

**Mayor**  
Kenneth Romney

# **WEST BOUNTIFUL CITY**

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
James Bruhn  
Kelly Enquist  
Mark Preece  
Rodney Wood

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**City Recorder**  
Cathy Brightwell

**City Engineer**  
Kris Nilsen

**Public Works Director**  
Steve Maughan

## **WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, JANUARY 17, 2022, AT THE CITY OFFICES**

*Invocation/Thought – By James Ahlstrom; Pledge of Allegiance – By James Bruhn*

1. Approve Agenda.
2. Public Comment - Two minutes per person; five minutes if on behalf of a group.
3. Google Fiber Update.
4. Engagement Agreement for City Legal Services – Stephen B. Doxey.
5. Expenditure Approval – Camera System Upgrades for City Hall.
6. Resolution 530-23, A Resolution Authorizing Re-appointments to the Planning Commission (Corey Sweat), and EmPAC (Alan Malan & Ron Crandall).
7. Newsletter Discussion.
8. Meeting Minutes from December 20, 2022.
9. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
10. Mayor/Council Reports.
11. Closed Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
12. Adjourn.

*This agenda was posted on the State Public Notice website, the city website, emailed to the Mayor and City Council, and provided to the Davis Journal on January 13, 2023, by Cathy Brightwell, City Recorder.*

# MEMORANDUM



**TO:** Mayor and City Council

**DATE:** January 13, 2023

**FROM:** Duane Huffman, City Administrator

**RE:** **Engagement Letter – City Attorney Services**

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Staff recommends that the council authorize the mayor to sign the attached Engagement Letter for legal services with Stephen B. Doxey, Doxeylaw, P.C., for his services as City Attorney.

Mr. Doxey has served as City Attorney for the city since 1998. This engagement letter supersedes the last formal agreement with Mr. Doxey signed in 2010. Either party may terminate the services at any time.

# DoxeyLaw

2430 East Kentucky Avenue  
Salt Lake City, Utah 84117-5413  
Mobile: (801) 580-9882  
Email: [steve@doxeylaw.com](mailto:steve@doxeylaw.com)

January 6, 2023

Mayor Ken Romney  
West Bountiful City  
550 North 800 West  
West Bountiful, Utah 84087

*Re: General Civil Representation*

Dear Mayor Romney:

I have been honored to serve as City Attorney for West Bountiful City (the “**City**”) since 1998. In October 2010, the City, through its City Administrator, and I signed a Legal Services Agreement—City Attorney (the “**2010 Agreement**”) regarding services I would perform as City Attorney. City officials have recently asked me to provide an updated agreement for legal services. This letter constitutes that agreement and supersedes the 2010 Agreement in its entirety. This letter confirms the terms of my engagement, consistent with my agreements with other clients.

You have retained me to serve as City Attorney and represent the City’s interests in connection with all civil matters including, as requested, the following:

- 1. Advising City officials on legal matters facing the City.*
- 2. Preparing and reviewing contracts, ordinances, resolutions, policies, and other legal documents.*
- 3. Attending City Council meetings and, as requested, Planning Commission meetings and other City meetings.*
- 4. Representing the City in civil matters before state and federal courts, hearing officers, and other tribunals.*
- 5. Assisting in selecting and coordinating with the City’s criminal prosecutor and selecting, supervising, and coordinating with civil litigation counsel in matters requiring such counsel.*

At this point, you have not asked me to perform any other task. I do not pretend to offer advice on accounting or financial matters.

There is a potential for a conflict of interest to arise from representing the City’s interests and the individual interests of any City official. Over the last 25 years I have avoided representing the individual interests of City officials, and I do not intend to do so if they would be inconsistent with or detrimental to the City’s interests. I invite City officials to seek independent counsel to protect their individual interests in transactions with the City.

Nevertheless, you agree to waive any conflict or potential conflict of interest that may arise out of my representation, irrespective of whether the conflict actually arises. Of course, if I determine that a conflict is irreconcilable or would otherwise prevent me from representing the City in accordance with the Rules of Professional Conduct that govern my profession, I will withdraw my representation.

Payment of fees for my legal services will be based on a discount from the hourly rates I customarily charge my private and public entity clients. Currently, my rate for City work is \$200.00 per hour, with a minimum fee of \$4,000.00 per month. My standard billing increment is one-tenth hour. I will provide the City with a periodic invoice describing services performed and costs incurred. Each statement is payable upon receipt.

My practice is to require a retainer from clients. I place the retainer in my trust account and bill against it. I return to my clients any portion of the retainer that is not used to pay my fees and costs; I bill them for any additional fees and costs when the retainer is exhausted. Due to our long association, I have waived the initial retainer requirement. I reserve the option of requiring retainers as I deem necessary during the course of my representation.

You will reimburse or advance costs and expenses incurred in connection with my representation. Examples of such costs would be state-imposed filing fees and overnight travel expenses. To the extent I am able to anticipate such costs, I may so notify you and ask that a sum sufficient to cover the costs be deposited into my trust account in advance. I will seek pre-approval from the City in writing for any extraordinary expenses.

I reserve the right to withdraw from representing the City at any time, regardless of the status of any matter that may then be pending. The City may terminate my services at any time and for any reason, but will be responsible to pay for my services and costs through the termination date. I will work vigorously to represent the City's interests but, of course, I cannot guaranty any particular result. In the event of a fee dispute, the City agrees to submit the dispute to the Utah State Bar for arbitration in Salt Lake County, State of Utah.

If you have any questions about the engagement terms outlined above, please call me. Please also feel free to consult with an independent attorney to advise you about this letter. To confirm your acceptance of these terms, please sign this letter as indicated below and return it to me. This letter may be signed in counterparts, and signatures sent by fax or email will be just as valid as an original.

*[Signatures on following page.]*

# DoxeyLaw

Mayor Ken Romney  
January 6, 2023  
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I look forward to continuing our long and happy association.

Very truly yours,

DOXEYLAW, P.C.



Stephen B. Doxy

cc: Duane Huffman

I ACCEPT AND AGREE TO the foregoing engagement terms for the professional services of Stephen B. Doxy and DoxyLaw, P.C.

WEST BOUNTIFUL CITY

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Kenneth Romney, *Mayor*

ATTEST:

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Cathy Brightwell, *City Recorder*

# MEMORANDUM



**TO:** Mayor and City Council

**DATE:** January 13, 2023

**FROM:** Duane Huffman, City Administrator

**RE:** **Expenditure Approval – Camera System Upgrades for City Hall**

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The city's procurement code requires that certain expenditures of \$10,000 or more first be approved by the city council. Approval is requested for the following:

Security Camera Upgrades at City Hall – Up to \$10,000

Staff recommends upgrading and adding new cameras at various locations on the interior and exterior of the city hall property. The city has a proposal from Global Security. This proposal would allow the city integrate the security camera system for the golf course, city park, city hall, and new public works facility.

Detailed questions about the location of the cameras or other security elements would be appropriate for a closed session discussion if so desired by the Council.

# WEST BOUNTIFUL CITY

## RESOLUTION #530-23

### A RESOLUTION RE-APPOINTING MEMBERS TO THE WEST BOUNTIFUL PLANNING COMMISSION AND EMERGENCY PREPAREDNESS COMMITTEE

**WHEREAS**, the West Bountiful Municipal Code (“WBMC”) Chapter 2.36 created a planning commission and requires that members be appointed by the Mayor to four-year terms, with the advice and consent of the City Council; and

**WHEREAS**, WBMC Section 2.48.030 established the Emergency Preparedness Advisory Committee (“EmPAC”) and requires that members be appointed by the Mayor to four-year terms, with the advice and consent of the City Council.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of West Bountiful City that it consents to the Mayor’s re-appointment of the following individuals and terms:

**Planning Commission**

Corey Sweat

**Term Expires**

12/31/2026

**EmPAC**

Alan Malan

12/31/2026

Ron Crandall

12/31/2026

**EFFECTIVE DATE.** This resolution shall take effect immediately upon passing.

Passed and approved by the City Council of West Bountiful City this 17th day of January 2023.

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Ken Romney, Mayor

Voting by the City Council:	<u>AYE</u>	<u>NAY</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Wood	_____	_____

ATTEST:

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Cathy Brightwell, City Recorder

# MEMORANDUM



**TO:** Mayor and City Council

**DATE:** January 13, 2023

**FROM:** Duane Huffman, City Administrator

**RE:** **City Newsletter Options**

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This memo is intended to facilitate a discussion about the council's preferences for the city newsletter.

## Background

Recently the Arts Council expressed an interest in having a member take over newsletter duties for the city. This member withdrew this interest due to other commitments, but this has raised internal questions about what the city council would like to see from the newsletter.

Current per-edition costs associated with the newsletter are as follows:

- Printing: \$400-\$500 (4-pages)
- Postage: \$400-\$600
- Design: In-house

## Options

Newsletters are handled in many different ways by surrounding cities. The trend is for electronic newsletters sent by e-mail or posted on social media. Some include a short newsletter with monthly utility bills. West Bountiful has a had a preference for larger newsletters (so there would be space for the Arts Council to have its own page), and for it to be mailed to every residence. Recently, we have also done special editions to promote holiday activities.

Here are a few options to consider, but these options should not be considered exclusive or limiting.

*Purposes (all/some/others)* - knowing the primary purpose of the newsletter may help determine how often it is sent and its delivery method.

- A. Marketing of large city activities (Christmas on Onion Street, Easter Event, Independence Day)?
- B. Marketing Arts Council concerts/activities?
- C. General city announcements (clean-up days, tree trimming, etc.)?
- D. Updates on city activities (construction projects, state of the city, etc.)?



### *Frequency and Method*

- A. Continue mailing 4-page newsletter.
  - 1. Quarterly? More often? Less often?
- B. Find way to mail shorter newsletter with utility bills.
- C. Begin transition to electronic newsletter.
  - 1. This can be combined with other options

**PENDING – NOT YET APPROVED**

Minutes of the West Bountiful City Council meeting held on Tuesday, December 20, 2022, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

**MEMBERS:** Mayor Ken Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Rod Wood.

**STAFF:** Duane Huffman (City Administrator), Chief Brandon Erikson, Kris Nilsen (City Engineer), Steve Maughan (Public Works Director), Steve Doxey (City Attorney), and Patrice Twitchell.

**PUBLIC:** Alan Malan, Sam Nelson, Deby Marshall, and Richmond Thornley

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Mayor Romney called the regular meeting to order at 7:30 pm. Mark Preece provided a prayer, and James Ahlstrom led the Pledge of Allegiance.

**1. Approve the Agenda.**

**MOTION:** *James Bruhn made a Motion to approve the agenda as posted. Rod Wood seconded the Motion which PASSED unanimously.*

**2. Public Comment – Two Minutes Per Person, or Five Minutes if Speaking on Behalf of a Group.**

No Comments

**3. Memorandum of Understanding with Centerville City and Stokes Stevenson Centerville Flex, LLC for Development at Approximately 640 West 2300 North, West Bountiful, Utah 84087.**

Duane Huffman presented a proposed Memorandum of Understanding (MOU) with Centerville City and Stokes Stevenson Centerville Flex, LLC to facilitate the development of property on the north side of the city. The property consists of approximately 16.85 acres in the area of Syro Steel. About 5.35 acres of this property is within West Bountiful city limits and zoned Light Industrial, and the remaining land is in Centerville.

The developer intends to construct a warehouse project consisting of multiple buildings which in some cases could cross city boundaries. The purpose of this MOU is to assist the developer by outlining the cities' initial inclination to have the land use development process run through a single jurisdiction, which would be Centerville City. The MOU is non-binding regarding future land use approvals.

Sam Nelson, from Stokes Stevenson, explained that warehouse uses include smaller business distribution hubs including warehouse office space. They also intend to work with Centerville City on bringing the existing Trinity buildings up to code.

**MOTION:** *James Ahlstrom made a Motion to Approve the Memorandum of Understanding. James Bruhn seconded the Motion which PASSED as reflected below.*

*James Ahlstrom – aye*

*James Bruhn – aye*

*Kelly Enquist – aye*

*Mark Preece – aye*

*Rod Wood – aye*

**4. Presentation of Financial Statements and Independent Audit for the Fiscal Year Ending June 30, 2022.**

Duane Huffman presented the audited financial statements for the year that ended June 30, 2022. The audit was performed by the CPA firm Christensen, Palmer & Ambrose. The audit came back clean, there were no compliance findings.

Mr. Huffman briefly reviewed highlights from the statements, such as fund balances, cash flows, and debt.

**5. Unclaimed Property Collected by WB Police Department Converted to Public Interest Use.**

Chief Erikson explained that with limited evidence storage space they have started the process to dispose of property from evidence in accordance with UCA 24-3-103. Under Utah code, found property for which an owner cannot be located and after posting notice of disposal may be applied to public interest use with permission from the city's legislative body. Several items have been identified where no owner could be found that can be of use to the West Bountiful Public Works department and Lakeside Golf Course. These items include: a 22 inch Husqvarna lawn mower, Craftsman B2200 Leaf Blower, two pairs of bolt cutters, a Stihl Weed Eater, a Napa Furious 2 ton Jack, and miscellaneous Taylormade golf clubs, golf balls, golf gloves, and tees.

**MOTION:** *Rod Wood made a Motion to Approve the Conversion of Unclaimed Property by the West Bountiful Police Department to Public Interest Use. James Ahlstrom seconded the Motion which PASSED as reflected below.*

*James Ahlstrom – aye*

*James Bruhn – aye*

*Kelly Enquist – aye*

*Mark Preece – aye*

*Rod Wood – aye*

**6. Meeting Minutes from December 6, 2022.**

**MOTION:** *Mark Preece Made a Motion to Adopt the Meeting Minutes from December 6, 2022, as presented. Rod Wood Seconded the Motion which PASSED Unanimously.*

**7. Staff Reports**

Police – Chief Erikson

- November Stats – There were 495 total calls for service which included 260 incidents, 235 traffic stops (194 warnings and 41 citations), 5 DUIs (4 were drug related), 8 thefts, 1 vehicle theft, 1 aggravated assault on an officer, and 1 evading police.

Public Works – Steve Maughan

- Google Fiber construction continues.
- Ivory Homes are moving forward with road construction; we expect completion in the spring.
- Public Works building update – currently working on interior structure.
- Snow plowing crew has been busy and is doing an amazing job.

Engineering – Kris Nilsen

- Operation Permit for the well is due the end of the year.
- 1100 West sidewalk/bike path project – we were awarded the Davis County grant and submitted application for the Wasatch Front Regional Council grant.
- The 2023 Culinary water road project will go out for bid for mid-January.

Administration - Duane Huffman

- Davis county trail funds received for the connection to 600 W.
- The FY 23 water projects included some work on the eastern end of Porter Lane. Staff recommends delaying this portion of the project until development plans in the area are complete and we can coordinate with Centerville City.
- We hosted a meeting of the Davis County cities affected by the I-15 project to discuss potential coordination in comments to UDOT.

**8. Mayor / Council Reports**

Rod Wood – Attended the I-15 meeting reported on by Duane.

Mark Preece – Sewer District board now has two vacant seats.

James Ahlstrom – Commented that the new carpet looks nice. Youth Council needs new advisors.

James Bruhn – Arts Council is on break in December. Debbie McKean is resigning from the Council. Elf Tree was successful helping 35 individuals in need.

Kelly Enquist – Attended an open house for elected officials hosted in Kaysville.

Mayor Romney – Thanked Shelly Bruhn for helping with the Elf Tree. Fire district is going well but is currently having staffing issues. Recreation District is in a financial struggle; revenues are down and there may be a bond in coming year(s).

He thanked everyone involved in the city. The Council is doing an excellent job and we have great city administration. He gave a special thanks to Duane and our great small staff. The police department has good experience and is really good at training the up and coming officers. West Bountiful is a great community and he expressed his appreciation for all the support.

**9. Closed Session, if needed**

No closed session needed.

**10. Adjourn.**

**MOTION: James Ahlstrom made a Motion to Adjourn the Meeting at 8:58 pm. James Bruhn Seconded the Motion which PASSED Unanimously.**

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The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, January 17, 2023.

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Cathy Brightwell, City Recorder



# **West Bountiful Police Department December 2022 Statistics**

**Total Calls for Service: 754**

- Incidents 372**
- Traffic Stops 382**
- Citations 82**
- Warnings 300**

**DUI – 6 (drug related 5)**

**Theft – 7**

**Vehicle Theft – 1**

**Evading - 1**