building. Mayor DeGraffenried thanked Director of Public Safety Howard for his attendance and input. Later in the meeting the Staff was directed to begin drafting an ordinance for review.

***General Discussion – part one***

Public Works Director Eva reported that the Public Works Department is keeping very busy. They have a number of projects going on. Projects include the canyon pipeline through the catch basin to feed the pressurized irrigation pond, booster station for the Eastside Well, replacement of pumps in the sewer lift station, 400 East Main Street, as well as the everyday jobs the employees do. He indicated people don't realize what the employees do every day. He said he would match the Public Works crew against anyone for any reason. "They can do anything." Mayor DeGraffenried said one day he told Public Works Director Eva that the Public Works Department needed another employee. In return Mayor DeGraffenried was told they would just work harder until the budget wasn't so tight and a new employee could be hired. Public Works Director Eva indicated the things that should be completed on a daily, weekly, monthly and bi-annual basis is being put on the back burner because of the need for additional employees. Neither the Mayor nor Council Members had any additional questions for Public Works Director Eva but thanked him for his time in being present tonight. City Manager Reeves added "Wade is an exceptional Employee". He was acting as the Director of Public Works even before he received the title.

Mayor DeGraffenried asked if the spring in Pole Canyon had been dedicated to the City. Community Development Director Marker will do some research and report to the Mayor and Council Members.

***Park Ordinance***

City Manager Reeves reported on the 22<sup>nd</sup> of September, the Mayor and Council Members will be presented with a fee schedule and draft policy addressing park issues. At this point the discussion items have not been refined but should be ready by Council Meeting on Wednesday. He also indicated the Staff had received direction to draft an ordinance addressing such things as when the park would be open or closed, if people are allowed to drive on the grass, as well as addressing whether or not camping is allowed. City Manager Reeves indicated at the present time there isn't any mandates in place with regard to any of the City owned parks. Council Member Steele asked how many parks/fields would require rental fees. City Manager Reeves indicated he wasn't prepared to make that determination without the input of the Leisure Services Manager. Council Member Steele questioned if renting the fields would be easier if there were scoreboards available. Council Member Linford recommended finding a sponsor of the scoreboards. A discussion was held as to what the Council would like a draft ordinance to contain. Mayor DeGraffenried suggested getting the ordinance in place before the ball season begins. City Manager Reeves will draft a proposed ordinance for Mayor and Council review.

***General Discussion – part two***

Council Member Steele indicated he had received an e-mail addressing grant opportunities. City Manager Reeves will explore the website to see what grant options are available.

Council Member Green was told the UTA Hearing will be held on September 22<sup>nd</sup> or 23<sup>rd</sup> and will be held in the City Offices. By becoming a part of the UTA District, a number of services would be available to the elderly within our area. He reported a study on Commuter Rail has begun. It is proposed that bus service would be available at particular commuter rail stops.

Council Member Linford reported the Library By-laws would be on the next Council Agenda for approval. He feels the existing board "will work very well". The Librarian is excited to have a board that is supportive of the Library system.

Community Development Director Marker reported the Lease Agreement with the Janalee Janssen will be on the next Council meeting agenda for final approval. He also reported that once the design is completed of the signal at Main and the southbound exit off I-15, the project will move very quickly. It is expected to begin this fall. It was determined the City would prefer Black poles instead of the standard Silver color. The

Black poles would cost the City approximately \$5000 if they were to be installed. Council Member Steele was told the poles and have them powdered coating could not be ordered by the City because this is a State project.

There were no additional comments or concerns so the meeting was adjourned.