KAYSVILLE CITY COUNCIL
December 17, 2020

Minutes of a regular Kaysville City Council meeting held on December 17, 2020 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Katie Witt, Council Member John Swan Adams, Council Member Barber, Council Member Mike Blackham, Council Member Andre Lortz, and Council Member Tamara Tran

Others Present: City Manager Shayne Scott, City Attorney Nic Mills, City Recorder Annemarie Plaizier, Information Systems Manager Ryan Judd, Information Technology Assistant Jordan Hansen, Police Chief Sol Oberg, Parks and Recreation Director Cole Stephens, Public Works Director Josh Belnap

OPENING

Mayor Witt opened the meeting with a prayer and led the Pledge of Allegiance.

DECLARATION OF ANY CONFLICTS OF INTEREST

No conflicts were disclosed.

CONSENT ITEMS

Council Member Blackham made a motion to accept the following consent items:

a. Approval of Minutes of November 19, 2020.
b. Approval of purchase for mobile and portable radios for the Kaysville Police Department through CARES Act funding.
c. Approval of purchase for patrol work spaces for the Kaysville Police Department through CARES Act funding.
d. Approval of purchase for HVAC equipment upgrades to facilities through CARES Act funding.
e. Approval of purchase for Barnes Park Pickleball Lights Phase 2 & 3.
g. Approval of easement for sewer lateral in Barnes Park for Davis School District.

The motion was seconded by Council Member Lortz.

The vote on the motion was as follows:

Council Member Adams, yea
Council Member Barber, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Blackham, yea

The motion passed unanimously.

3F. APPROVAL OF WINDSTORM DEBRIS CLEANUP COSTS TO LAWN BUTLER

Public Works Director Josh Belnap explained that in October, Kaysville solicited proposals from 7 different companies to haul stockpiled debris from the city's dump site at the west end of 200 North. The city requested pricing and the ability to complete the work by Thanksgiving. Only one response was received regarding this request, which was from Lawn Butler. Their proposal provided an estimate on the total, but stated that the ultimate total would be based on their actual time and material costs. Their estimated total, after they provided a 10% pricing discount, totaled $24,682.50. Staff agreed that with the short timeline and other variables, the time and materials request would be agreeable. With time and materials, Staff anticipated the possibility of a significant increase, anticipating at worse case the cost would be double what the estimate was, but still felt comfortable moving forward. The work commenced on October 29th and concluded about November 20th. The total amount invoiced came back at over $87,000. Staff approached Lawn Butler to discuss reviewing the totals and negotiating on the amounts, and Lawn Butler indicated that they wouldn't do so, as they would otherwise be incurring losses on their end and they felt they had met their obligations of the contract. However, since that initial invoice, Lawn Butler has agreed to reduce the final total to $83,000. Staff is seeking direction from Council tonight on how to proceed forward at this point. While we will be including these costs in a FEMA reimbursement request when the presidential declaration is made, we will have to cover these costs in the meantime.

Council Member Tran asked about the number of hours submitted.

Josh Belnap responded that the original estimate showed about 175 hours but the final invoice shows about 490. On average they had 2 people on site at a time, until towards the end when they had 3 on site. Their original estimate for labor costs was $9,000, but those labor costs are now being shown at $24,000. The original estimate for equipment costs was $17,000.

Council Member Lortz asked what day work started.

Josh Belnap responded that they started on October 29, working a total of 19 days.

Council Member Lortz asked if they worked on weekends.

Josh Belnap responded that they only worked a couple of Saturdays.

Council Member Tran asked if the debris pile continued to be added to by residents during this time.

Josh Belnap said that the area was blocked off to the public.

Council Member Lortz asked how many hours a day they were working.

Josh Belnap said that he thinks they were working 10 hours a day.

Council Member Tran asked about the contract.

Nic Mills responded that the contract was based on time and materials. If they can establish, and we feel like they are accurate, that they've actually put in the time and materials it would be advisable for the city to pay the amount given. Staff is looking for direction from the Council on if the given amount should be paid or not, or if the Council would like to table this item until Lawn Butler can provide us further documentation on their time and materials.

Council Member Blackham said that he would like to see further documentation, such as time cards, applicable invoices and dump tickets. As it sits now it doesn't all seem to add up for such a large difference in their estimate to what numbers they are giving to us now.

Josh Belnap said that this proposal also includes a mobilization cost of $300 a day.

Council Member Blackham said that an email was sent to Lawn Butler by Josh Belnap at the beginning of October which explains the approximate cubic yards that would need to be cleaned up and suggested that Lawn Butler visit the site as needed before providing an estimate to the city. Mr. Belnap received an email back from Lawn Butler just over a week later with an attached proposal listed at $27,000 based on time and materials. Also included from them was a 10% discount if we scheduled with them that same week. They were given every opportunity to go look at the site and this was the estimate that they gave us, on top of a discount. We should be able to hold someone to a price that they give you. Council Member Blackham said that he understands that there are overages, but this amount is over 3 ½ times the first estimate given.

Council Member Barber commented that this is a unique situation and it was the Council who asked the Public Works to create this location where people could bring their debris after the windstorm. It's not something that was taken through our normal processes.

Mayor Witt said that the original plan was to allow residents to haul things to the dump themselves without paying the dump fee. This was something that we felt was necessary to do for our community and there's a cost we knew we'd have to pay in order to provide that when we made that decision.

Josh Belnap said that they had visited the site with Lawn Butler after they had offered the discount to us and we decided to utilize their services. They were given additional information and they said that they would need to revise their estimate. However the revised estimate was merely more of a breakdown of what all the rates were for the different types of equipment and labor. There was no increase in the estimated man-hours or the estimated total.

Council Member Adams asked if any of their equipment was rented.

Josh Belnap responded that at least one piece of equipment was a rental.

Council Member Lortz said that if we could see the time cards and dump tickets we could at least see if consistent work was being done. If these guys were working 10 hour days it's not adding up to be the same as the number of hours they've given us. They are about 100 hours off if they were only working 10 hour days. We can look at the dump tickets and see how much they were dumping and if it adds up to be about the same as the amount of the original debris pile. We need to audit their details and if something doesn't make sense then they need to justify it.

Josh Belnap said that we have received itemized invoices from them but we can ask for further breakdown and more documentation.

Council Member Blackham asked about if the city normally gets charged a daily mobilization charge.

Josh Belnap said that we don't normally, but they have since removed those mobilization costs.

Council Member Barber asked about the process for applying for FEMA money.

Shayne Scott responded that we have already applied for the money but are waiting for approval. Likely we will see that money in February or March of this year.

Josh Belnap added that Fire Chief Paul Erickson has been the point of contact with FEMA for the city as we've submitted what our initial estimates as well as the final totals.

Josh Belnap commented that Lawn Butler has requested that a decision be made by the end of the month. However we don't want to be held up by their timeline if we don't feel comfortable with paying the amount.

Council Member Lortz made a motion to direct the Public Works Director to request additional documentation, verify the details and then settle the contract with Lawn Butler for what the appropriate amount is for this job, seconded by Council Member Barber.

The vote on the motion was as follows:

Council Member Barber, yea
Council Member Tran, yea
Council Member Lortz, yea
Council Member Blackham, yea
Council Member Adams, yea

The motion passed unanimously.

CALL TO THE PUBLIC

Nothing was brought under this item.

COUNCIL MEMBER REPORTS

Council Member Adams that the Kaysville Gives "Fill the Firetruck" event was held recently and was an emotional experience to see how successful it was. Many neighborhoods and residents came together with large donations and we were able to make a huge difference to many in need.

Council Member Tran thanked the Parks and Recreation staff, Youth Council, as well as everyone else who volunteered to help put the Kaysville Gives program together. They spent hours and hours behind the scenes. It was great to see so many residents willing to donate.

Council Member Barber said that we recently received funding to finish the lighting at the pickleball courts. These courts are used often and will give people more space to play in the early morning and late hours. It is nice to be able to say that this project is now completed, and now we can focus on other needs in our Parks and Recreation department.

Council Member Lortz commented that there was a UAMPS meeting this last week and our Power Department received a Smart Innovation Award for 2020 for the implementation of the automated metering infrastructure, the installation of LED streetlights, as well as other improvements to our network.

ADJOURNMENT

Council Member Barber made a motion to adjourn the City Council meeting at 7:33 p.m., seconded by Council Member Lortz and passed unanimously.