

## SOUTH WEBER CITY COUNCIL AGENDA

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PUBLIC NOTICE is hereby given that the City Council of SOUTH WEBER CITY, Utah, will meet in a regular public meeting on Tuesday, June 30, 2020 in the Council Chambers, 1600 E. South Weber Dr., commencing at 6:00 p.m. \*Due to social distancing guidelines, there is limited room for the public to attend. Unless commenting, please watch on YouTube at the link above. **Attendees are encouraged to wear a face mask.** If you are unable or uncomfortable attending in person, you may also comment live via Zoom if you register prior to 5 pm the day of the meeting at <https://forms.gle/PMJFhYFJsD3KCi899>. You may also email [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com) for inclusion with the minutes.

**OPEN** (Agenda items may be moved in order or sequence to meet the needs of the Council.)

1. Pledge of Allegiance: Councilman Soderquist
2. Prayer: Councilman Halverson
3. Corona Virus Update
4. \*Public Comment: Please respectfully follow these guidelines
  - a. Individuals may speak once for 3 minutes or less
  - b. Do not make remark from the audience
  - c. State your name and address
  - d. Direct comments to the entire Council
  - e. Note City council will not respond during the public comment period

### **ACTION ITEMS**

5. Resolution 2020-28: 2020 Street Maintenance Project
6. Fraud Assessment Report

### **DISCUSSION ITEMS**

7. Ordinance 2020-02: City Code Title 4 Public Health and Safety
8. CARES Act Funding

### **REPORTS**

9. New Business
10. Council & Staff

**CLOSED SESSION** held pursuant to the provision of UCA section 52-4-205(1)(d) to discuss the purchase, exchange, or lease of real property.

11. Adjourn

In compliance with the Americans With Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.


THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com) 4. UTAH PUBLIC NOTICE WEBSITE [www.pmn.utah.gov](http://www.pmn.utah.gov) 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

**DATE:** 06-25-2020

**CITY RECORDER:** Lisa Smith

**MEMORANDUM**

TO: South Weber City Mayor and City Council

FROM: Brandon K. Jones, P.E.  
South Weber City Engineer 

CC: David Larson – South Weber City Manager  
Mark Larsen – South Weber City Public Works Director

**RE: 2020 STREET MAINTENANCE PROJECTS  
Award Recommendation**

Date: June 24, 2020

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Yesterday, on June 23, 2020 at 2:00 pm., bids were opened for the 2020 STREET MAINTENANCE PROJECTS. Five bids were received. The results of the bidding are shown on the enclosed Bid Tabulation. We have checked the bids and found no errors.

The project contains 4 sections.

Section A (Reconstruction). This section includes reconstructing the east portion of 8150 South and spot repairs in the Sun Rays and Bowman Old Farm Estates Subdivisions. The money for these spot repairs was taken out of the escrow accounts set up for these developments. The reconstruction work on Cottonwood Drive will be bid next spring following completion of the waterline project.

Section B (Chip & Seal). This section includes several developments and a section on 1900 East that was not done previously.

Section C (Concrete Work). This section includes various locations where mainly sidewalk and a few ADA ramps will be replaced. Based on the bids received, the quantity of work will need to be reduced in order to stay under the budget.

Section D (Crack Fill). This section includes various streets where crack fill will be installed.

A map showing the locations of these projects and the type of treatment is attached. The locations and treatment types for these streets are recommended by the staff based upon their condition, treatment type needed, prior treatments, and location of future capital projects. A high priority was placed on crack fill this year. The staff's goal is to get this done on all streets

throughout the city over the next several years (depending on prices and funding), while balancing the needs of other areas with different treatment needs.

In evaluating the bids received, there was not a clear recommendation. The following are options that were assessed.

**Option #1** – Award Bid to Overall Low Bidder (All Sections)

This option would award the bid to Post Construction Company for a total of \$371,980.64.

- Pros: Only having the administration costs for one contractor (paperwork, meetings, pay requests, etc.). Elimination of the need to coordinate work and schedules between different contractors. Contractor that has great references with a proven history of quality work.
- Cons: Higher cost than Options #2 and #3.

**Option #2** – Award Bid to Overall Low Bidder, but award Section B directly to subcontractor (hybrid of Option #1)

This option would award the bid to Post Construction Company for Sections A, C, and D. Since Post's subcontractor for Section B is Staker Parson, and Staker Parson is the low bidder on Section B, award Section B directly to Staker Parson. This results in an approximate savings of \$15,000 for a total bid of \$356,777.06.

- Pros: Same benefits as Option #1, but with a lower cost. Both contractor's proven history of quality work.
- Cons: Slightly more time and cost to administer two contracts. Higher cost than Option #3.

**Option #3** – Award Bid to Low Bidder for each Section

This option would award Section A to Advanced Paving, Section B to Staker Parson, Section C to Consolidated Paving and Section D to Post Construction for a total of \$336,491.38.

- Pros: Lowest cost option. History of quality work with Staker Parson and Post Construction.
- Cons: More time and cost to administer four contracts. Need for coordination of work and schedules between contractors. Unknown work history with Advanced Paving (under new management since the last project completed in the City) and Consolidated Paving (did the concrete work for the city last year but used a subcontractor, where this year they are proposing to do the work themselves). References for these contractors report both good and poor.

**Recommendation**

All options are being presented to the City Council for consideration. Although there will be some additional administrative costs and there are some unknowns as it relates to the work performance of some of the contractors, the staff is recommending Option #3, as it is the lowest cost option. The award of the project sections would be as follows:

- **SECTION A (Reconstruction)** to **ADVANCED PAVING & CONSTRUCTION** for **\$107,463.00**, completed by **September 30<sup>th</sup>**
- **SECTION B (Chip & Seal)** to **STAKER PARSON MATERIALS & CONSTRUCTION** for **\$104,087.06**, completed by **August 31<sup>st</sup>**
- **SECTION C (Concrete Work)** to **CONSOLIDATED PAVING & CONCRETE** for **\$63,741.32**, completed by **September 30<sup>th</sup>**
- **SECTION D (Crack Fill)** to **POST CONSTRUCTION COMPANCY** for **\$61,200.00**, started after October 1<sup>st</sup> and completed by **November 30<sup>th</sup>**

If the Council agrees with this recommendation, please pass a motion accepting the bid and awarding the project sections to Advanced Paving & Construction, Staker Parson Materials & Construction, Consolidated Paving & Concrete, and Post Construction Company with their respective bids. We will provide the Notice of Awards and Contract Agreements for the City and Contractors to sign. In addition to these documents, the contractor is also responsible to submit Performance and Payment Bonds, and Insurance Certificates within 10 days following Notice of Award.

When these documents have been received, we will schedule a Preconstruction Conference. At this conference we will issue a Notice to Proceed and discuss the construction details with the contractor prior to beginning the work.

BID TABULATION

\*Shown as Lowest Bidder for Each Section

South Weber City 2020 Street Maintenance

Bid Opening: June 23, 2020, 2:00 pm, Virtual

SECTION A - STREET RECONSTRUCTION				ENGINEER'S ESTIMATE		Advanced Paving and Construction, LLC		Staker Parson Materials & Construction		Consolidated Paving & Concrete		Post Construction Company		Geneva Rock Products	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
A1	Mobilization	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 6,100.00	\$ 6,100.00	\$ 6,000.00	\$ 6,000.00	\$ 4,600.00	\$ 4,600.00	\$ 6,500.00	\$ 6,500.00	\$ 20,000.00	\$ 20,000.00
A2	Traffic Control	1	LS	\$ 8,000.00	\$ 8,000.00	\$ 3,260.00	\$ 3,260.00	\$ 1,850.00	\$ 1,850.00	\$ 5,290.00	\$ 5,290.00	\$ 5,500.00	\$ 5,500.00	\$ 4,200.00	\$ 4,200.00
A3	Asphalt Sawcut (3"-5" thick)	110	lf	\$ 3.00	\$ 330.00	\$ 2.30	\$ 253.00	\$ 4.00	\$ 440.00	\$ 3.14	\$ 345.40	\$ 3.50	\$ 385.00	\$ 5.50	\$ 605.00
A4	Remove existing curb and gutter	160	lf	\$ 8.00	\$ 1,280.00	\$ 7.00	\$ 1,120.00	\$ 27.00	\$ 4,320.00	\$ 8.22	\$ 1,315.20	\$ 16.00	\$ 2,560.00	\$ 7.00	\$ 1,120.00
A5	Remove existing asphalt (3"-5" thick)	25,650	sf	\$ 1.10	\$ 28,215.00	\$ 0.40	\$ 10,260.00	\$ 0.40	\$ 10,260.00	\$ 0.70	\$ 17,955.00	\$ 0.50	\$ 12,825.00	\$ 0.60	\$ 15,390.00
A6	Pre-lower manhole	6	ea	\$ 350.00	\$ 2,100.00	\$ 305.00	\$ 1,830.00	\$ 445.00	\$ 2,670.00	\$ 402.50	\$ 2,415.00	\$ 290.00	\$ 1,740.00	\$ 240.00	\$ 1,440.00
A7	Pre-lower valve	2	ea	\$ 300.00	\$ 600.00	\$ 260.00	\$ 520.00	\$ 360.00	\$ 720.00	\$ 402.50	\$ 805.00	\$ 490.00	\$ 980.00	\$ 150.00	\$ 300.00
A8	Protect and pre-lower existing survey monument	1	ea	\$ 600.00	\$ 600.00	\$ 290.00	\$ 290.00	\$ 460.00	\$ 460.00	\$ 460.00	\$ 460.00	\$ 270.00	\$ 270.00	\$ 300.00	\$ 300.00
A9	Excavate and Remove unsuitable material	50	cy	\$ 35.00	\$ 1,750.00	\$ 50.00	\$ 2,500.00	\$ 36.00	\$ 1,800.00	\$ 66.95	\$ 3,347.50	\$ 33.00	\$ 1,650.00	\$ 65.00	\$ 3,250.00
A10	New Granular Borrow (thickness varies)	75	ton	\$ 20.00	\$ 1,500.00	\$ 40.00	\$ 3,000.00	\$ 32.00	\$ 2,400.00	\$ 35.60	\$ 2,670.00	\$ 38.00	\$ 2,850.00	\$ 37.00	\$ 2,775.00
A11	New UTBC (thickness varies)	100	ton	\$ 25.00	\$ 2,500.00	\$ 42.00	\$ 4,200.00	\$ 57.00	\$ 5,700.00	\$ 32.02	\$ 3,202.00	\$ 49.25	\$ 4,925.00	\$ 31.00	\$ 3,100.00
A12	New 30" curb and gutter	160	lf	\$ 28.00	\$ 4,480.00	\$ 36.00	\$ 5,760.00	\$ 59.00	\$ 9,440.00	\$ 27.28	\$ 4,364.80	\$ 26.00	\$ 4,160.00	\$ 58.00	\$ 9,280.00
A13	4" New HMA (approx. 25,400 sf)	700	ton	\$ 80.00	\$ 56,000.00	\$ 75.00	\$ 52,500.00	\$ 67.00	\$ 46,900.00	\$ 74.95	\$ 52,465.00	\$ 77.75	\$ 54,425.00	\$ 69.00	\$ 48,300.00
A14	Raise manhole to grade with concrete collar	6	ea	\$ 450.00	\$ 2,700.00	\$ 490.00	\$ 2,940.00	\$ 575.00	\$ 3,450.00	\$ 575.00	\$ 3,450.00	\$ 475.00	\$ 2,850.00	\$ 590.00	\$ 3,540.00
A15	Raise valve to grade with concrete collar	2	ea	\$ 400.00	\$ 800.00	\$ 340.00	\$ 680.00	\$ 510.00	\$ 1,020.00	\$ 460.00	\$ 920.00	\$ 315.00	\$ 630.00	\$ 470.00	\$ 940.00
A16	Re-establish and raise monument to grade with concrete collar	1	ea	\$ 500.00	\$ 500.00	\$ 290.00	\$ 290.00	\$ 670.00	\$ 670.00	\$ 517.50	\$ 517.50	\$ 450.00	\$ 450.00	\$ 590.00	\$ 590.00
A17	Excavate and recompact existing material	10	cy	\$ 200.00	\$ 2,000.00	\$ 50.00	\$ 500.00	\$ 30.00	\$ 300.00	\$ 49.32	\$ 493.20	\$ 75.00	\$ 750.00	\$ 53.00	\$ 530.00
A18	1 ½" Edge Mill Asphalt	2,400	sf	\$ 2.50	\$ 6,000.00	\$ 1.50	\$ 3,600.00	\$ 2.10	\$ 5,040.00	\$ 1.56	\$ 3,744.00	\$ 1.90	\$ 4,560.00	\$ 2.10	\$ 5,040.00
A19	Asphalt leveling course	18	ton	\$ 120.00	\$ 2,160.00	\$ 110.00	\$ 1,980.00	\$ 110.00	\$ 1,980.00	\$ 90.62	\$ 1,631.16	\$ 110.00	\$ 1,980.00	\$ 160.00	\$ 2,880.00
A20	2" HMA overlay (approx. 3,700 sf)	60	ton	\$ 80.00	\$ 4,800.00	\$ 98.00	\$ 5,880.00	\$ 110.00	\$ 6,600.00	\$ 83.72	\$ 5,023.20	\$ 120.00	\$ 7,200.00	\$ 160.00	\$ 9,600.00
TOTAL SECTION A (Item A1-A20)				\$ 136,315.00		\$ 107,463.00		\$ 112,020.00		\$ 115,013.96		\$ 117,190.00		\$ 133,180.00	

SECTION B - CHIP & SEAL				ENGINEER'S ESTIMATE		Staker Parson Materials & Construction		Post Construction Company		Consolidated Paving & Concrete		Advanced Paving and Construction, LLC		Geneva Rock Products	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
B1	Mobilization	1	LS	\$ 4,000.00	\$ 4,000.00	\$ 3,500.00	\$ 3,500.00	\$ 1,200.00	\$ 1,200.00	\$ 4,600.00	\$ 4,600.00	\$ 2,100.00	\$ 2,100.00	\$ 27,000.00	\$ 27,000.00
B2	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 3,175.00	\$ 3,175.00	\$ 3,686.39	\$ 3,686.39	\$ 3,680.00	\$ 3,680.00	\$ 3,400.00	\$ 3,400.00	\$ 10,300.00	\$ 10,300.00
B3	Crack Fill						\$ -								
a	Area #7 – 1900 East (approx. 5,133 sy)	1	LS	\$ 5,150.00	\$ 5,150.00	\$ 950.00	\$ 950.00	\$ 4,200.00	\$ 4,200.00	\$ 4,485.00	\$ 4,485.00	\$ 885.00	\$ 885.00	\$ 1,763.00	\$ 1,763.00
b	Area #8 – 8300 South (approx. 3,600 sy)	1	LS	\$ 3,600.00	\$ 3,600.00	\$ 525.00	\$ 525.00	\$ 3,400.00	\$ 3,400.00	\$ 3,622.50	\$ 3,622.50	\$ 500.00	\$ 500.00	\$ 1,237.00	\$ 1,237.00
B4	Chip & Seal w/ light weight A chip, & fog seal						\$ -								
a	Area #7 – 1900 East	5133	sy	\$ 3.00	\$ 15,399.00	\$ 2.02	\$ 10,368.66	\$ 2.25	\$ 11,549.25	\$ 2.20	\$ 11,292.60	\$ 2.95	\$ 15,142.35	\$ 3.00	\$ 15,399.00
b	Area #8 – 8300 South (Silverleaf Ph. 4 Subd.)	3,600	sy	\$ 3.00	\$ 10,800.00	\$ 2.02	\$ 7,272.00	\$ 2.25	\$ 8,100.00	\$ 2.20	\$ 7,920.00	\$ 2.95	\$ 10,620.00	\$ 3.00	\$ 10,800.00
c	Sunrise Ridge Subdivision	2,850	sy	\$ 3.00	\$ 8,550.00	\$ 2.02	\$ 5,757.00	\$ 2.25	\$ 6,412.50	\$ 2.20	\$ 6,270.00	\$ 2.95	\$ 8,407.50	\$ 3.00	\$ 8,550.00
d	Valley Flats Subdivision	2,350	sy	\$ 3.00	\$ 7,050.00	\$ 2.02	\$ 4,747.00	\$ 2.25	\$ 5,287.50	\$ 2.20	\$ 5,170.00	\$ 2.95	\$ 6,932.50	\$ 3.00	\$ 7,050.00
e	Bowman Old Farm Estates	3,000	sy	\$ 3.00	\$ 9,000.00	\$ 2.02	\$ 6,060.00	\$ 2.25	\$ 6,750.00	\$ 2.20	\$ 6,600.00	\$ 2.95	\$ 8,850.00	\$ 3.00	\$ 9,000.00
f	Hidden Valley Meadows (Phases 1 & 2)	10,150	sy	\$ 3.00	\$ 30,450.00	\$ 2.02	\$ 20,503.00	\$ 2.25	\$ 22,837.50	\$ 2.20	\$ 22,330.00	\$ 2.95	\$ 29,942.50	\$ 3.00	\$ 30,450.00
g	Old Maple Farms (Phases 1, 2 & 3)	18,870	sy	\$ 3.00	\$ 56,610.00	\$ 2.02	\$ 38,117.40	\$ 2.25	\$ 42,457.50	\$ 2.20	\$ 41,514.00	\$ 2.95	\$ 55,666.50	\$ 3.00	\$ 56,610.00
B5	4" Striping (double yellow centerline)	2,200	lf	\$ 2.00	\$ 4,400.00	\$ 0.80	\$ 1,760.00	\$ 0.90	\$ 1,980.00	\$ 2.42	\$ 5,324.00	\$ 1.50	\$ 3,300.00	\$ 1.60	\$ 3,520.00
B6	12" Striping (Stop Bar)	260	lf	\$ 5.00	\$ 1,300.00	\$ 5.20	\$ 1,352.00	\$ 5.50	\$ 1,430.00	\$ 6.90	\$ 1,794.00	\$ 5.30	\$ 1,378.00	\$ 6.00	\$ 1,560.00
TOTAL SECTION B (Item B1-B6)				\$	161,309.00	\$	104,087.06	\$	119,290.64	\$	124,602.10	\$	147,124.35	\$	183,239.00

SECTION C - CONCRETE WORK				ENGINEER'S ESTIMATE		Consolidated Paving & Concrete		Post Construction Company		Advanced Paving and Construction, LLC		Staker Parson Materials & Construction		Geneva Rock Products	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
C1	Mobilization	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 2,990.00	\$ 2,990.00	\$ 7,000.00	\$ 7,000.00	\$ 18,000.00	\$ 18,000.00	\$ 3,200.00	\$ 3,200.00	\$ 3,300.00	\$ 3,300.00
C2	Traffic Control	1	LS	\$ 4,000.00	\$ 4,000.00	\$ 4,255.00	\$ 4,255.00	\$ 2,200.00	\$ 2,200.00	\$ 2,400.00	\$ 2,400.00	\$ 2,500.00	\$ 2,500.00	\$ 230.00	\$ 230.00
C3	Remove existing concrete flatwork	5,200	sf	\$ 2.50	\$ 13,000.00	\$ 1.13	\$ 5,876.00	\$ 1.70	\$ 8,840.00	\$ 1.15	\$ 5,980.00	\$ 3.00	\$ 15,600.00	\$ 5.00	\$ 26,000.00
C4	Remove existing curb and gutter	180	lf	\$ 8.00	\$ 1,440.00	\$ 6.36	\$ 1,144.80	\$ 16.00	\$ 2,880.00	\$ 8.50	\$ 1,530.00	\$ 28.00	\$ 5,040.00	\$ 8.50	\$ 1,530.00
C5	UTBC under concrete (4" thick – includes removal of existing material)	160	ton	\$ 25.00	\$ 4,000.00	\$ 30.34	\$ 4,854.40	\$ 35.00	\$ 5,600.00	\$ 85.00	\$ 13,600.00	\$ 61.00	\$ 9,760.00	\$ 110.00	\$ 17,600.00
C6	New 4" thick concrete flatwork	5,200	sf	\$ 6.00	\$ 31,200.00	\$ 4.84	\$ 25,168.00	\$ 6.00	\$ 31,200.00	\$ 6.00	\$ 31,200.00	\$ 8.50	\$ 44,200.00	\$ 15.00	\$ 78,000.00
C7	New 6" thick concrete flatwork	100	sf	\$ 8.00	\$ 800.00	\$ 6.33	\$ 633.00	\$ 8.00	\$ 800.00	\$ 14.00	\$ 1,400.00	\$ 13.00	\$ 1,300.00	\$ 20.00	\$ 2,000.00
C8	New 30" curb and gutter	180	lf	\$ 28.00	\$ 5,040.00	\$ 30.23	\$ 5,441.40	\$ 25.50	\$ 4,590.00	\$ 38.00	\$ 6,840.00	\$ 62.00	\$ 11,160.00	\$ 59.00	\$ 10,620.00
C9	New ADA Ramp	6	ea	\$ 2,000.00	\$ 12,000.00	\$ 2,070.00	\$ 12,420.00	\$ 1,400.00	\$ 8,400.00	\$ 1,900.00	\$ 11,400.00	\$ 2,250.00	\$ 13,500.00	\$ 1,800.00	\$ 10,800.00
C10	Asphalt Sawcut (3"-5" thick)	200	lf	\$ 3.00	\$ 600.00	\$ 2.30	\$ 460.00	\$ 2.25	\$ 450.00	\$ 2.50	\$ 500.00	\$ 1.40	\$ 280.00	\$ 5.50	\$ 1,100.00
C11	Remove existing asphalt (3"-5" thick)	180	sf	\$ 3.00	\$ 540.00	\$ 1.38	\$ 248.40	\$ 5.50	\$ 990.00	\$ 4.00	\$ 720.00	\$ 4.60	\$ 828.00	\$ 9.00	\$ 1,620.00
C12	4" New HMA (approx. 180 sf)	6	ton	\$ 100.00	\$ 600.00	\$ 41.72	\$ 250.32	\$ 225.00	\$ 1,350.00	\$ 260.00	\$ 1,560.00	\$ 750.00	\$ 4,500.00	\$ 560.00	\$ 3,360.00
TOTAL SECTION C (Item C1-C12)				\$	76,220.00	\$	63,741.32	\$	74,300.00	\$	95,130.00	\$	111,868.00	\$	156,160.00

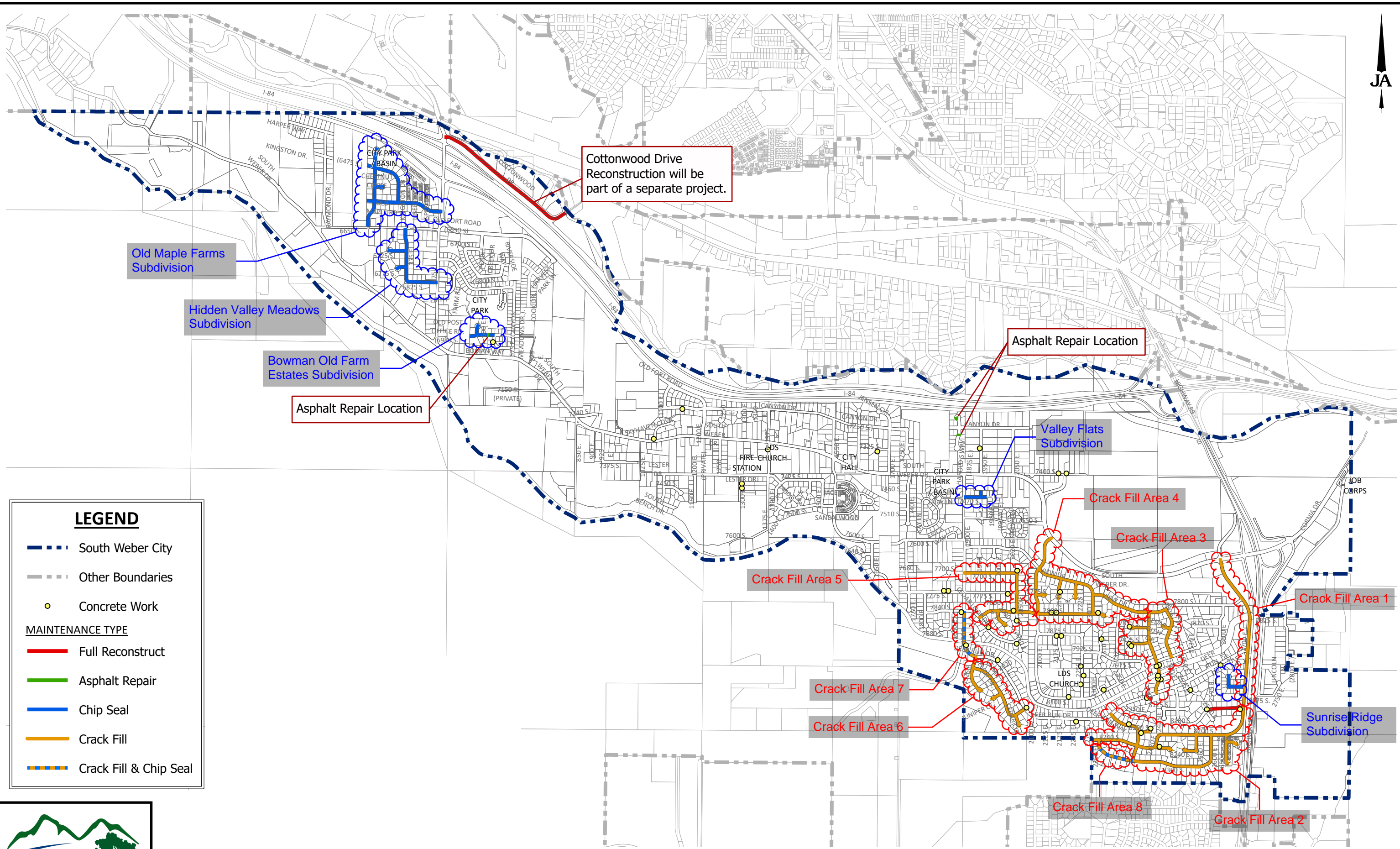
SECTION D - CRACK FILL				ENGINEER'S ESTIMATE		Post Construction Company		Advanced Paving and Construction, LLC		Consolidated Paving & Concrete		Staker Parson Materials & Construction	
Item	Description	Qty	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
D1	Mobilization	1	LS	\$ 1,500.00	\$ 1,500.00	\$ 1,100.00	\$ 1,100.00	\$ 1,600.00	\$ 1,600.00	\$ 4,715.00	\$ 4,715.00	\$ 2,050.00	\$ 2,050.00
D2	Traffic Control	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 1,100.00	\$ 1,100.00	\$ 700.00	\$ 700.00	\$ 4,255.00	\$ 4,255.00	\$ 800.00	\$ 800.00
D3	Crack Fill				\$ -								
a	Area #1 – 2700 East (approx. 13,160 sy)	1	LS	\$ 13,000.00	\$ 13,000.00	\$ 6,700.00	\$ 6,700.00	\$ 5,850.00	\$ 5,850.00	\$ 7,184.96	\$ 7,184.96	\$ 6,730.00	\$ 6,730.00
b	Area #2 – 8200 S. / 8300 S. / 8240 S. / Deer Run Way / 2650 E. / 2600 E. / 2420 E. (approx. 37,730 sy)	1	LS	\$ 37,000.00	\$ 37,000.00	\$ 18,700.00	\$ 18,700.00	\$ 18,800.00	\$ 18,800.00	\$ 20,182.50	\$ 20,182.50	\$ 21,600.00	\$ 21,600.00
c	Area #3 – Peachwood Dr. / 2450 E. (approx. 16,550 sy)	1	LS	\$ 16,000.00	\$ 16,000.00	\$ 9,600.00	\$ 9,600.00	\$ 14,600.00	\$ 14,600.00	\$ 10,255.08	\$ 10,255.08	\$ 16,800.00	\$ 16,800.00
d	Area #4 – 2100 E. / View Dr. / 7800 S. (approx. 29,300 sy)	1	LS	\$ 29,000.00	\$ 29,000.00	\$ 12,200.00	\$ 12,200.00	\$ 13,300.00	\$ 13,300.00	\$ 13,162.59	\$ 13,162.59	\$ 15,300.00	\$ 15,300.00
e	Area #5 – 7700 S. / 7800 S. / 2050 E. (approx. 14,580 sy)	1	LS	\$ 14,000.00	\$ 14,000.00	\$ 6,300.00	\$ 6,300.00	\$ 5,350.00	\$ 5,350.00	\$ 6,719.24	\$ 6,719.24	\$ 6,150.00	\$ 6,150.00
f	Area #6 – Cedar Bench Dr. / Cedar Ct. (approx. 12,300 sy)	1	LS	\$ 12,000.00	\$ 12,000.00	\$ 5,500.00	\$ 5,500.00	\$ 4,000.00	\$ 4,000.00	\$ 5,865.00	\$ 5,865.00	\$ 4,200.00	\$ 4,200.00
TOTAL SECTION D (Item D1-D3)				\$	125,000.00	\$	61,200.00	\$	64,200.00	\$	72,339.37	\$	73,630.00
GRAND TOTAL (Sections A-D)				\$	498,844.00	\$	336,491.38						

CONTRACTOR	SECTION A	SECTION B	SECTION C	SECTION D	SECTION E DISCOUNT IF AWARDED ALL SECTIONS	TOTAL ALL SECTIONS
Post Construction Company, LLC	\$ 117,190.00	\$ 119,290.64	\$ 74,300.00	\$ 61,200.00	\$ -	\$ 371,980.64
Consolidated Paving & Concrete	\$ 115,013.96	\$ 124,602.10	\$ 63,741.32	\$ 72,339.37	\$ (3,000.00)	\$ 372,696.75
Staker Parson Materials & Construction	\$ 112,020.00	\$ 104,087.06	\$ 111,868.00	\$ 73,630.00	\$ (10,000.00)	\$ 391,605.06
Advanced Paving and Construction, LLC	\$ 107,463.00	\$ 147,124.35	\$ 95,130.00	\$ 64,200.00	\$ (5,000.00)	\$ 408,917.35
Geneva Rock Products	\$ 133,180.00	\$ 183,239.00	\$ 156,160.00	No Bid	NA	NA

City Engineer:
  


Date:
  
6/23/2020





Cottonwood Drive  
Reconstruction will be  
part of a separate project.

Old Maple Farms  
Subdivision

Hidden Valley Meadows  
Subdivision

Bowman Old Farm  
Estates Subdivision

Asphalt Repair Location

Asphalt Repair Location

Valley Flats  
Subdivision

Crack Fill Area 4

Crack Fill Area 3

Crack Fill Area 1

Sunrise Ridge  
Subdivision

Crack Fill Area 8

Crack Fill Area 2

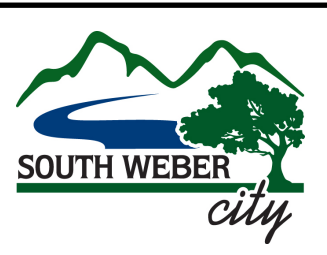
Crack Fill Area 5

Crack Fill Area 7

Crack Fill Area 6

**LEGEND**

- South Weber City
- Other Boundaries
- Concrete Work
- MAINTENANCE TYPE**
- Full Reconstruct
- Asphalt Repair
- Chip Seal
- Crack Fill
- Crack Fill & Chip Seal



NOTES:

SCALE:  
1" = 1,800'  
MM/DD/YYYY  
6/5/2020

DESIGNED  
DRAWN  
CHECKED

SEH  
SEH  
BKJ

**JA**  
JONES &  
ASSOCIATES

CONSULTING ENGINEERS

6080 Fashion Point Drive  
South Ogden, Utah 84403 (801) 476-9767

**SOUTH WEBER CITY CORPORATION**  
**2020 STREET MAINTENANCE PROJECTS**  
**OVERALL PROJECT LOCATION MAP**



## RESOLUTION 2020-28

### A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL AWARDING 2020 STREET MAINTENANCE PROJECT

**WHEREAS**, City streets are in continual need of repair and maintenance which can only be accomplished during months with warm weather; and

**WHEREAS**, the 2020 maintenance projects were determined based on level of need and availability of funds; and

**WHEREAS**, bids were advertised per state requirements and a total of five bids were received and opened by City Engineer, Jones and Associates on June 23, 2020; and

**WHEREAS**, Engineer Brandon Jones made a careful evaluation of bids and recommends awarding the bids as follows: Section A (Reconstruction) to Advanced Paving & Construction in the amount of \$107,463.00, Section B (Chip & Seal) to Staker Parson Materials & Construction in the amount of \$104,087.06, Section C (Concrete Work) to Consolidated Paving & Concrete in the amount of \$63,741.32, and Section D (Crack Fill) to Post Construction Company in the amount of \$61,200.00.

**NOW THEREFORE BE IT RESOLVED** by the Council of South Weber City, Davis County, State of Utah, as follows:

**Section 1. Award:** The 2020 Street Maintenance Project is hereby awarded to the following:

- A. Reconstruction to Advanced Paving & Construction for \$107, 463.00
- B. Chip & Seal to Staker Parson Materials & Construction for \$104,087.06
- C. Concrete Work to Consolidated Paving & Concrete for \$63,741.32
- D. Crack Fill to Post Construction Company for \$61,200.00

**Section 2: Repealer Clause:** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the 30<sup>th</sup> day of June 2020.

Roll call vote is as follows:

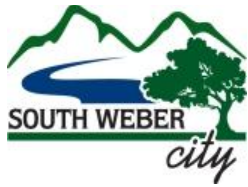
Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Winsor	FOR	AGAINST

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**Jo Sjoblom, Mayor**

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**Attest:** Lisa Smith, Recorder



**Council Meeting Date:** June 30, 2020

**Name:** Mark McRae

**Agenda Item:** 6

**Objective:** Fraud Risk Assessment

**Background:** The State Auditor has issued a new requirement that each local government entity will need to complete an annual Fraud Risk Assessment (Assessment) before the end of each fiscal year starting with the current fiscal year. On June 16 the city council assigned the Finance Director to complete the assessment. Tonight, the results of that assessment are presented to the city council. The audit committee will be meeting over the next few months to review the assessment and work with staff to improve in those areas identified by the assessment. Many of the areas referenced have procedures and practices already implemented to prevent fraud. But these practices are not documented in a written policy.

**Summary:** Staff will use the assessment as a guide to improve policies and procedures which will minimize fraud risk within the City.

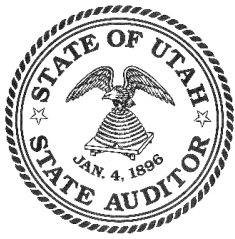
**Committee Recommendation:** na

**Planning Commission Recommendation:** na

**Staff Recommendation:** Work with audit committee to minimize fraud risk.

**Attachments:** Fraud Risk Assessment Questionnaire

**Budget Amendment:** na



OFFICE OF THE  
STATE AUDITOR

# Questionnaire

Revised March 2020

## Fraud Risk Assessment

### INSTRUCTIONS:

- Reference the *Fraud Risk Assessment Implementation Guide* to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking "Yes" on each of the questions below.
- Total the points of the questions marked "Yes" and put on the "Total Points Earned" line below.
- Using the points earned, circle the risk level on the "Risk Level" line below.

Total Points Earned: 290 Risk Level: 

Very Low	Low	Moderate	High	Very High
> 355	316-355	276-315	200-275	< 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	X	200
2. Does the entity have written policies in the following areas:		
a. Conflict of interest?		5
b. Procurement?	X	5
c. Ethical behavior?	X	5
d. Reporting fraud and abuse?		5
e. Travel?		5
f. Credit/Purchasing cards (where applicable)?	X	5
g. Personal use of entity assets?		5
h. IT and computer security?	X	5
i. Cash receipting and deposits?		5
3. Does the entity have a licensed or certified expert as part of its management team? (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO)	X	20
a. Do any members of the management team have at least a bachelor's degree in accounting?	X	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?		20
5. Have all of the board members completed the State Auditor online training at least once in the last four years?		20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	X	20
7. Does the entity have or promote a fraud hotline?		20
8. Does the entity have a formal internal audit function?		20
9. Does the entity have a formal audit committee?	X	20

Certified By: \_\_\_\_\_ Certified By: \_\_\_\_\_

\* MC = Mitigating Control

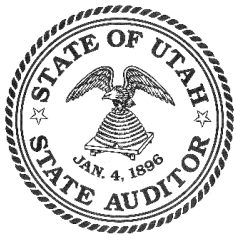
# Basic Separation of Duties

×

See page 2 of this questionnaire for instructions and definitions.

	Yes	No	MC*	N/A
1. Does the entity have a board chair, clerk, and treasurer who are three separate people?	×			
2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?	×			
3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A".			×	
4. Are all the people who have access to blank checks different from those who are authorized signers?			×	
5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?	×			
6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?	×			
7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".	×			
8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".	×			
9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".	×			
10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?	×			
11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	×			
12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".	×			





## Basic Separation of Duties

### Continued

**Instructions:** Answer questions 1-12 on the Basic Separation of Duties Questionnaire using the definitions provided below.

☑ If all of the questions were answered “Yes” or “No” with mitigating controls (“MC”) in place, or “N/A,” the entity has achieved adequate basic separation of duties.

☹ If any of the questions were answered “No,” and mitigating controls are not in place, the entity has not achieved adequate basic separation of duties.

### Definitions:

**Board Chair** is the elected or appointed chairperson of an entity’s governing body, e.g. Mayor, Commissioner, Councilmember or Trustee. The official title will vary depending on the entity type and form of governments.

**Clerk** is the bookkeeper for the entity, e.g. Controller, Accountant, Auditor or Finance Director. Though the title for this position may vary, they validate payment requests, ensure compliance with policy and budgetary restrictions, prepare checks, and record all financial transactions.

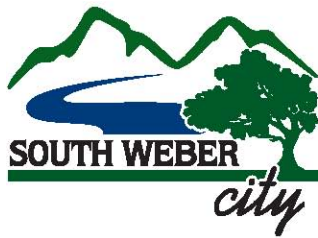
**Chief Administrative Officer (CAO)** is the person who directs the day-to-day operations of the entity. The CAO of most cities and towns is the mayor, except where the city has a city manager. The CAO of most local and special districts is the board chair, except where the district has an appointed director. In school districts, the CAO is the superintendent. In counties, the CAO is the commission or council chair, except where there is an elected or appointed manager or executive.

**General Ledger** is a general term for accounting books. A general ledger contains all financial transactions of an organization and may include sub-ledgers that are more detailed. A general ledger may be electronic or paper based. Financial records such as invoices, purchase orders, or depreciation schedules are not part of the general ledger, but rather support the transaction in the general ledger.

**Mitigating Controls** are systems or procedures that effectively mitigate a risk in lieu of separation of duties.

**Original Bank Statement** means a document that has been received directly from the bank. Direct receipt of the document could mean having the statement 1) mailed to an address or PO Box separate from the entity’s place of business, 2) remain in an unopened envelope at the entity offices, or 3) electronically downloaded from the bank website by the intended recipient. The key risk is that a treasurer or clerk who is intending to conceal an unauthorized transaction may be able to physically or electronically alter the statement before the independent reviewer sees it.

**Treasurer** is the custodian of all cash accounts and is responsible for overseeing the receipt of all payments made to the entity. A treasurer is always an authorized signer of all entity checks and is responsible for ensuring cash balances are adequate to cover all payments issued by the entity.



# Agenda Item Introduction

**Council Meeting Date:** June 30, 2020

**Name:** Lisa Smith

**Agenda Item:** Ordinance 2020-02: Code Violations

**Background:** The state legislature passed House Bill 202 which limits the Council's authority regarding certain code violations. Violations pertaining to an individual's pet (defined as cat/dog) or an individual's use of residence cannot be greater than an Infraction. Municipalities may also not issue more than one citation within a 14-day time period. To be in line with state code, the City Code needs to be amended.

State law also does not allow code officers to issue citations so the appropriate wording would be "notices".

Upon review, we discovered the fine amounts seem very inconsistent. We recommend standardizing the amounts.

**Summary:** Amend City Code Title 4 Public Health and Safety and the Consolidated Fee Schedule Chapter 12: Court Fees for City Ordinance Violations

**Budget Amendment:** n/a

**Committee Recommendation:** n/a

**Planning Commission Recommendation:** n/a

**Staff Recommendation:**

Chris Tremea, representing code enforcement and Lisa Smith, representing the court reviewed the City Codes that would fall under the state's new guidelines. We believe 4-2-3 Nuisances on Property, 4-2-7 Weed Ordinance, and 4-3-2 Abandoned Vehicle on Private Property, would all be tied to use of an individual's residence. They should be reclassified as Infractions.

SWC 1-9 outlines the penalties for code violation and states maximum fine amounts with the Consolidated Fee Schedule listing fines by classification. I'm surmising, as each violation reached the criminal prosecution process, the prosecutor provided a recommended fine amount so unless the Council had given direction, the fines became inconsistent. Atty. Doug Ahlstrom stated most cities make all code violations Class C with \$750 fine. The State Fine Schedule recommends

<u>LOCAL ORDINANCES</u>	Recommended/Maximum	*Mandatory Appearance
• Class B	\$350/1000	
• Class C	\$180/750	
• Infractions	\$110/750	

City staff recommends assigning fees by Code Chapter rather than classification as follows:

- Title 3: Business and License Regulations \$200
- Title 4: Public Health and Safety \$250
- Title 5: Police Regulations \$250
- Title 6: Motor Vehicles and Traffic \$50
- Title 7: Public Ways and Property \$100
- Title 8: Water, Sewer, Storm Water and Drainage \$350
- Title 9: Building Regulations \$300
- Title 10: Zoning Regulations \$150

It would also be a good time to look at the requirements of reporting to BCI and requiring a court appearance if the Council would like to make recommendations for those as well.

**Attachments:** HB 202, red-line code, City Codes with class and recommended fine amount, Ordinance 2020-02: Code Penalty Amendments, CFS Chapter 12 redline

**LOCAL GOVERNMENT NUISANCE ORDINANCE REFORM**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jefferson Moss**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill amends provisions related to municipal and county ordinances.

**Highlighted Provisions:**

This bill:

- ▶ limits the circumstances under which a municipality or county may impose a criminal penalty for a violation of an ordinance; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-3-703**, as last amended by Laws of Utah 2018, Chapter 379

**17-53-208**, as last amended by Laws of Utah 2009, Chapter 388

**17-53-223**, as last amended by Laws of Utah 2019, Chapter 326

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-3-703** is amended to read:

**10-3-703. Criminal penalties for violation of ordinance -- Civil penalties prohibited -- Exceptions.**

(1) (a) The governing body of ~~each~~ a municipality may impose a criminal penalty for

the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Section 76-3-301 ~~[or]~~, by a term of imprisonment up to six months, or by both the fine and term of imprisonment.

(b) Notwithstanding Subsection (1)(a), a municipality may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual's pet, as defined in Section 4-12-102, or an individual's use of the individual's residence unless:

(i) the violation:

(A) is a nuisance as defined in Subsection 78B-6-1101(1); and

(B) threatens the health, safety, or welfare of the individual or an identifiable third party; or

(ii) the municipality has imposed a fine on the individual for a violation that involves the same residence or pet on three previous occasions within the past 12 months.

(c) Subsection (1)(b) does not apply to municipal enforcement of a building code or fire code ordinance in accordance with Title 15A, State Construction and Fire Codes Act.

(2) (a) Except as provided in Subsection (2)(b), the governing body may prescribe a civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Section 76-3-301.

(b) A municipality may not impose a civil penalty and adjudication for the violation of a municipal moving traffic ordinance.

(3) (a) Except as provided in Subsection (3)(b) or Section 77-7-18, a municipal officer or official who is not a law enforcement officer described in Section 53-13-103 or a special function officer described in Section 53-13-105 may not issue a criminal citation for a violation that is punished as a misdemeanor.

(b) Notwithstanding Subsection (1) or (3)(a), the following may issue a criminal citation for a violation that is punished as a misdemeanor if the violation threatens the health and safety of an animal or the public:

(i) a fire officer described in Section 53-7-102; or

(ii) an animal control officer described in Section 11-46-102.



(4) A municipality may not issue more than one infraction within a 14-day time period for a violation described in Subsection (1)(b) that is ongoing.

Section 2. Section **17-53-208** is amended to read:

**17-53-208. Ordinances -- Effective dates -- Publication -- Adoption of ordinances printed in book form -- Review of nuisance ordinances.**

(1) The enacting clause of ~~[all ordinances of]~~ an ordinance adopted by the county legislative body shall be as follows: "The County Legislative Body of \_\_\_\_\_ County ordains as follows:"

~~[(2) Every ordinance shall be signed by the chair of the county legislative body and attested by the clerk. On the passage of all ordinances the votes of the several members of the county legislative body shall be entered on the minutes, and all ordinances shall be entered at length in the ordinance book.]~~

(2) (a) The chair of the county legislative body shall sign, and the county clerk shall attest to, each ordinance.

(b) If the county legislative body votes to adopt an ordinance, county staff shall:

(i) record the vote of each county legislative body member in attendance and enter each vote in the minutes of the meeting; and

(ii) enter the full text of the adopted ordinance in the county ordinance book.

(3) (a) No ordinance passed by the county legislative body may take effect within less than 15 days after its passage.

(b) The county legislative body ~~[of each county adopting an ordinance]~~ shall, before the ordinance may take effect:

(i) deposit a copy of the ordinance in the office of the county clerk; and

(ii) (A) publish a short summary of the ordinance, together with a statement that a complete copy of the ordinance is available at the county clerk's office and with the name of the members voting for and against the ordinance:

(I) for at least one publication in:

(Aa) a newspaper published in and having general circulation in the county, if there is

one; or

(Bb) if there is none published in the county, in a newspaper of general circulation within the county; and

(II) as required in Section 45-1-101; or

(B) post a complete copy of the ordinance in nine public places within the county.

(4) Any ordinance printed by authority of the county legislative body in book form or electronic media, or any general revision of county ordinances printed in book form or electronic media, may be adopted by an ordinance making reference to the printed ordinance or revision if a copy of the ordinance or revision is filed in the office of the county clerk at the time of adoption for use and examination by the public.

(5) ~~[Ordinances establishing]~~ If the county legislative body adopts an ordinance establishing rules and regulations, printed as a code in book form or electronic media, for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other related or similar work [may be adopted], the county legislative body may adopt the ordinance by reference to the code book if a copy of the code book is filed in the office of the county clerk at the time of the adoption of the ordinance for use and examination by the public.

(6) ~~[Ordinances that]~~ If, in the opinion of the county legislative body [are], an ordinance is necessary for the immediate preservation of the peace, health, or safety of the county and the county's inhabitants, the ordinance may, if [so provided] clearly stated in the ordinance, take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the county, if there is one, and if there is none published in the county, then immediately after posting at the courthouse door.

(7) An ordinance may take effect at a later date than provided in this section, if the ordinance ~~[so provides]~~ clearly states the later effective date.

(8) An order entered in the minutes of the county legislative body that an ordinance has been duly published or posted shall be prima facie proof of the publication or posting.

Section 3. Section 17-53-223 is amended to read:

**17-53-223. Ordinances -- Power to enact -- Penalty for violation.**

(1) A county legislative body may:

(a) pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by this title, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county;

(b) enforce obedience to ordinances with fines or penalties as the county legislative body considers proper; and

(c) pass ordinances to control air pollution.

(2) (a) Punishment imposed under Subsection (1)(b) shall be by fine, not to exceed the maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or both fine and imprisonment.

(b) Notwithstanding Subsection (2)(a), a county may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual's pet, as defined in Section 4-12-102, or an individual's use of the individual's residence unless:

(i) the violation:

(A) is a nuisance as defined in Subsection 78B-6-1101(1); and

(B) threatens the health, safety, or welfare of the individual or an identifiable third party; or

(ii) the county has imposed a fine on the individual for a violation that involves the same residence or pet on three previous occasions within the past 12 months.

(c) Subsection (2)(b) does not apply to county enforcement of a building code or fire code ordinance in accordance with Title 15A, State Construction and Fire Codes Act.

~~[(b)]~~ (d) When a penalty for a violation of an ordinance includes any possibility of imprisonment, the county legislative body shall include in the ordinance a statement that the county is required, under Section 78B-22-301, to provide for indigent defense services, as that term is defined in Section 78B-22-102.

(e) Notwithstanding any other provision of law, the following may issue a criminal

142 citation for a violation that is punished as a misdemeanor if the violation threatens the health  
143 and safety of an animal or the public:

144 (i) a fire officer described in Section [53-7-102](#);

145 (ii) a law enforcement officer described in Section [53-13-103](#); or

146 (iii) an animal control officer described in Section [11-46-102](#).

147 (3) (a) Except as specifically authorized by statute, the county legislative body may not  
148 impose a civil penalty for the violation of a county traffic ordinance.

149 (b) Subsection (3)(a) does not apply to an ordinance regulating the parking of vehicles  
150 on a highway.

151 (4) A county may not issue more than one infraction within a 14-day period for a  
152 violation described in Subsection (2)(b) that is ongoing.

**4-2-11: ALTERNATE CITATION NOTICE PROCEDURE - CRIMINAL PROSECUTION:**

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A. If the Code Enforcement Officer determines that a nuisance exists in violation of this chapter, the Code Enforcement Officer may, as an alternate to the notice, hearing, and abatement provisions of sections 4-2-8 and 4-2-9 of this chapter:

1. Ascertain the names of the owners and occupants of the premises where such object and condition exist, together with a description of the premises; and
2. Issue a citation-Criminal Procedure Notice to the owner or occupant of the property by either ~~serving the citation personally upon personal service to~~ the owner or occupant, or ~~mailing the citation through~~ certified mail, ~~postage prepaid~~, addressed to the owner or occupant at their last known address as disclosed by the records of the County Recorder or as otherwise ascertained. In the event the Code Enforcement Officer elects to mail the notice, it shall be deemed served when it is sent by certified mail, ~~postage prepaid~~.

B. The citation-notice shall:

1. Require the person to whom it is sent to correct the violation within such time as the Code Enforcement Officer shall designate, which shall not be less than ten (10) nor greater than twenty (20) days and shall be known as the correction period, with the time given to remedy the violation beginning the day following the day on which the citation-notice is issued;
2. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists;
3. Inform the person to whom the citation-notice is issued that after the correction period, if the violation has not been fully remedied, the matter will be referred for criminal prosecution;
4. Inform the person that in the event ~~a~~-criminal prosecution is pursued, the prosecution shall be for ~~a-misdemeanor except regarding an individual's pet or use of the individual's residence which shall be an infraction~~Class C misdemeanor, unless:
  - a. A fine has been imposed for a violation involving the same residence or pet on three previous occasions within the past 12- month period;
  - b. Violation is a nuisance as defined in state code 78B-6-1101(1);
  - c. Violation threatens the health, safety, or welfare of the individual or an identifiable third party; or
  - d. Violation is of building or fire code

C. In the event the person complies with the citation-notice, the person shall notify the Code Enforcement Officer of their compliance. Within five (5) days of receiving notice of compliance, the Code Enforcement Officer shall again inspect the property.

1. If the property complies with this chapter, the Code Enforcement Officer shall notify any other offices or persons who have received notice of the citation-violation of ~~that~~ compliance and no criminal action shall be brought.
2. In the event the property still does not comply with the provisions of this chapter, the Code Enforcement Officer shall issue a ~~second-citation~~Final Criminal Procedure Notice, clearly stating the reasons the property is still considered in violation of this chapter.



3. In the event ~~a second citation~~ a final notice is issued for the same violation and the person again asks for inspection and the ~~citation-violation~~ is still not corrected to the satisfaction of the Code Enforcement Officer, the matter shall be referred to the City Prosecutor for criminal prosecution. In no event shall the Code Enforcement Officer issue more than two (2) ~~citations~~ criminal procedure-notices for the same violation within a 14-day period.

D. In the event the person to whom the ~~citation-notice~~ was issued fails or neglects to correct the violation, the Code Enforcement Officer shall refer the matter to the City Prosecutor for prosecution.

E. The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance of any notification citation or the granting to the defendant an opportunity to abate or remove the nuisance.

F. The provisions of this chapter relating to notice and abatement and ~~citation-criminal procedure notice~~ shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

G. Any owner, occupant, or person having an interest in property subject to this chapter who shall fail to comply with the ~~citation-notice~~ given pursuant to this section shall be guilty of a misdemeanor except Class C misdemeanor for ordinances pertaining to an individual's pet or residence which shall be an infraction. (Ord. 19-07, 3-12-2019)

4-3-4: PENALTY:

A. Any persons violating any of the provision of this chapter shall be deemed guilty of a Class C misdemeanor and subject to penalty as provided in section 1-9-1 of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

B. Violations that occur on private property shall be deemed infractions and ongoing violations may be cited every 14-days until compliant. (1989 Code § 10-476; amd. 1998 Code)

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10-15-8: FAILURE TO COMPLY:

Owners/operators of commercial property not landscaped or maintained as required may have their business licenses revoked. Owners of residential property not landscaped or maintained in accordance with this chapter are subject to prosecution for a Class C misdemeanor, and upon conviction, subject to penalties including a fine in the amount of one hundred dollars (\$100.00) and fifty dollars (\$50.00) each day that the area to be landscaped remains uncorrected or unabated. (Ord. 07-02, 2-13-2007)

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Code	Description	BCI report Y/N	Staff Sugg	Appearance Required Y/N	Staff Sugg2	Severity	Staff Sugg3	Fine	Suggested Fine
10-10-2	RESIDING IN NON-CONFORMING STRUCTURE	Y	N	N		MB	code state MC	\$50.00	Code says MC Zoning Violations \$150 Code says \$100 plus \$50 each day for landscape
10-11-2(B)	ACCUMULATION OF GARBAGE, JUNK, DEBRIS, ETC.	Y	N	Y		MB	code state MC	\$185.00	
10-11-3	PRIVATE SWIMMING POOL LOCATION	Y	N	Y	N	MB	code state MC	\$100.00	
10-11-4	SETBACK AND YARD SPACE	Y	N	Y	N	MB	code state MC	\$185.00	
10-11-5	CLEAR VIEW ACROSS CORNER OF PROPERTY	Y	N	Y	N	MB	code state MC	\$190.00	
10-11-7	ANIMAL KEEPING	Y	N	Y		MB	code state MC	\$185.00	
10-15-2	LANDSCAPING RESIDENTIAL YARD AREAS	N		Y	N	MB	code state MC	\$190.00	
10-5D-3	ZONING - TWO HOUSES ON ONE LOT 10-5D	N		N		MB	code state MC	\$50.00	
10-6-5	ILLEGAL EXCAVATION WITHIN CITY RIGHT-OF-WAY	Y	N	Y		MB	code state MC	\$185.00	
10-9-4	SIGN ORDINANCE VIOLATION	N		N		MB	code state MC	\$100.00	
3-1-2	BUSINESS LICENSE REQUIRED	Y		Y		MB		\$235.00	Licensing \$ 200
3-8-6	SOLICITING WITHOUT HAVING OBTAINED REGISTRATION CERTIFICATE	Y		Y		MB		\$235.00	
4-2-3	NUISANCES ON PROPERTY	N		Y		MB	IN	\$235.00	Public Safety \$250
4-2-7	WEED ORDINANCE	N		Y		MB	IN	\$235.00	
4-3-2	ABANDONED VEHICLE on private property--infraction	N		N		MC	IN	\$67.50	
4-3-2	ABANDONED VEHICLE - CLASS C	N		N		MC		\$67.50	
4-4-9	OPEN BURNING	Y		Y		IN	MC	\$75.00	
5-3-2(A)	DISCHARGING FIREARM WITHIN CITY LIMIT	Y		Y		MB		\$235.00	Police 250
5-3A-1	CURFEW VIOLATION	Y	N	N	Y	MB	MC	\$185.00	
6-1-4(D)	UNLAWFUL PARKING	N		N		IN		\$25.00	Pkg \$50
7-1-3	OBSTRUCTION IN STREET, GUTTER OR SIDEWALK	N		Y	N	MB	MC	\$185.00	Public Ways \$100
7-3-8	CONTRACTOR RESPONSIBILITIES - ENVIRONMENTAL CONTROLS	N		N		MC		\$30.00	
7-4-1	MUNICIPAL PROPERTY USE AND CONTROL	Y	N	Y	N	MB	MC	\$335.00	
8-1-6	USE WITHOUT PAYMENT PROHIBITED - WATER	Y		Y		MB		\$190.00	Water \$350 CFS has MB with \$200
8-1-7	USE WITHOUT AUTHORITY RESTRICT TURN ON WATER AFTER SHUT OFF	Y		Y		MB		\$190.00	
9-1-2	BUILDING PERMIT REQUIRED	N		Y		MB		\$235.00	Building \$300
9-1-5	PREMISE IDENTIFICATION	N		Y	N	MB		\$235.00	
9-3-5	UNIFORM FIRE CODE VIOLATION	N		Y		MB		\$235.00	

\* written into Code





CHAPTER 12: COURT ~~FEES-FINES~~ FOR CITY ORDINANCE VIOLATIONS

~~SWC Code Title 3: Business and License Regulations \$200~~

~~SWC Code Title 4: Public Health and Safety \$250~~

~~SWC Code Title 5: Police Regulations \$250~~

~~SWC Code Title 6: Motor Vehicles and Traffic \$50~~

~~SWC Code Title 7: Public Ways and Property \$100~~

~~SWC Code Title 8: Water, Sewer, Storm Water and Drainage \$350~~

~~SWC Code Title 9: Building Regulations \$300~~

~~SWC Code Title 10: Zoning Regulations \$150~~

~~Class B Misdemeanors \$150 bail\*, plus state surcharge~~

~~Class C Misdemeanors \$80 bail\*, plus state surcharge~~

~~Infractions \$25 bail\*, plus state surcharge~~

~~Fees include state surcharges.~~

~~Credit Card Convenience Fee \$3.00~~

~~\*Subject to change based on state bail schedule~~

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## **ORDINANCE 2020-02**

### **AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL AMENDING CITY CODE TITLE 4 PUBLIC HEALTH AND SAFETY**

**WHEREAS**, the State of Utah adopted legislation limiting the powers of municipalities in enforcing city codes; and

**WHEREAS**, the City wishes to amend codes which apply to an individual's pet or use of an individual's property to comply with state regulations; and

**WHEREAS**, Code Enforcement Officers are not authorized to issue citations per state law necessitating change to the criminal procedure regarding code violations; and

**WHEREAS**, staff has made recommendations to amend Title 4 Chapters 2 and 3 to align with state law; and

**WHEREAS**, Council has reviewed the recommendations and finds it in the best interests of the City to amend City Code Title 4 Public Health and Safety;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of South Weber City, State of Utah:

**Section 1. Chapter amended:** Title 4 Public Health and Safety shall be hereby amended as follows:

SWC Code 4-2-11: ALTERNATE NOTICE PROCEDURE—CRIMINAL PROSECUTION: shall read as included in Exhibit 1

SWC Code 4-3-4: Penalty shall be amended to read:

4-3-4: PENALTY:

- A. Any persons violating any of the provision of this chapter shall be deemed guilty of a misdemeanor and subject to penalty as provided in section 1-9-1 of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- B. Violations that occur on private property shall be deemed infractions and ongoing violations may be cited every 14-days until fully compliant.

**Section 2. General Repealer.** Ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3. Effective Date.** The City Council of South Weber City, State of Utah, has determined that the public health, safety, and welfare requires that this ordinance take effect immediately. Therefore, this ordinance shall become effective immediately upon passage and publication as required by law.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the 14<sup>th</sup> day of July 2020.

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**MAYOR: Jo Sjoblom**

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**ATTEST:** City Recorder, Lisa Smith

Roll call vote is as follows:

Council Member Alberts	FOR	AGAINST
Council Member Halverson	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Soderquist	FOR	AGAINST
Council Member Winsor	FOR	AGAINST

# **EXHIBIT 1**

## **CODE AMENDMENT 4-2-11**

**4-2-11: ALTERNATE NOTICE PROCEDURE - CRIMINAL PROSECUTION:**

A. If the Code Enforcement Officer determines that a nuisance exists in violation of this chapter, the Code Enforcement Officer may, as an alternate to the notice, hearing, and abatement provisions of sections 4-2-8 and 4-2-9 of this chapter:

1. Ascertain the names of the owners and occupants of the premises where such object and condition exist, together with a description of the premises; and
2. Issue a Criminal Procedure Notice to the owner or occupant of the property by either personal service to the owner or occupant, or through certified mail addressed to the owner or occupant at their last known address as disclosed by the records of the County Recorder or as otherwise ascertained. In the event the Code Enforcement Officer elects to mail the notice, it shall be deemed served when it is sent by certified mail.

B. The notice shall:

1. Require the person to whom it is sent to correct the violation within such time as the Code Enforcement Officer shall designate, which shall not be less than ten (10) nor greater than twenty (20) days and shall be known as the correction period, with the time given to remedy the violation beginning the day following the day on which the notice is issued;
2. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists;
3. Inform the person to whom the notice is issued that after the correction period, if the violation has not been fully remedied, the matter will be referred for criminal prosecution;
4. Inform the person that in the event criminal prosecution is pursued, the prosecution shall be for a misdemeanor except regarding an individual's pet or use of the individual's residence which shall be an infraction unless:
  - a. A fine has been imposed for a violation involving the same residence or pet on three previous occasions within the past 12- month period;
  - b. Violation is a nuisance as defined in state code 78B-6-1101(1);
  - c. Violation threatens the health, safety, or welfare of the individual or an identifiable third party; or
  - d. Violation is of building or fire code

C. In the event the person complies with the notice, the person shall notify the Code Enforcement Officer of their compliance. Within five (5) days of receiving notice of compliance, the Code Enforcement Officer shall again inspect the property.

1. If the property complies with this chapter, the Code Enforcement Officer shall notify any other offices or persons who have received notice of the violation of compliance and no criminal action shall be brought.

2. In the event the property still does not comply with the provisions of this chapter, the Code Enforcement Officer shall issue a Final Criminal Procedure Notice, clearly stating the reasons the property is still considered in violation of this chapter.

3. In the event a final notice is issued for the same violation and the person again asks for inspection and the violation is still not corrected to the satisfaction of the Code Enforcement Officer, the matter shall be referred to the City Prosecutor for criminal prosecution. In no event shall the Code Enforcement Officer issue more than two (2) criminal procedure notices for the same violation within a 14-day period.

D. In the event the person to whom the notice was issued fails or neglects to correct the violation, the Code Enforcement Officer shall refer the matter to the City Prosecutor for prosecution.

E. The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance of any notification or the granting to the defendant an opportunity to abate or remove the nuisance.

F. The provisions of this chapter relating to notice and abatement and criminal procedure notice shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

G. Any owner, occupant, or person having an interest in property subject to this chapter who shall fail to comply with the notice given pursuant to this section shall be guilty of a misdemeanor except for ordinances pertaining to an individual's pet or residence which shall be an infraction.

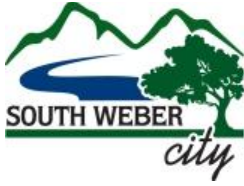
**CERTIFICATE OF POSTING**

I hereby certify that Ordinance 2020-02 was passed and adopted the 14th day of July 2020 and that complete copies of the ordinance were posted in the following locations within the City this 14<sup>th</sup> day of July 2020.

1. South Weber Family Activity Center, 1181 E. Lester Drive
2. South Weber City Building, 1600 E. South Weber Drive

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**Lisa Smith, City Recorder**



**Council Meeting Date:** June 30, 2020

**Name:** Mark McRae, Finance Director

**Agenda Item:** 8

**Objective:** Discuss how South Weber can best use the CARES Act money allotted from the State.

**Background:** The Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress on March 27<sup>th</sup>, 2020. The State of Utah is distributing \$62,370,768 of their CARES allotment to cities and counties based on population. This will be done in three distributions of one-third each as money becomes available. South Weber has received our first Tranche of \$222,593. The total we may receive is \$667,780 based on a population of 7612. However, the other two distributions are not guaranteed.

The Act established eligible expense guidelines and leaves the final decision on how the money will be used up to the local jurisdictions. The funds are to cover expenditures incurred between March 1, 2020 through November 30, 2020. Any unused funds must be returned to the State of Utah.

Staff has reviewed these guidelines as well as additional information distributed by Davis County and the Utah League of Cities and Towns. We have identified possible uses of the CARES funds by South Weber City. These uses include miscellaneous items like personal protection equipment, sanitizing supplies, work from home equipment and costs, unemployment costs, etc. Touchless fixtures such as faucets, toilets, soap and towel dispensers may be installed in all city buildings as an eligible expense. Other areas are live streaming equipment and services; utility customer grants for those severely affected by COVID19; public safety 1<sup>st</sup> responder payroll costs; and participation with Davis County in their grant program to assist business impacted by state restrictions during this time period.

We have received the following statement from Davis County outlining their program. “We believe a unified approach to the Small Business Grant program with all 15 cities and the County will reduce confusion, be well received by the business community and be the most efficient approach to disbursing these funds to businesses. As discussed in COG, if every city is willing to participate with 50% of their first tranche funding, we will have \$10 million to push out to our small business community. The key to success will be getting the program information out to the business community by July 6 (estimated application opening date). To do this, it would be helpful to have everything ready for a press release and our marketing material by Friday, June 26th. As County staff, we expect to present the final recommendations for the program to our policy committee on Tuesday, June 23. After our conversation at COG and with commitments from all cities, we are proposing increasing the grant awards to: sole proprietors \$3k, 1-9 employees \$10k, and 10-49 employees \$20k. With this distribution



formula, we would be able to award approximately 900 grants to Davis County businesses during the first round of funding.

The following are estimated eligible expenditures :

Audio/ Video upgrade	\$ 35,000
Touchless Fixtures	\$ 20,000
Miscellaneous	\$ 15,000
Fire salaries and benefits ( Up to 8 months)	\$290,000
Utility Assistance Grants (100 customers { 5%} x 3 months x\$100)	\$ 30,000
Participation in Davis County Small Business Grant program	\$ ?

There are a few questions the Council may wish to consider when discussing the use of these funds.

How can these funds most effectively benefit South Weber residents?

What areas of the city and community are experiencing the greatest need?

What is the best use of the CARES Act funds?

**Summary:** How South Weber City will use the CARES Act funds is the decision of the Mayor and City Council. This use includes the \$222,593 we have already received, and the additional \$445,187 we may receive. Tonight's discussion is to review the city's options and establish directives for staff on a plan.

**Committee Recommendation:** NA

**Planning Commission Recommendation:** NA

**Staff Recommendation:** NA

**Attachments:** CARES Relief Funds Guidance Sheet

**Budget Amendment:** TBD

# CARES Relief Funds Guidance Sheet

## US Treasury Guidance:

The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

Complete Guidance: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

\*Pay particular attention to the FAQ Guidance and any updates that may be released in the future.

## CARES Funds Distribution by County & Cities:

Entity	Population	Total Distribution	1st Tranche
Davis County	355,481	\$31,447,864	\$10,482,621
Bountiful	44,648	\$3,916,848	\$1,305,616
Centerville	17,921	\$1,572,161	\$524,054
Clearfield	32,366	\$2,839,381	\$946,460
Clinton	22,593	\$1,982,023	\$660,674
Farmington	24,820	\$2,177,391	\$725,797
Fruit Heights	6,312	\$553,735	\$184,578
Kaysville	32,495	\$2,850,698	\$950,233
Layton	78,267	\$6,866,152	\$2,288,717
North Salt Lake	21,110	\$1,851,923	\$617,308
South Weber	7,612	\$667,780	\$222,593
Sunset	5,408	\$474,429	\$158,143
Syracuse	30,779	\$2,700,158	\$900,053
West Bountiful	5,802	\$508,994	\$169,665
West Point	10,887	\$955,087	\$318,362
Woods Cross	11,469	<u>\$1,006,144</u>	<u>\$335,381</u>
<b>Total</b>		<b>\$62,370,768</b>	<b>\$20,790,255</b>

## State of Utah Guidance:

- Eligible counties and municipalities MAY be paid up to the maximum amount listed. The maximum amount is not guaranteed.
- Recipients accepting funds must agree to adhere to any additional current or future Federal or State legislative guidance regarding spending, reporting, or any other matter related to the CRF.
- If state or federal audit findings determine that any funds were expended by the recipient in violation of CARES Act requirements and result in a request for repayment to the Federal Government of those funds, the recipient shall provide funds to the State sufficient to meet such repayment request(s).
- Must spend funds by November 30, 2020. Unspent funds must be returned to the State by 5:00 PM on December 4, 2020.

Link for Coronavirus Relief Fund Utah Local Government Agreement:

[https://utahgov.na1.documents.adobe.com/public/esignWidget?wid=CBFCIBAA3AAABlqZhBX7HTH3yZme10lO3ZG6vgRaDuHrKkdHBnl4JKdPdDedAce7Z3yB\\_iLoip-7HcNN2k\\*%C2%A0](https://utahgov.na1.documents.adobe.com/public/esignWidget?wid=CBFCIBAA3AAABlqZhBX7HTH3yZme10lO3ZG6vgRaDuHrKkdHBnl4JKdPdDedAce7Z3yB_iLoip-7HcNN2k*%C2%A0)