

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

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

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
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www.WBCity.org

City Recorder
Cathy Brightwell

City Engineer
Kris Nilsen

Public Works Director
Steve Maughan

**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS
REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 18, 2021
AT THE CITY OFFICES, 550 N 800 WEST**

THIS MEETING WILL BE HELD IN-PERSON

WORK SESSION (beginning at 6:30 pm):

6:30 pm - Presentation on UTOPIA Internet Services – Kim McKinley & Laurie Harvey

REGULAR AGENDA (beginning at 7:30 pm):

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

1. Recognize Denis Hopkinson for his Service to the City.
2. Approve Agenda.
3. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
4. Public Hearing to Release the East Side Easement at 842 N 2400 W (Roberts).
5. Ordinance 442-21 Approving the Requested Release of Easement at 842 N 2400 West.
6. Public Hearing to Release South Side Easement & Reduce West Rear Easement at 2347 S 830 W (Gotschall).
7. Ordinance 443-21 Approving the Requested Release and Reduction of Easements at 2347 W 830 West.
8. Ordinance 444-21 Approving a New Beer Ordinance for West Bountiful City.
9. Motorola/Spillman Records Management System for Police Department.
10. Notice of Award to Holbrook Asphalt for 2021 Seal Coat Project.
11. Discussion on Water Rates
12. Discussion on Fiscal Year 2020/2021 and Fiscal Year 2021/2022 Budgets
13. Minutes from April 27 and May 4, 2021.
14. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
15. Mayor/Council Reports.
16. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
17. Adjourn.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and sent to the Davis Journal on May 14, 2021.

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NOTICE OF PUBLIC HEARING

West Bountiful City Council will hold a public hearing on Tuesday, May 18, 2021 at 7:30 pm, or as soon as agenda permits. The hearing will be held in-person at the city offices, 550 N 800 West.

The purpose of the hearing is to receive public comment regarding a request by the property owners, Weston & Sarah Roberts, at 842 W 2400 North to vacate the east (side) public utility easement.

All interested parties are invited to participate in the hearing. Written comments or questions may be submitted to Recorder@wbcity.org prior to the meeting.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Mayor and City Council

DATE: May 14, 2021

FROM: Staff

RE: Request to Release the East Public Utility Easement at 842 W 2400 North

Background

The Roberts' have requested a release of the public utility easement along their east property line.

Process

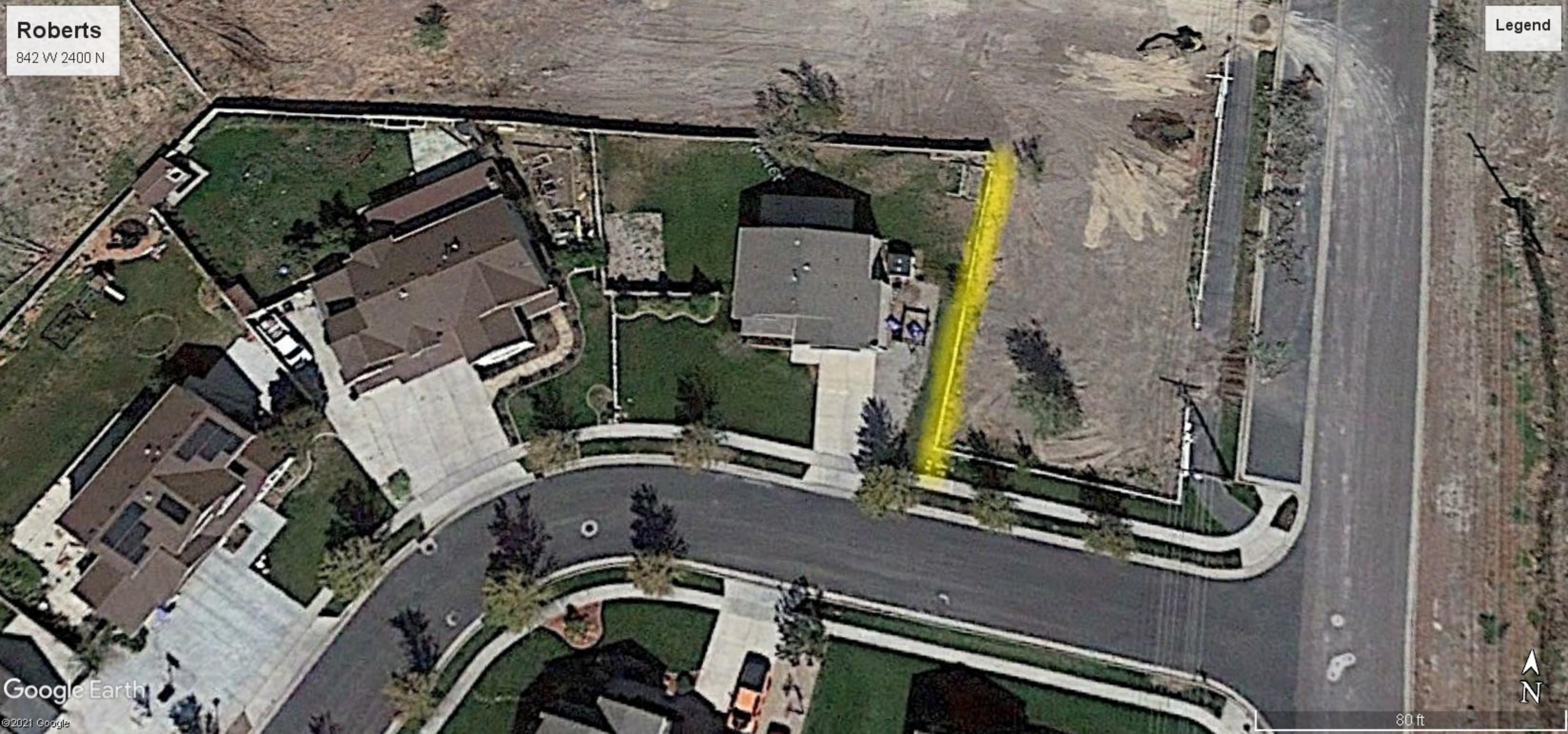
State code requires the city council to hold a public hearing and adopt an ordinance granting changes to public utility easements.

Analysis

- The applicant has obtained the necessary signatures and documentation from affected utilities that they do not object to the request.
- Staff has reviewed the request and does not foresee any negative impacts to the city by vacating the requested easement.
- The required public notice has been completed.
- A public hearing is scheduled for May 18, 2021.

Recommendation

Staff recommends the Council approve Ordinance 442-21 for the requested Release of the above described public utility easement and authorize the Mayor to sign the Release of Easement documents.



Roberts
842 W 2400 N

Legend

Google Earth

©2021 Google



80 ft

WEST BOUNTIFUL CITY

ORDINANCE #442-21

AN ORDINANCE AUTHORIZING THE CITY MAYOR TO EXECUTE THE RELEASE OF THE EAST PUBLIC UTILITY EASEMENT AT 842 W 2400 NORTH

WHEREAS, West Bountiful City has been petitioned by the owners of the above-mentioned property to vacate the east side public utility easement; and

WHEREAS, on May 7, 2021 Notice was sent to affected entities and neighbors and posted on the property, and on state and city websites; and

WHEREAS, releases have been received from all major public utility agencies; and

WHEREAS, a public hearing was held by the city council on May 18, 2021 to receive public comment concerning the requested change in easements.

NOW THEREFORE, BE IT ORDAINED by the City Council of West Bountiful that the City Mayor is authorized to execute the RELEASE OF EASEMENT for the property located at 842 W 2400 North, West Bountiful, Utah.

This ordinance shall become effective upon signing and posting.

ADOPTED May 18, 2021.

By:

Kenneth Romney, Mayor

ATTEST:

Cathy Brightwell, Recorder

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Council member Ahlstrom	_____	_____
Council member Bruhn	_____	_____
Council member Enquist	_____	_____
Council member Preece	_____	_____
Council member Wood	_____	_____

Mayor
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Cathy Brightwell

City Engineer
Kris Nilsen

Public Works Director
Steve Maughan

NOTICE OF PUBLIC HEARING

West Bountiful City Council will hold a public hearing on Tuesday, May 18, 2021 at 7:30 pm, or as soon as agenda permits. The hearing will be held in-person at the city offices, 550 N 800 West.

The purpose of the hearing is to receive public comment regarding a request by the property owner, Kyle Gotschall, at 2347 N 830 West to vacate the south (side) public utility easement and reduce the size of the west (rear) public utility easement. The rear easement is proposed to be reduced from 10 ft. to 3 ft. (see Exhibit A).

All interested parties are invited to participate in the hearing. Written comments or questions may be submitted to Recorder@wbcity.org prior to the meeting.

Cathy Brightwell
City Recorder

MEMORANDUM



TO: Mayor and City Council

DATE: May 14, 2021

FROM: Staff

RE: Request to Release the South Public Utility Easement and Reduce the West Public Utility Easement at 2347 N 830 West

Background

Kyle Gotschall has requested a release of the public utility easement along his south property line and a reduction, from 10 ft. to 3 ft., of the public utility easement along his rear (west) property line so he can build a garage.

Process

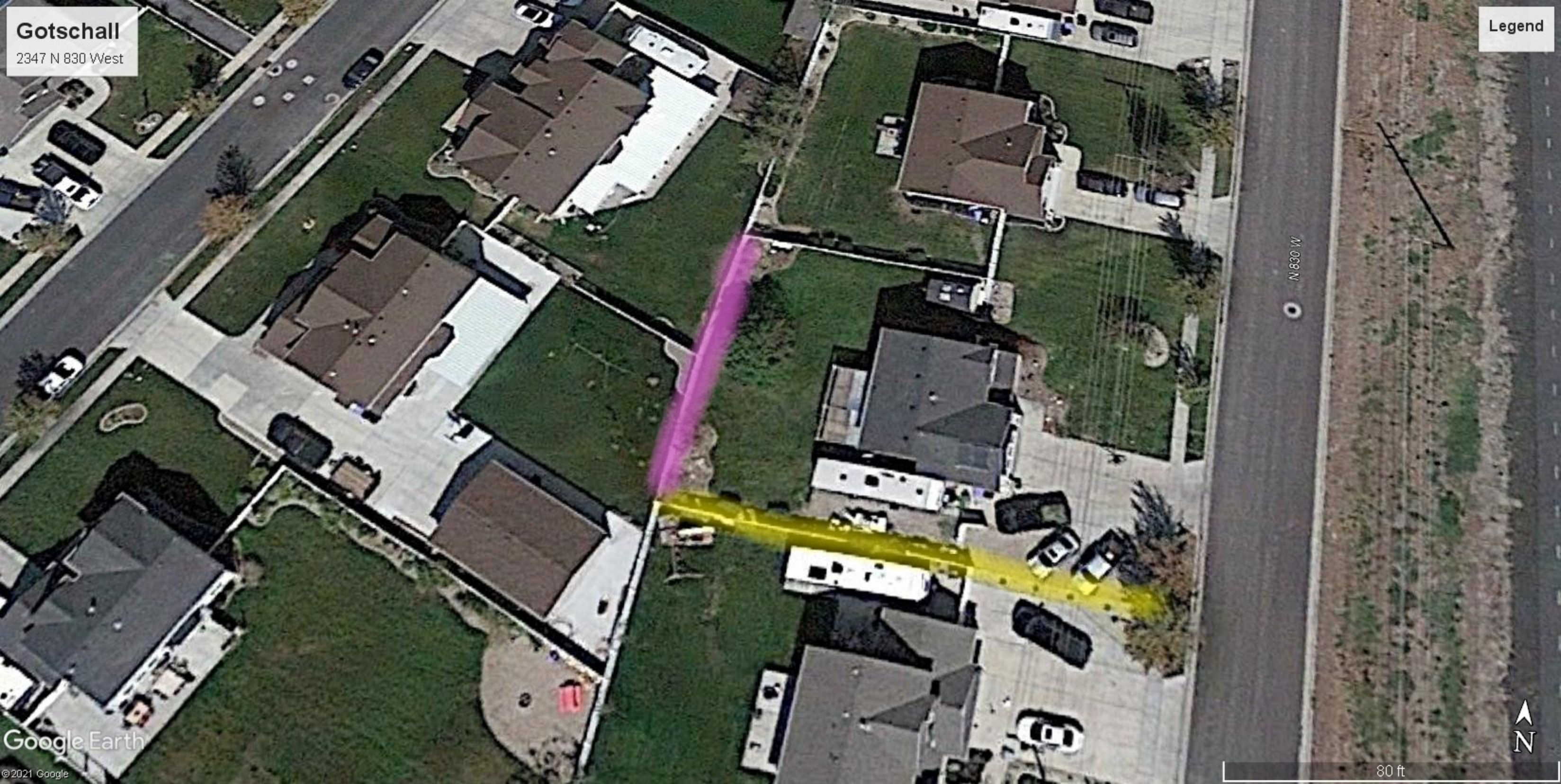
State code requires the city council to hold a public hearing and adopt an ordinance granting changes to public utility easements.

Analysis

- The applicant has obtained the necessary signatures and documentation from affected utilities that they do not object to the request.
- Staff has reviewed the request and does not foresee any negative impacts to the city by vacating the requested portions of these easements.
- Public notice has been completed.
- A public hearing is scheduled for May 18, 2021.

Recommendation

Staff recommends the Council approve Ordinance 443-21 for the requested Release and Reduction of the above described public utility easements and authorize the Mayor to sign the Release of Easement documents.



Gotschall
2347 N 830 West

Legend

N 830 W



80 ft

WEST BOUNTIFUL CITY

ORDINANCE #443-21

AN ORDINANCE AUTHORIZING THE CITY MAYOR TO EXECUTE MODIFICATIONS TO THE SOUTH AND WEST PUBLIC UTILITY EASEMENTS AT 2347 N 830 WEST

WHEREAS, West Bountiful City has been petitioned by the owners of the above-mentioned property to vacate the south public utility easement and reduce the rear public utility easement from 10 feet to 3 feet so a garage can be built on the property; and

WHEREAS, on May 7, 2021 Notice was sent to affected entities and neighbors and posted on the property, and on state and city websites; and

WHEREAS, releases have been received from all major public utility agencies; and

WHEREAS, a public hearing was held by the city council on May 18, 2021 to receive public comment concerning the requested change in easements.

NOW THEREFORE, BE IT ORDAINED by the City Council of West Bountiful that the City Mayor is authorized to execute the RELEASE OF EASEMENT for the property located at 2347 N 830 West, West Bountiful, Utah.

This ordinance shall become effective upon signing and posting.

ADOPTED May 18, 2021.

By:

Kenneth Romney, Mayor

ATTEST:

Cathy Brightwell, Recorder

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Council member Ahlstrom	_____	_____
Council member Bruhn	_____	_____
Council member Enquist	_____	_____
Council member Preece	_____	_____
Council member Wood	_____	_____

MEMORANDUM



TO: Mayor & City Council

DATE: May 14, 2021

FROM: Cathy Brightwell, Chief Erekson, Steve Doxey

RE: Beer Licenses and Regulation Updates to WBMC 5.12

In 2016, staff began reviewing West Bountiful's Beer regulations to revise and clarify certain provisions and ensure compliance with state law. Workload and changes in personnel caused this project to be pushed back several times but we are now able to present a complete update. See attached redline of current code and a clean copy of the updated proposal.

Major changes include:

- Establishing a non-refundable application fee to process beer applications. This one-time non-refundable fee of \$50 is in line with the practice of many surrounding cities.
- Updating the information required on an application and adding applicant qualifications to match state law.
- Establishing a process to handle applications for Single Event and Temporary Beer Event Permits issued by the State.
- Changes to Beer License Classifications. Currently there are 4 classifications based on whether sales are off-premise (primarily convenience stores) or on-premise (restaurants) and whether they are sold in original containers, special containers (growlers), or on draft. We are recommending simplifying the classes into 3 groups. A. Off-premise, B. On-premise, and C. Temporary Beer Event. We are also suggesting the annual license fee be \$300 for all three classifications rather than different fees for each class. Current fees range from \$250 - \$500. The proposed fees will be included in a future Fee Schedule update.
- Establishing revocation penalty for renewals that are more than 15 days late.
- Clarifying that a Beer License can be denied, suspended, or revoked and implementing tiered fines that range from \$500 from the 1st offense to \$1000 for the 3rd offense (within a 3 year period) that can be imposed under certain conditions.

Staff recommends approval of Ordinance 44-21 Amending WBMC 5.12 – Beer Licenses and Regulations.

WEST BOUNTIFUL CITY

ORDINANCE #444-21

AN ORDINANCE AMENDING CHAPTER 5.12, BEER LICENSES AND REGULATIONS, OF THE WEST BOUNTIFUL MUNICIPAL CODE

WHEREAS, *Utah Code Ann.* §§ 10-8-42 and 10-8-84, as well as the Utah Alcoholic Beverage Control Act, *Utah Code Ann.* § 32B-1-101, *et seq.*, as amended (the “*Act*”), authorize the City to license and regulate the retail sale of beer within the City for off-premise or on-premise consumption;

WHEREAS, recent changes to the Act require corresponding changes to the City’s Beer Licenses and Regulations ordinance, Chapter 5.12 of the West Bountiful Municipal Code (the “*Beer License Ordinance*”);

WHEREAS, the City also desires to revise and clarify certain provisions of the Beer License Ordinance in furtherance of the City’s police powers for the protection of the public health, peace, safety, and welfare; and

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to adopt certain changes to the City’s Beer License Ordinance as set forth in attached Exhibit A.

NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL THAT CHAPTER 5.12 OF THE WEST BOUNTIFUL MUNICIPAL CODE BE MODIFIED AS REFLECTED IN THE ATTACHED EXHIBIT A.

This ordinance will become effective upon signing and posting.

[Signatures on following page.]

ADOPTED May 18, 2021.

By:

Ken Romney, *Mayor*

Attest:

Cathy Brightwell, *City Recorder*

Voting by the City Council: Aye Nay

Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Wood	_____	_____

Chapter 5.12 BEER LICENSES AND REGULATIONS

Sections:

- 5.12.005 Authority
- 5.12.010 Definitions.
- 5.12.020 License Necessary to Sell Beer at Retail.
- 5.12.030 Application for License.
- 5.12.035 Application for Single Event Permit or Temporary Beer Event Permit
- 5.12.040 Applicant Qualifications.
- 5.12.050 Review and Issuance of License.
- 5.12.060 License Fees.
- 5.12.070 License Expiration and Renewal.
- 5.12.080 Classification of Beer Retailer License.
- 5.12.090 Permit from Health Department.
- 5.12.100 Sale of Transfer of License.
- 5.12.110 Local Consent - Limited.
- 5.12.120 General Restrictions.
- 5.12.130 Inspection.
- 5.12.140 Denial, Suspension or Revocation of Beer License.
- 5.12.150 Violations/Penalties
- 5.12.160 Severability

5.12.005 Authority

The provisions of this chapter are enacted under authority of Sections 10-8-42 and 10-8-84 of the Utah Code, and applicable provisions of the Utah Alcoholic Beverage Control Act, *Utah Code Ann.* §§ 32B-1-101, *et seq.* (the “Act”). This Chapter authorizes the City to license and regulate the retail sale of beer within the City for off-premise or on-premise consumption, and is an exercise of the City’s police powers for the protection of the public health, peace, safety, and welfare.

5.12.010 Definitions

The following words and phrases used in this chapter shall have the following meanings, unless a different meaning clearly appears from the context:

“**Alcoholic Beverage**” means and includes “beer” or “liquor,” as defined in this section.

“**Alcoholic Product**” means a product that contains at least 0.5% of alcohol by volume, and is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal to or greater than 0.5% of alcohol by volume. Alcoholic product includes an “alcoholic beverage” as more particularly defined in this section.

“**Beer**” includes a product that contains at least 0.5% of alcohol by volume, but not more than 5% of alcohol by volume or 4% by weight; and is obtained by fermentation, infusion or decoction of any malted grain. Beer includes products known as beer, ale, porter, stout, lager, malt, or malted beverages,

but does not include flavored malt beverage. Beer may or may not contain hops or other vegetable products.

“Brewer” means any person engaged in manufacturing beer, heavy beer, or flavored malt beverage..

“Commission” means the Utah Alcoholic Beverage Control Commission.

“Community location” means a public or private school, a church, a public library, a public playground, or a public park.

“Flavored malt beverage” means a beverage that contains at least 0.5% alcohol by volume that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer to which is added a flavor or other ingredient containing alcohol, except for a hop extract; and for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55. Flavored malt beverage is considered liquor for the purpose of this title.

“Heavy beer” means a product that contains more than 5% alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain. Heavy beer is considered liquor for the purpose of this chapter.

“Licensed premises” means any room, house, building, structure or place occupied by any person licensed to sell beer on such premises under this chapter; provided, that in any hotel or other business establishment an applicant for Class B, C, or D license may designate a room or portion of a building of such business for the sale of beer, which portion so specifically designated in the application for a license and the license subsequently issued shall be the licensed premises.

“Liquor” means, a liquid that is alcohol; an alcoholic, spirituous, vinous, fermented, malt or other liquid, or combination of liquids, a part of which is spirituous, vinous, fermented, or other drink or drinkable liquids that contain at least 0.5% of alcohol by volume suitable to use for beverage purposes. Liquor includes heavy beer, wine and flavored malt beverages. Notwithstanding the foregoing, liquor does not include beer.

“Off-premise beer retailer” means a beer retailer who is licensed in accordance with the, Off-premise Beer Retailer Act, *Utah Code Ann. § 32B-7-101, et seq.*; and engaged in the retail sale of beer to a patron for consumption off the licensed premises. “Off-premise beer retailer” does not include an on-premise beer retailer.

“On-premise beer retailer” means a beer retailer who is authorized to sell, offer for sale, or furnish beer under a license issued in accordance with the Retail License Act, *Utah Code Ann. § 32B-5-101, et seq.*, and On-premise Beer Retailer License, *Utah Code Ann. § 32B-6-701, et seq.*; engaged in the sale of beer to a patron for consumption on the licensed premises regardless of whether the beer retailer sells beer for consumption off the licensed premises; and operating as a tavern or in a manner that meets the requirements of *Utah Code Ann. § 32B-6-703(2)(e)(i)*.

“Premises” means a building, enclosure, or room used in connection with the storage, sale, furnishing, consumption, manufacture, or distribution, of an alcoholic product, unless otherwise defined by law or rules adopted by the Commission.

“Recreational Amenity” means one or more of the following or an activity substantially similar to one of the following: a billiard parlor; bowling facility; golf course; miniature golf; golf driving range; tennis club; one of the following if owned by a government agency: convention center, fair facility, equestrian park, theater; or concert venue; or any other amenity or activity as defined in *Utah Code Ann.* § 32B-6-702.

“Restaurant” means a business location at which a variety of foods are prepared; at which complete meals are served; and that is engaged primarily in serving meals.

“Retailer” means any person engaged in the sale or distribution of beer or liquor to the consumer.

“Sell or offer for sale” means any transaction, exchange or barter whereby, for consideration, an alcoholic product is either directly or indirectly transferred, solicited, ordered, delivered for value, or by a means or under any pretext is promised or obtained, whether done by a person as a principal, proprietor, or as staff, unless otherwise defined in the Act or rules adopted pursuant thereto.

“Single event permit” means an event permit issued by the state that authorizes the storage, sale, offer for sale, furnishing, and consumption of liquor for a period not to exceed (a) 72 consecutive hours, or (b) 120 consecutive hours, as described on the permit.

“Tavern” means an on-premise beer retailer who is issued a license in accordance with the Retail License Act, *Utah Code Ann.* § 32B-5-101, *et seq.*, and On-premise Beer Retail License, *Utah Code Ann.* § 32B-6-701, *et seq.*, and designated as a tavern in accordance with *Utah Code Ann.* § 32B-6-703.

“Temporary beer event permit” means an event permit issued by the state that allows the storage, sale, offer for sale, furnishing, and consumption of beer at an event for a period not to exceed 30 days.

5.12.020 License Necessary to Sell Beer at Retail

It is unlawful for any person to store, sell, offer for sale, furnish or permit consumption of beer for on-premise or off-premise consumption within the City without the required classification of beer license issued by the City. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licenses shall comply with the Act and the regulations of the Commission, and every license is subject to suspension or revocation as hereinafter provided.

5.12.030 Application for License

Any person desiring a beer license from the City shall file with the city recorder the following:

- A. A written application in a form prescribed by the city;
- B. A nonrefundable beer license application fee in the amount specified in the City Fee Schedule;

- C. The applicable beer license fee in the amount specified in the City Fee Schedule for the type of license for which the person is applying that is refundable if the license is not issued;
- D. Evidence of proximity to any community location;
- E. A criminal history within thirty (30) days prior to the application in a form acceptable to the chief of police;
- F. A floor plan, site plan and boundary map where applicable, of the premises to be licensed, including any consumption area, and the area where the applicant proposes to display, keep, store, sell, offer for sale, or furnish beer;
- G. In the case of an applicant that is an entity, including a partnership, corporation, or limited liability company, proper verification evidencing that the entity is in good standing with the State of Utah and that the individual who signs the license application is authorized to sign on behalf of the entity;
- H. Any other information the City may require on the application form to sufficiently evaluate the merits of the application;
- I. If the application is for an On-premise Beer Retailer license, the following shall also be required to be submitted with the application:
 - 1. Evidence that the licensee is carrying general liability insurance coverage of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
 - 2. Evidence that the licensee is carrying dramshop insurance coverage of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate; and
 - 3. A signed consent form stating that the licensee will permit any authorized representative of the Commission, City, law enforcement or health department unrestricted right to enter and inspect the premises of the licensee.

5.12.035 Application for Single Event Permit or Temporary Beer Event Permit

Any person desiring local consent for a single event permit or temporary beer event permit issued by the state shall file with the city recorder the following:

- A. A written application in a form prescribed by the City;
- B. A nonrefundable permit application fee in the amount specified in the City Fee Schedule;
- C. The permit fee in the amount specified in the City Fee Schedule that is refundable if the permit or consent is not issued;
- D. Evidence of proximity to any community location;
- E. A floor plan, site plan and boundary map where applicable, of the premises to be licensed, including any consumption area, and the area where the applicant proposes to display, keep, store, sell, offer for sale, or furnish beer or liquor;

- F. A criminal history dated within thirty (30) days prior to the application in a form acceptable to the chief of police;
- G. In the case of an applicant that is an entity, including a partnership, corporation, or limited liability company, proper verification evidencing that the entity is in good standing with the State of Utah and that the individual who signs the license application is authorized to sign on behalf of the entity;
- H. The times, dates, location, estimated attendance, nature, and purpose of the temporary event;
- I. A signed consent form stating that the permittee will permit any authorized representative of the Commission, City, law enforcement or health department unrestricted right to enter and inspect the premises during the temporary event; and
- J. Any other information the City may require on the application form to sufficiently evaluate the merits of the application.

5.12.040 Applicant Qualifications

Applicant qualification requirements for the issuance of a beer license from the City shall be the same as the applicant requirements set forth in Section 32B-1-304 of the Act for the issuance of a State license. The City shall not issue a beer license to any person who has been convicted of any of the crimes enumerated therein or fails to meet the qualifications set forth therein. The provisions of Section 32B-1-304 are adopted by this reference as if fully set forth herein. If the applicant is a partnership, corporation, or limited liability company, the proscriptions in that section apply if a partner, managing agent, manager, officer, director, stockholder who holds at least 20% of the total issued and outstanding stock of the corporation, or member who owns at least 20% of the limited liability company has been convicted of an offense described in that section. Any references in that section to "commission" or "director" shall refer to the "City" and "city recorder," respectively. All applicants for a beer license shall also meet the age restrictions set forth in Section 32B-1-304, prohibiting the issuance of a license to a minor.

5.12.050 Review and Issuance of License

- A. Staff Review. The city recorder shall review the application and gather information regarding the application and applicant qualifications. The application and all other necessary information shall be distributed to appropriate departments of the City for their review and comment.
- B. Police Review. The chief of police shall cause a review to be made to determine the criminal history, if any, of the applicant, including the representatives of the applicant specified in *Utah Code Ann.* § 32B-1-304(1)(b) and (1)(c); the character of the proposed licensed premises; the nature and kind of business conducted at such place; and any other such information as the chief of police deems pertinent.
- C. Criteria. Before issuing a beer license under the provisions of this chapter, the city recorder shall determine that the applicant has complied with all qualifications and requirements for the applicable license and that the application is complete. The city recorder shall also determine that the person applying for the license is not disqualified under the provisions of *Utah Code*

Ann. § 32B-1-304, and that the application complies with the specific licensing requirements specified in this chapter for the type of license for which the person is applying.

- D. No beer license shall be issued to any person that is disqualified under the provisions of *Utah Code Ann.* § 32B-1-304, or any person who is not lawfully present in the United States.

5.12.060 License Fees

The following fees, as specified in the City's Consolidated Fee Schedule in amounts set periodically by resolution of the city council, apply to beer license applications and renewals.

- A. A non-refundable beer license application fee. This application fee will not be collected for renewal licenses.
- B. The applicable beer license fee for the type of license for which the person is applying. These fees shall be deposited in the city treasury if the license is granted and returned to the applicant if denied.

5.12.070 License Expiration and Renewal

All beer licenses issued or renewed pursuant to the provisions of this Chapter shall expire December 31 of each year unless canceled or revoked sooner in accordance with the ~~Act~~ or the West Bountiful Municipal Code. Single event permits and temporary beer event permits shall expire on the date indicated in the permit.

All applications for license renewal shall be filed with the city recorder prior to expiration of the license. A penalty of one-half of the annual license fee will be imposed for any application that is received after December 31 and before January 15. Failure to file a complete application by January 15 will result in immediate revocation of the license.

5.12.080 Classification of Beer Retailer Licenses

The City may issue the following classification of beer licenses for the retail sale of beer within the City for off-premise or on-premise consumption in accordance with the terms and conditions of this Chapter. No other beer retailer licenses shall be permitted or granted by the City.

- Class A. Off-premise Beer Retailer – Retail license that entitles the licensee to sell beer on the licensed premises in original containers for consumption off the premises, including but not limited to convenience stores;
- Class B. On-premise Beer Retailer – Retail license that entitles the licensee to sell beer on the licensed premises in original containers or on draft for consumption on the premises, and to sell take-out draft beer in a re-sealable container of a volume permitted by state law for consumption off the premises. Such container must be sealed at the time of purchase with a label that indicates the name of the licensee and the date and time of the purchase, including but not limited to restaurants, taverns, and recreational amenities.

- Class C. Temporary Beer Event – Local consent which authorizes the permittee to sell, offer for sale, or furnish beer for on-premise consumption at a single or temporary event and authorizes the storage, service and consumption of beer at such event, consistent with *Utah Code Ann. §§ 32B-9-204 and 32B-9-401, et seq.*

5.12.090 Permit from Health Department

No beer retailer license shall be issued for a business that serves food for consumption on the premises until the applicant has first procured from the Davis County health department a permit, which shall show that the premises to be licensed are in a sanitary condition and that the equipment used in the storage or sale of beer complies with all health regulations of the county health department and the state of Utah.

5.12.100 Sale or Transfer of License

- A. No Sale of License. A person granted a beer license under the provisions of this chapter shall not sell, transfer, assign, exchange, barter, give or attempt in any way to dispose of the license to another person whether for monetary gain or not. A beer license issued hereunder has no monetary value for the purpose of any type of disposition.
- B. No Location Transfer. A person granted a beer license under the provisions of this chapter shall not transfer the license issued pursuant to the provisions of this Chapter from one location to another.
- C. No Ownership Transfer. Except for corporate or company ownership changes to which the City has consented in writing after written notification, no ownership transfers of any license issued under the provisions of this chapter shall be permitted.
- D. Notification of Change. In addition to the ownership transfer prohibitions of this Section, all licensees shall be required to notify the City immediately in writing of any change in ownership of the licensee or persons associated with the licensee if the licensee is an entity.

5.12.110 Local Consent – Limited

- A. On-premise Beer Retailer License. The issuance of an On-premise Beer Retailer license under the provisions of this chapter shall be required as a prerequisite for any restaurant seeking a State liquor license, including, but not limited to, a State-issued Beer-Only Restaurant License, Full-Service Restaurant License, or Limited-Service Restaurant License. The issuance of an On-premise Beer Retailer license by the City shall be deemed local consent for purposes of the Act provisions requiring such consent for the issuance of any of the following State issued licenses:
 - 1. Beer-Only Restaurant License;
 - 2. Full-Service Restaurant License; and
 - 3. Limited-Service Restaurant License.
- B. Off-premise Beer Retailer License. The issuance of an Off-premise Beer Retailer license under the provisions of this chapter shall be required as a prerequisite for any person seeking a State-

issued Off-premise Beer Retailer License and will be deemed to be written consent of the local authority.

- C. Single Event or Temporary Beer Event. The issuance of written consent to a single event permit or temporary beer event permit under the provisions of this chapter shall be a prerequisite for the issuance of a State-issued single event permit or temporary beer event permit.
- D. Local Consent Form. The city administrator and chief of police, or their designees, are hereby authorized to sign and execute the local consent form for State licensing of on-premise and off-premise beer retailers as required by the State.
- E. No Other Local Consent. The City shall not grant local consent for any State issued liquor licenses within the City other than those licenses enumerated in this chapter.
- F. Compliance. Any person or licensee granted local consent under the terms and provisions of this chapter shall comply with all applicable provisions of the Act.

5.12.120 General Restrictions

No license shall be granted to sell beer in any theater or within three hundred (300) feet of any community location.

It is unlawful, a nuisance, and a basis for fines and the suspension or revocation of a beer license, to cause or permit any of the following:

- A. Selling or otherwise supplying beer to any person under the age of twenty-one (21) years, or to any person who is or reasonably appears to be intoxicated, or selling beer for consumption on the premises unless so licensed, or permitting the drinking of liquor on such premises;
- B. Selling or otherwise furnishing or disposing of beer, or allowing it to be drunk or consumed on the premises, or allowing beer to remain on that portion of the premises open to customers, patrons, or members of the public after 1:00 a.m. and before 10:00 a.m.;
- C. Failing to maintain full control of the conduct of the business upon the licensed premises, or failing to be informed of the manner in which the business is conducted and of the activities of the licensee's officers, agents, and employees in and about the licensed premises. By accepting a license, the licensee unconditionally guarantees to the City that neither the licensee nor the licensee's officers, agents, or employees will violate the terms of this Chapter;
- D. Failing to keep the licensed premises illuminated at all times while it is occupied for business;
- E. Violating any of the terms of the license issued;
- F. Nudity of any person, whether a patron, employee, or performer, in a licensed premises;
- G. Any act in or about a licensed premises contrary to the provisions of the Act, including Section 32B-1-304 and Title 32B, Chapter 4, known as the Criminal Offenses and Procedures Act;

- H. Any act in or about a licensed premises otherwise contrary to federal, state or local criminal laws; or
- I. Entrance by a minor under the age of twenty-one (21) years to a tavern or social club.

5.12.130 Inspection

All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the City, or the Utah State Department of Alcoholic Beverage Control, or the state or county health departments, and every licensee shall, at the request of any such department(s) or persons, furnish samples of beer offered for sale.

5.12.140 Denial, Suspension or Revocation of Beer License

- A. A beer license application may be denied for any good cause reasonably related to the health, safety or general welfare of the residents of West Bountiful City, including the violation of any federal, state or local law (including the provisions of this chapter) and any false or misleading statement or omission in the application.
- B. A beer license may be suspended for up to thirty (30) days or revoked upon a finding that the licensee or the licensee's officers, agents or employees have violated any provision of this chapter, or any ordinance of the City that in any way relates to the operation of the business or the safety of the public or have made any false or misleading statement or omission in connection with the license application. During any period of suspension or following any revocation of a beer license, no beer may be sold from the licensed premises until the suspension is lifted or the City issues a new license.
- C. Any decision to deny, suspend or revoke a beer license shall be made by the city recorder in consultation with the chief of police. Any such decision shall be in writing and include a simple statement of the reasons therefor. The denial, suspension or revocation shall take effect after the written decision has been issued and a copy has been mailed to the applicant or licensee at the address listed in the application. If the applicant or licensee was present when the decision to deny or revoke was made, or is otherwise personally aware of the decision, the denial or revocation shall be effective when the written decision is filed in the records of the city recorder.
- D. The following mandatory minimum penalties apply with respect to each violation found within a three (3) year period commencing on the date of the first offense. At the end of the three (3) year period, the tiered offense cycle starts over.

First offense	\$500.00 fine
Second offense	\$750.00 fine plus suspension
Third offense	\$1,000.00 fine plus suspension
Fourth offense	Revocation

These mandatory minimum penalties are in addition to any other remedies provided in this chapter. Failure to pay any fine imposed under this section within fourteen (14) days shall constitute a separate offense.

- E. Any person aggrieved by a decision to deny, suspend, or revoke a beer license may appeal that decision by filing a written notice of appeal with the city recorder within fifteen (15) days of the effective date of the denial, suspension, or revocation.
- F. An appeal of a decision to deny, suspend, or revoke a beer license shall be conducted as provided in Section 2.60.010 of the West Bountiful Municipal Code.

5.12.150 Violations/Penalties

Unless otherwise expressly provided in this chapter or State law, any violation of this chapter shall be a Class B misdemeanor, punishable by fine, imprisonment, or both, as permitted by applicable laws of the State of Utah or enforced through the civil enforcement procedures set forth in WBMC Chapter 1.16 (General Penalties). Each and every day of noncompliance with the terms and provisions of this chapter shall constitute a separate violation. These penalty provisions are in addition to any of the administrative remedies provided in this chapter, such as fines and denial, suspension or revocation of a beer license.

5.12.160 Severability

The provisions of this chapter are severable. If a provision of this chapter or the application of a provision to a person or circumstance is held invalid, the remainder of this chapter shall be given effect without the invalid provision or application.

Chapter 5.12 BEER LICENSES AND REGULATIONS

Sections:

5.12.005 Authority

5.12.010 Definitions.

5.12.020 License ~~N~~ecessary to ~~s~~Sell ~~b~~Beer at ~~r~~Retail.

5.12.030 Application for License.

5.12.035 Application for Single Event Permit or Temporary Beer Event Permit

5.12.040 ~~License privileges~~Applicant Qualifications.

5.12.050 ~~License fees~~Review and Issuance of License.

5.12.060 ~~Beer must be purchased from licensed brewer or wholesaler~~License Fees.

5.12.070 ~~Wholesalers must be licensed~~License Expiration and Renewal.

5.12.080 ~~Permit from health department~~Classification of Beer Retailer License.

5.12.090 ~~License not transferable~~Permit from Health Department.

5.12.100 ~~Restrictions~~Sale of Transfer of License.

5.12.110 ~~Inspection~~Local Consent - Limited.

5.12.120 General Restrictions

5.12.130 Inspection

5.12.140 Denial, Suspension or ~~r~~Revocation of ~~b~~Beer ~~l~~icense.

5.12.150 Violations/Penalties

5.12.160 Severability

5.12.005 Authority

The provisions of this Chapter are enacted pursuant to under authority set forth in of Utah Code Annotated §§ Sections 10-8-42, and § 10-8-84 of the Utah Code, and applicable provisions of the Utah Alcoholic Beverage Control Act, as set forth in UCA Utah Code Ann. §§ 32B-1-101, et seq. (the "Act"). The

~~provisions and regulations set forth in this Chapter~~ authorizes the City to license and regulate the retail sale of beer within the City for off-premise or on-premise consumption, and is ~~an exercise of the City's police powers of the City for the protection of the public health, peace, safety, and welfare, and morals and authorizes the city to license and regulate the retail sale of beer within the City for off-premise or on-premise consumption.~~

5.12.010 Definitions.

The following words and phrases used in this chapter shall have the following meanings, unless a different meaning clearly appears from the context:

"Alcoholic Beverage" means and includes "beer" or "liquor," as defined in this section.

"Alcoholic Product" means a product that contains at least 0.5% of alcohol by volume, and is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal to or greater than 0.5% of alcohol by volume. Alcoholic product includes an "alcoholic beverage" as more particularly defined in this Section.

~~"Beer" and "liquor" as defined herein.~~

"Beer" includes all products that contains at least 0.5% of alcohol by volume, but not more than 45% of alcohol by volume or 63/100 of one percent of alcohol by volume or one-half of one percent of alcohol by weight, but not more than four percent of alcohol by volume or 3.2 percent or 4% by weight, and are obtained by fermentation, infusion or decoction of any malted grain. Beer includes products known as "beer," "light beer," "ale," "porter," "stout," "lager," "malt," "liquor" or "malted beverages, but does not include flavored malt beverage." Beer may or may not contain hops or other vegetable products.

"Brewer" means any person engaged in manufacturing beer, heavy beer, or flavored malt beverage, malt liquor or malted beverages.

"Commission" means the Utah Alcoholic Beverage Control Commission.

"Community location" means a public or private school, a church, a public library, a public playground, or a public park.

"Flavored malt beverage" means a beverage that contains at least 0.5% alcohol by volume that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer to which is added a flavor or other ingredient containing alcohol, except for a hop extract; and for which the producer is required to file a formula for approval with the federal Alcohol and Tobacco Tax and Trade Bureau pursuant to 27 C.F.R. Sec. 25.55. Flavored malt beverage is considered liquor for the purpose of this title.

"Heavy beer" means a product that contains more than 45% alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain. Heavy beer is considered liquor for the purpose of this title.

"Licensed premises" means any room, house, building, structure or place occupied by any person licensed to sell beer on such premises under this chapter; provided, that in any hotel or other business establishment an applicant for Class B, C, or D license may designate a room or portion of a building of such business for the sale of beer, which portion so specifically designated in the application for a license and the license subsequently issued shall be the licensed premises.

"Liquor" means, ~~except as provided below, a liquid that is~~ alcohol; ~~or any~~ alcoholic, spirituous, ~~venous~~ ~~vinous~~, fermented, malt or other liquid, or combination of liquids, a part of which is spirituous, vinous, ~~or~~ fermented, ~~and all~~ other drinks; or drinkable liquids that contain ~~more than at least one-half of one percent~~ 0.5% of alcohol by volume ~~and is~~ suitable to use for beverage purposes. "Liquor" includes heavy beer, wine and flavored malt beverages. Notwithstanding the foregoing, liquor does not include any beverage defined as a beer, malt liquor or malted beverage that has an alcohol content of less than four percent alcohol by volume.

"Off-premise beer retailer" means a beer retailer who is licensed ~~ds~~ in accordance with UCA 32B-7-101, et seq.; and engaged in the retail sale of beer to a patron for consumption off the ~~beer retailer licensed's~~ premises. "Off-premise beer retailer" does not include an on-premise beer retailer.

"On-premise beer retailer" means a beer retailer who is authorized to sell, offer for sale, or furnish beer under a license issued in accordance with the Retail License Act, UCA Utah Code Ann. § 32B-5-101, et seq., Retail License Act, and UCA 32B-6-7, On-Premise Beer Retailer License, Utah Code Ann. § 32B-6-701, et seq.; ~~and~~ engaged in the sale of beer to a patron for consumption on the ~~beer retailer's~~ licensed premises regardless of whether the beer retailer sells beer for consumption off the licensed ~~ds~~ premises; and operating as a tavern; or in a manner that meets the requirements of UCA Utah Code Ann. § 32B-6-703(2)(e)(i).

"Premises" means a building, enclosure, or room used in connection with the storage, sale, furnishing, consumption, manufacture, or distribution, ~~or of~~ an alcoholic product, unless otherwise defined by law or rules adopted by the Commission.

"Recreational Amenity" means one or more of the following or an activity substantially similar to one of the following: Aa billiard parlor; bowling facility; golf course; miniature golf; golf driving range; tennis club; ~~or~~ one of the following if owned by a government agency: ~~a~~ convention center; ~~a~~ fair facility; ~~an~~ equestrian park; ~~a~~ theater; or concert venue; ~~;~~ or any other amenity or activity as defined in UCA Utah Code Ann. § 32B-6-702.

"Restaurant" means a business location at which a variety of foods are prepared; at which complete meals are served; and that is engaged primarily in serving meals.

"Retailer" means any person engaged in the sale or distribution of beer or liquor to the consumer.

"Sell or offer for sale" means any transaction, exchange or barter whereby, for ~~any~~ consideration, an alcoholic ~~product~~ ~~beverage~~ is either directly or indirectly transferred, solicited, ordered, delivered for value, or by ~~any~~ means or under any pretext is promised or obtained, whether done by a person as a principal, proprietor, or as ~~staff, an agent, servant or employee,~~ unless otherwise defined in the ~~Alcoholic Beverage Control~~ Act or rules adopted pursuant thereto.

"Single event permit" means an event permit issued by the state that authorizes the storage, sale, offer for sale, furnishing, and consumption of liquor for a period not to exceed (a) 72 consecutive hours, or (b) 120 consecutive hours, as described on the ~~P~~permit.

"Tavern" means an on-premise beer retailer who is issued a license in accordance with the Retail License Act, UCAUtah Code Ann. § 32B-5-101, et seq., and UCAOn-premise Beer Retail License, Utah Code Ann. § 32B-6-701, et seq., and designated as a tavern in accordance with UCAUtah Code Ann. § -32B-6-703.

"Temporary beer event permit" means an event permit issued by the state that allows the storage, sale, offer for sale, furnishing, and consumption of beer at an event for a period not to exceed 30 days. Before a temporary beer event permit can be issued, the applicant must obtain written local consent of the city to sell beer at retail for on-premise consumption at the event.

"Wholesaler" means any person, other than a licensed manufacturer, engaged in the importation for sale, or in the sale of beer~~alcoholic beverages, malt liquor, or malted beverages in wholesale or jobbing quantities to retailers.~~ (Prior code § 5-3-1)

5.12.020- License ~~n~~Necessary to ~~s~~Sell ~~b~~Beer at ~~r~~Retail.

It is unlawful for any person to ~~store, sell, offer for sale, furnish or permit consumption of beer for on-~~premise or off-premise consumption within the City ~~sell beer at retail, in bottles, or other original containers, without a~~ the required classification of beer license ~~therefor from~~issued by the ~~e~~City ~~business license official council as hereinafter provided.~~ A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licenses shall comply with the Utah Alcoholic Beverage Control Act and the regulations of the Alcoholic Beverage Control Commission, and every license ~~shall recite that it is granted is~~ subject to suspension or revocation as hereinafter provided. (Prior code § 5-3-2)

5.12.030 Application for ~~l~~License.

Any person desiring a beer license from the City shall file with the ~~Business License Official~~city recorder the following:

- A. A written application in a form prescribed by the city;
- B. A nonrefundable beer license application fee in the amount specified in the City Fee Schedule;
- C. The applicable beer license fee in the amount specified in the City Fee Schedule for the type of license for which the person is applying that is refundable if the license is not issued;
- D. Evidence of proximity to any community location in accordance with applicable proximity requirements for the type of license for which the person is applying pursuant to UCA 32B-1-202;
- E. A criminal history within thirty (30) days prior to the application in a form acceptable to the chief of police;

- F. A floor plan, site plan and boundary map where applicable, of the premises to be licensed, including any consumption area, and the area where the applicant proposes to display, keep, store, sell, offer for sale, or furnish beer;
- G. In the case of an applicant that is an entity, including a partnership, corporation, or limited liability company, proper verification evidencing that the entity is in good standing with the State of Utah and that the individual who signs the license application is authorized to sign on behalf of the entity, ~~partnership, corporation, or limited liability company~~;
- H. Any other information the City may require on the application form to sufficiently evaluate the merits of the application;
- I. If the application is for an On-Premise Beer Retailer—~~Restaurant~~ license, the following shall also be required to be submitted with the application:
 - (1) Evidence that the licensee is carrying ~~public~~ general liability insurance in an amount and form satisfactory to the City coverage of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate;
 - (2) Evidence that the licensee is carrying dramshop insurance coverage of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate; and
 - (3) A signed consent form stating that the licensee will permit any authorized representative of the Commission, City, law enforcement or health department unrestricted right to enter and inspect the premises of the licensee.; and

5.12.035 Application for Single Event Permit or Temporary Beer Event Permit

Any person desiring local consent for a single event permit or temporary beer event permit issued by the state shall file with the city recorder the following:

- A. A written application in a form prescribed by the City;
 - B. A nonrefundable permit application fee in the amount specified in the City Fee Schedule;
 - C. The permit fee in the amount specified in the City Fee Schedule that is refundable if the permit or consent is not issued;
 - D. Evidence of proximity to any community location;
 - E. A floor plan, site plan and boundary map where applicable, of the premises to be licensed, including any consumption area, and the area where the applicant proposes to display, keep, store, sell, offer for sale, or furnish beer or liquor;
 - F. A criminal history dated within thirty (30) days prior to the application in a form acceptable to the chief of police;
 - G. In the case of an applicant that is an entity, including a partnership, corporation, or limited liability company, proper verification evidencing that the entity is in good standing with the State of Utah and that the individual who signs the license application is authorized to sign on behalf of the entity;
 - H. The times, dates, location, estimated attendance, nature, and purpose of the temporary event;
 - I. A signed consent form stating that the permittee will permit any authorized representative of the Commission, City, law enforcement or health department unrestricted right to enter and inspect the premises during the temporary event; and
- Any other information the City may require on the application form to sufficiently evaluate the merits of the application. ~~If the application is for a Temporary Special (Beer) Event license, the following shall also be required to be submitted with the application:~~
- ~~The times, dates, location, estimated attendance, nature, and purpose of the temporary special event; and~~

~~— A signed consent form stating that the licensee will permit any authorized representative of the Commission, City, law enforcement or health department unrestricted right to enter the premises during the temporary special event.~~

~~A.J. All applications for licenses authorized by this chapter shall be verified and filed with the city council and shall state the applicant's name in full, that he or she has complied with the requirements and possesses the qualifications specified in the Alcoholic Beverage Control Act, and if the applicant is a co-partnership, the names and addresses of all partners and if a corporation, the names and addresses of all officers and directors, and must be subscribed by the applicant, who must state under oath that the facts stated therein are true. Applicants must furnish such other information as and when the city council shall require.~~

~~B. — The application for such license shall be referred to the chief of police for an investigation and report. The chief of police shall cause an investigation to be made to determine the criminal history, if any, of the applicant(s) and the location of the proposed licensed premises. The chief of police shall make a report to the city council within ten (10) days after receiving an application or at the next regularly scheduled meeting of the council, whichever is later. Upon receiving the report, the city council shall act upon the application as it shall deem fair, just and proper in regard to granting or denying the same. (Prior code § 5-3-3)~~

~~C. — All licenses shall expire on the thirty-first day of December unless canceled sooner and are in accordance with the Utah Liquor Control Act of Utah and Ordinances of West Bountiful City.~~

5.12.040 Applicant Qualifications

~~Applicant qualification requirements for the issuance of a beer license from the City shall be the same as the applicant requirements set forth in Utah Code § Section 32B-1-304 of the Act, regarding applicant requirements for the issuance of a State license. The City shall not issue a beer license to any person who has been convicted of any of the crimes enumerated therein or fails to meet the qualifications set forth therein. The provisions of Section 32B-1-304, are adopted by this reference as if fully set forth herein. If the applicant is a partnership, corporation, or limited liability company, the proscriptions in that section apply if a partner, managing agent, manager, officer, director, stockholder who holds at least 20% of the total issued and outstanding stock of the corporation, or member who owns at least 20% of the limited liability company has been convicted of an offense described in that section. Any references in that section therein to "commission" or "director" shall refer to the "City" and "Business License Officialcity recorder," respectively. The City may immediately suspend or revoke a beer license in accordance with the provisions, procedures and grounds set forth in Section 32B-1-304. All applicants for a beer license shall also meet the age restrictions set forth in Utah Code § Section 32B-1-304, prohibiting the issuance of a license to a minor.~~

~~It is unlawful for any licensee to fail to maintain full control of the conduct of the business upon the licensed premises, or to fail to inform himself/herself of the manner in which the business is conducted and of the activities of his/her officers, agentsservants, and employees in and about the licensed premises, and by accepting a license, the licensee unconditionally guarantees to the City that neither he/she nor his/her officers, agentsservants, or employees will violate the terms of this Chapter, and for breach of such guarantee the license may be revoked.~~

5.12.050 Review and Issuance of License

- A. Staff Review. The ~~business license official~~ city recorder shall review the application and gather information regarding the application and applicant qualifications. The application and all other necessary information shall be distributed to appropriate departments of the City for their review and comment.
- B. Police Review. The chief of police shall cause an ~~investigation~~ review to be made to determine the criminal history, if any, of the applicant~~t(s)~~, including the representatives of the applicant specified in *Utah Code Ann. § 32B-1-304(1)(b) and (1)(c)*; the character of the proposed licensed premises; the nature and kind of business conducted at such place; and any other such information as ~~he~~ the chief of police believes ~~deems to be~~ pertinent. ~~If the investigation causes concern about issuing a license, the chief of police shall make a written report to the city council within ten (10) days after receiving an application or at the next regularly scheduled meeting of the council, whichever is later. Upon receiving the report, the city council shall act upon the application as it shall deem fair, just and proper in regard to granting or denying the license.~~
- C. Criteria. Before issuing a beer license under the provisions of this ~~C~~chapter, the ~~business license official~~ city recorder shall determine that the applicant has complied with all qualifications and requirements for the applicable license and that the application is complete. The ~~Business License Official~~ city recorder shall also determine that the person applying for the license is not disqualified under the provisions of *Utah Code Ann. § 32B-1-304*, and that the application complies with the specific licensing requirements specified in this ~~c~~chapter for the type of license for which the person is applying.
- D. No beer license shall be issued to any person that is disqualified under the provisions of *Utah Code Ann. § 32B-1-304*, or any person who is not lawfully present in the United States.

5.12.050-060 License ~~f~~ees.

~~Each application for a beer license shall be accompanied by a license fee in an amount set periodically by resolution of the city council. These fees shall be deposited in the city treasury if the license is granted, and returned to the applicant if denied.~~

The following fees, as specified in the City's Consolidated Fee Schedule in amounts set periodically by resolution of the city council, apply to beer license applications and renewals.

- A. A non-refundable beer license application fee. This application fee will not be collected for renewal licenses.
- B. The applicable beer license fee for the type of license for which the person is applying. These fees shall be deposited in the city treasury if the license is granted, and returned to the applicant if denied.

5.12.0570 License Expiration and Renewal.

All beer licenses issued or renewed pursuant to the provisions of this Chapter shall expire December ~~thirty-first~~³¹ of each year unless canceled or revoked ~~or suspended~~ sooner in accordance with the ~~Utah Liquor Control Act of Utah and/or Ordinances of the West Bountiful City~~ Municipal Code. ~~Single event permits and temporary Specialbeer Eevent licenses~~ permits shall expire on the date ~~set forth~~ indicated in the ~~temporary license~~ permit.

All applications for license renewal ~~licenses~~ shall be filed with the city ~~business license official~~ recorder at least ~~thirty (30) days prior to its expiration~~ of the license. A penalty of one-half of the annual license fee will be imposed for any application that is received after December 31 and before January ~~31~~¹⁵. Failure to file a complete application by January ~~31~~¹⁵ will result in immediate revocation of the license. ~~Any person who fails to file an application within the time limit shall close his licensed premises on the expiration date and shall keep the premises closed for any and all business for the sale of beer until the date his new license is issued by the City.~~

5.12. ~~040-0680~~ License privileges ~~Classification of Beer Retailer Licenses.~~

The City ~~shall~~^{may} issue the following classification of beer licenses for the retail sale of beer within the City for off-premise or on-premise consumption in accordance with the terms and conditions of this Chapter. No other beer retailer licenses shall be permitted or granted by the City.

Retail licenses issued hereunder shall be of the following kinds:

- Class A. ~~Off-p~~ ^{Off-Premise Beer Retailer} — ~~R~~ Retail license ~~which that shall~~ entitles the licensee to sell beer on the licensed premises in original containers for consumption off the premises, including but not limited to convenience stores;
- Class B. ~~On/Off-p~~ ^{On/Off-Premise Beer Retailer-Original Containers} — Retail license ~~which that shall~~ entitles the licensee to sell beer on the licensed premises in original containers or on draft for consumption on ~~or off~~ the premises, and to sell take-out draft beer in a re-sealable container of a volume permitted by state law for consumption off the premises. The ~~Such~~ container must be sealed at the time of purchase with a label that indicates the name of the licensee and the date and time of the purchase, including but not limited to restaurants, taverns, and recreational amenities; ~~including by not limited to restaurants, taverns and recreational amenities.~~ ^{or}
- Class C. ~~On Premise Draft~~ — Retail license which shall entitle the licensee to sell beer on draft for consumption on the licensed premises in connection with the sale of meals, such as bonafide cafes, restaurants, public dining rooms or cafeterias.
- Class D. ~~On/Off Premise Draft Special Containers~~ — Retail license which shall entitle the licensee to sell beer on draft for consumption on the licensed premises; and to sell take-out draft beer in a re-sealable container of a volume permitted by state law for consumption off the premises. The container must be sealed at the time of purchase with a label that indicates the name of the licensee and the date and time of the purchase. (Ord. 327-11)

Class C. Temporary Beer Event. – ~~Retail license~~ Local consent which authorizes the licensee/permittee to sell, offer for sale, or furnish beer at retail for on-premise consumption at a single or temporary event and shall authorize the storage, service and consumption of beer at such temporary event, consistent with UCA-Utah Code Ann. §§ 32B-9-204 and 32B-9-401, et seq06, as amended.

~~5.12.060-070 Beer must be purchased from licensed brewer or wholesaler.~~

~~It is unlawful for any licensee to purchase or acquire, or to have or possess for the purpose of sale or distribution, any beer except that which he or she shall have lawfully purchased from a brewer or wholesaler licensed under the Utah Alcoholic Beverage Control Act. (Prior code § 5-3-7)~~

~~5.12.070-080 Wholesalers must be licensed.~~

~~It is unlawful for any person to engage in the business of selling beer at wholesale within the corporate limits of the city without first obtaining a license therefore from the Utah Alcoholic Beverage Control Commission and paying such fees as are required, therefore. (Prior code § 5-3-8).~~

~~5.12.080-090 Permit from hHealth dDepartment.~~

No beer retailer license shall be issued for a business that serves food for consumption on the premises until the applicant ~~therefore shall have~~has first procured from the Davis County health department a permit ~~therefore~~, which ~~permit~~ shall show that the premises to be licensed are in a sanitary condition and that the equipment used in the storage ~~or distribution~~ or sale of such beer complies with all health regulations of the county health department and ~~of~~ the state of Utah. ~~(Prior code § 5-3-9) Update annually~~

5.12.1500 Sale oOr Transfer Oof License

A. No Sale of License. A person granted a beer license under the provisions of this Chapter shall not sell, transfer, assign, exchange, barter, give or attempt in any way to dispose of the license to another person whether for monetary gain or not. A beer license issued hereunder has no monetary value for the purpose of any type of disposition.

B. No Location Transfer. A person granted a beer license under the provisions of this Chapter shall not transfer the license issued pursuant to the provisions of this Chapter from one location to another.

A-C. No Ownership Transfer. Except for corporate or company ownership changes set forth in Subsections (d)(2) and (d)(3) to which the City has consented in writing after written notification, no ownership transfers of any license issued under the provisions of this cChapter shall be permitted.

B. Notification of Change. In addition to the ownership transfer prohibitions of this Section, all licensees shall be required to notify the City immediately in writing of any change in ownership of the licensee or persons associated with the licensee if the licensee is an entity.

C.

~~D. 5.12.090 License not transferable.~~

No license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued. (Prior code § 5-3-10)

5.12.110 Local Consent – Limited

- A. On-Premise Beer Retailer License. The issuance of an On-Premise Beer Retailer license under the provisions of this Chapter shall be required as a prerequisite for any restaurant seeking a State liquor license, including, but not limited to, a State-issued Beer-Only Restaurant License, Full-Service Restaurant License, or Limited-Service Restaurant License. The issuance of an On-Premise Beer Retailer license by the City shall be deemed local consent for purposes of the Utah Alcoholic Beverages Control Act provisions requiring such consent for the issuance of any of the following State issued licenses:
 1. Beer-Only Restaurant License;
 2. Full-Service Restaurant License; and
 3. Limited-Service Restaurant License.
- B. Off-Premise Beer Retailer License. The issuance of an Off-Premise Beer Retailer license under the provisions of this Chapter shall be required as a prerequisite for any person seeking a State-issued Off-Premise Beer Retailer License and will be accompanied by a written consent of the local authority.
- C. Single Event or Temporary Beer Event. The issuance of written consent to a single event permit or Temporary Beer Event permit under the provisions of this Chapter shall be required as a prerequisite for any person seeking the issuance of a State-issued single event permit or Temporary Beer Event permit and will be accompanied by a written consent of the local authority.
- D. Local Consent Form. The City Administrator and chief of police, or their designees, are hereby authorized to sign and execute the local consent form for State licensing of on-premise and off-premise beer retailers as required by the State.
- E. No Other Local Consent. The City shall not grant local consent for any State issued liquor licenses within the City other than those liquor licenses enumerated in this subsection.
- F. Compliance. Any person or licensee granted local consent under the terms and provisions of this Chapter shall comply with all applicable provisions of the Alcoholic Beverage Control Act, as amended.

5.12.100-1120 General Restrictions

No license shall be granted to sell beer in any theater, or within three hundred (300) feet of any ~~church or school~~ community location.

It is unlawful, a nuisance, and a basis for fines and the suspension or revocation of a beer license, to cause or permit any of the following:

- A. ~~STo-selling~~ or otherwise supplying beer to any person under the age of twenty-one (21) years, or to any person who is or reasonably appears to be intoxicated ~~or under the influence of an intoxicating beverage~~, or ~~to-selling~~ beer for consumption on the premises unless so licensed, or ~~to-permitting~~ the drinking of liquor on such premises;
- B. ~~STo-selling~~ or otherwise furnishing or disposing of beer, or ~~to-allowing~~ it to be drunk or consumed on the premises, or ~~to-allowing~~ beer to remain on that portion of the premises open to customers, patrons, or members of the public after one (1) 1:00 a.m. and before ~~ten (10:00)~~ a.m.; of any day except that the closing hour on January 1 of any year shall be two o'clock a.m.
- C. Failing to maintain full control of the conduct of the business upon the licensed premises, or failing to be informed of the manner in which the business is conducted and of the activities of the licensee's officers, agents, and employees in and about the licensed premises. By accepting a license, the licensee unconditionally guarantees to the City that neither the licensee nor the licensee's officers, agents, or employees will violate the terms of this Chapter; To allow dancing to any music, other than recorded music, between the hours of six (6) a.m. Monday and twelve (12) midnight Saturday on any premises where beer is sold, or to allow any dancing between the hours of 12:01 a.m. Sunday and six (6) a.m. Monday on any the premises where beer is sold, and it shall also be unlawful for any person to sell or furnish beer, or to purchase or consume beer on premises where dancing is permitted in violation of this chapter; Bottom line no dancing to live music where beer is sold? Can this be shortened??
- D. ~~To not~~ Failing to keep the licensed premises brightly illuminated at all times while it is occupied for business, ~~or for any booth, blind or stall to be maintained unless all tables, chairs and occupants are kept open to full view from the main floor at the entrance of such licensed premises;~~
- E. ~~VTo-violating~~ any of the terms of the license issued, ~~or to sell bottled or draft beer for consumption on the premises, or to permit any beer to be consumed on the premises unless the license so permits;~~
- F. ~~To be nude~~ Nudity of any person, whether a patron, employee, or performer, in a licensed premises ~~licensed under this chapter any person whether a patron, employee or performer;~~
- G. ~~To cause or do a~~ Any act in or about a licensed premises contrary to the provisions of the Alcoholic Beverage Control Act, including Section 32B-1-304 and Title 32B, Chapter 4, known as the Criminal Offenses and Procedures Act;
- H. ~~To cause or do a~~ Any act in or about a licensed premises otherwise contrary to federal, state or local criminal laws; or

- I. ~~To permit~~ A ~~Entrance by~~ a minor under the age of twenty-one (21) years to ~~enter a tavern or social club~~ a licensed premises or to purchase, possess or consume any alcoholic beverage therein. (Ord. 264-00 (part); prior code § 5-3-11)

- ~~It is unlawful for any person to sell beer within the City without first having procured a license therefor from the City as provided in this Chapter and paying the license fee and any other applicable fees as set forth in the City Fee Schedule.~~
- ~~It is unlawful for any person to sell beer after the revocation of a license issued pursuant to this Chapter.~~
- ~~A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. It shall be unlawful for any licensee to violate any of the terms of his or her license.~~
- ~~Any person granted a beer license under the provisions of this Chapter, and staff of such licensee, shall comply with the provisions of this Chapter and all applicable State statutes, rules and regulations regarding retail licensees, including, but not limited to applicable provisions of the Utah Alcoholic Beverages Control Act, as more particularly set forth in Utah Code §§ 32B-1-101, et seq., and the rules and regulations of the Utah State Alcoholic Beverage Control Commission promulgated pursuant thereto, including, but not limited to, the rules set forth in Utah Administrative Code R81.~~
- ~~Licensees and licensed premises shall meet and comply with applicable Zoning Code regulations and restrictions and any other applicable City Ordinance requirements.~~

5.12. ~~110-1230~~ Inspection.

All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the ~~e~~City, or the Utah State Department of Alcoholic Beverage Control, or the state or county health departments, and every licensee shall, at the request of ~~said health~~ any such department(s) or persons, furnish samples of beer offered for sale. (Prior code § 5-3-12)

5.12. ~~120-140~~ Denial, Suspension or Revocation of Beer License.

- A. ~~AA~~ beer license application may be denied ~~may be denied or revoked in consultation with the Police Chief~~ for any good cause reasonably related to the health, safety or general welfare of the residents of West Bountiful City, including the violation of any federal, state or local law (including the provisions of this chapter) and any false or misleading statement or omission in the application.
- B. A beer license may be suspended for up to thirty (30) days or revoked upon a finding that the licensee, his or the licensee's officers, agents or employees have violated any provision of this chapter, or any ordinance of the eCity, which that in any way relates to the operation of the business or the safety of the , or public or have made any false or misleading statement or

omission in connection with the license application. During any period of suspension or following any revocation of a beer license, no beer may be sold from the licensed premises until the suspension is lifted or the City issues a new license.

- C. Any decision to deny, suspend or revoke a beer license shall be made by the city recorder in consultation with the chief of police. Any such decision shall be in writing and include a simple statement of the reasons therefor. The denial, suspension or revocation shall take effect after the written decision has been issued and a copy has been mailed to the applicant or licensee at the address listed in the application. If the applicant or licensee was present when the decision to deny or revoke was made, or is otherwise personally aware of the decision, the denial or revocation shall be effective when the written decision is filed in the records of the city recorder.
- D. The following mandatory minimum penalties apply with respect to each violation found within a three (3) year period commencing on the date of the first offense. At the end of this three (3) year period, the tiered offense cycle starts over.

<u>First offense</u>	<u>\$ 500.00 fine</u>
<u>Second offense</u>	<u>\$ 750.00 fine plus suspension</u>
<u>Third offense</u>	<u>\$1000.00 fine plus suspend or extend suspension</u>
<u>Fourth offense</u>	<u>Revocation</u>

These mandatory minimum penalties are in addition to any other remedies provided in this chapter. Failure to pay any fine imposed under this section within fourteen (14) days shall constitute a separate offense. ~~DC. — Multiple Violations: For purposes only of the monetary penalties in this section, violations found to have occurred on days prior to and up to five (5) days after the licensee has received notice of the hearing shall constitute a single offense. Each day of violation proved to have occurred thereafter shall constitute a separate offense. If proven at the hearing, penalties for multiple violations may be imposed in a single hearing. (Ord. 66-13, 2013)~~

- ~~EB. Unless the mayor shall otherwise direct, the decision to deny, suspend or revoke a business license shall be made by the city recorder in consultation with the Police Chief. Any such decision shall be in writing, including a simple statement of the reasons therefor. The denial, suspension or revocation shall take effect after the written decision has been filed in the records of the city recorder and a copy thereof has been mailed to the applicant or license holder at the address listed in that person's application. If the applicant or license holder was present when the decision to revoke or deny was made, or is otherwise personally aware of the decision, the denial or revocation shall be effective when the written decision is filed in the records of the city recorder.~~

- ~~EFDC.~~ Any person aggrieved by a decision to deny, suspend, or revoke a beer license may appeal that decision by filing a written notice of appeal with the city recorder within fifteen (15) days of the effective date of the denial, suspension, or revocation.

- ~~FGED.~~ An appeal of a decision to deny, suspend, or revoke a beer license shall be conducted as provided in Section 2.60.010 of these ordinances West Bountiful Municipal Code. ~~(Prior code § 5-2-13)~~

5.12.150 State Offenses

To the extent applicable to the retail sale of beer within the City and subject to the jurisdiction of the City, the offenses set forth in Title 32B, Chapter 4, of the Utah Code, known as the Criminal Offenses and Procedures Act, are hereby adopted by reference as if fully set forth herein.

5.12.160 Violations/Penalties

Unless otherwise expressly provided in this cChapter or by State law, any violations of this Cchapter shall be a Class B misdemeanor, punishable by fine, imprisonment, or both, as permitted by applicable laws of the State of Utah or enforced through the civil enforcement procedures set forth in WBMC Chapter 1.16 (General Penalties). Each and every day of noncompliance with the terms and provisions of this Cchapter shall constitute a separate violation. These penalty provisions are in addition to any of the administrative remedies set forth provided in this Cchapter, regarding such as fines and denial, suspension or revocation of a beer license. In addition to criminal or civil penalties, any violations of this Chapter shall also be subject to administrative enforcement action such as suspension, probation or revocation of beer license.

5.12.1670 Severability

The provisions of this chapter are severable. If a provision of this Cchapter or the application of a provision to a person or circumstance is held invalid, the remainder of this Cchapter shall be given effect without the invalid provision or application. The provisions of this Chapter are severable.

WEST BOUNTIFUL CITY POLICE DEPARTMENT

550 North 800 West
West Bountiful, Utah 84087
Office 801- 292-4487/Fax 801 – 294-3590

Brandon Erikson
Chief of Police

Kenneth Romney
Mayor

To: Mayor and City Council

Date: 5/13/2021

From: Brandon Erikson, Chief of Police

RE: Motorola / Spillman RMS (Records Management System) Agreement

Mayor and Council,

We have received the contract agreement from Motorola / Spillman for the new records management system. We have had Steve Doxey review the contract and we believe it is ready for your approval. We have agreed to fund half of the project in July and the final payment will be due at the completion of the project. The records management system is included in the budget which has been presented to you. The agreement we are signing is as a Shared Agency. In essence, we are receiving the software and modules we have chosen for our agency and agreeing that another agency will be the "host agency" which houses the main server and database. Should we for whatever reason choose to change to a different vendor down the road, we are still entitled to the records and data we contributed to the server and would be provided that data.

Thank you,

Brandon Erikson
Chief of Police

Shared Agency Agreement

West Bountiful Police Department

This Shared Agency Agreement, together with the Computer Software End-User License and Support Agreements (“Agreements”) executed by the Host Agency constitutes one integrated agreement and is the complete and exclusive statement of Motorola Solutions’ obligations and responsibilities with regard to the Flex software licensed hereunder (the “Software”). All capitalized terms used and not otherwise defined herein shall have the definitions given to such terms in the Agreements.

Section 1: Definitions:

- 1.1 **Shared Agency** - A “Shared Agency” is an agency that has purchased the right and license to use the same copy of the Software currently licensed by Motorola Solutions to the Host Agency, as set forth in the Agreements.
- 1.2 **Host Agency** – The “Host Agency” is a current Motorola Solutions licensee and customer that is authorized by Motorola Solutions and has agreed to share its use of the Software installed at its facilities with the Shared Agency.

Section 2: License

- 2.1 **Grant of License.** Motorola Solutions grants to the West Bountiful Police Department a non-exclusive, non-transferable license to use the same copy of the Software, its Documentation and other related materials, which are presently licensed to the Host Agency, subject to the terms and conditions set forth in the Agreement, as well as the terms and conditions specified in this Shared Agency Agreement. The liability cap set forth in Section 7 of the Software End-User License Agreement, as it applies to Shared Agency, shall be the license fees paid by Shared Agency to Motorola. Shared Agency agrees to comply with all such terms and conditions.
- 2.2 **Termination.** This Shared Agency Agreement will terminate automatically if and when the Agreements terminate for any reason. Motorola Solutions or the Host Agency may immediately terminate this Shared Agency Agreement and license at any time if the Shared Agency breaches the terms of this Shared Agency Agreement or the Agreements. The Host Agency may terminate this Shared Agency Agreement at any time, with or without cause, upon ninety (90) days prior written notice to Motorola Solutions and the Shared Agency, unless otherwise agreed in writing by the Host Agency.
- 2.3 **No Assignment.** The Shared Agency may not assign or transfer this Shared Agency Agreement to any other entity or agency, including by operation of law, without the prior written consent of the Host Agency and Motorola Solutions, which shall not be unreasonably withheld.

Section 3: Scope of Rights

- 3.1 **Support and Services.** Shared Agency understands that, unless otherwise agreed in writing by all parties, all assistance, support and maintenance services for the Software may be obtained by Shared Agency only through the Host Agency. This Shared Agency Agreement does not entitle Shared Agency to any Motorola Solutions services beyond the license to use the Software.
- 3.2 **Warranty.** The Warranty Period for the Software (as defined in Section 7 of the Software End-User License Agreement) is limited to the remaining time, if any, originally granted under the Agreement (as you can see in the Section 8 of the Software End-User License Agreement).

Section 4: Data and Feedback

- 4.1 Shared Agency owns all right, title and interest in its Shared Agency Data as defined in Section 1. Motorola acquires no rights to Shared Agency Data except those rights granted in this Agreement including the right to process and use the Shared Agency Data as follows: (a) processing Shared Agency Data: to the extent permitted by law, Shared Agency grants Motorola and its subcontractors a right to use Shared Agency Data

(including to process, host, cache, store, reproduce, copy, modify, combine, analyze, create derivative works from such Shared Agency Data and to communicate, transmit and distribute such Shared Agency Data to third parties engaged by Motorola) to (1) perform Services and provide products under this Agreement, (2) analyze the Shared Agency Data to operate, maintain, manage, and improve Motorola products and Services, and (3) create new products and services. Motorola may not sell or offer for sale any Shared Agency Data.

4. 2 Motorola owns all right, title and interest in data resulting from System Data that is or has been transformed, altered, processed, aggregated, correlated or operated on (hereafter, "Derivative Data"). Examples of Derivative Data include system health check reports, timing logs, usage logs, error reports and server logs. Motorola uses Derivative Data to support, maintain, and understand the function, operation and performance of the product

Accepted and Approved:

West Bountiful Police Department

Signature: _____

Print Name: _____

Title: _____

Date: _____

Motorola Solutions, Inc.

Signature: _____

Print Name: _____

Title: _____

Date: _____

West Bountiful Police Department

Flex Pricing Proposal

Quote Date: 4/8/21

Expiration Date: 8/20/21

Prepared By: Brian Dunaway

A summary of the purchase price for all modules identified in the proposal is as follows:

- First-year (12 months) maintenance and warranty coverage, which begins at Go-live
- Upgrades and enhancements included as part of annual maintenance, as a standard business practice
- All travel and per diem costs for onsite implementation, installation, project management, and training

Solution		Price
Integrated System Core and Master Tables (Hub)		\$ 9,125.96
Records Management Suite		\$ 14,880.20
Mobile Software Suite		\$ 12,895.73
Interfaces		\$ 19,044.86
Hardware		\$ 2,141.633
Professional Services		\$ 32,817.34
Warranty/1st-year maintenance and support		Included
	Total:	\$ 90,905.72
	Motorola 2021 Discount	\$ 10,070.42
	Total Price	\$ 80,835.31
	2nd Year Maintenance:	\$ 5,116.76

Note- Total project price based on system purchase without financing and aligning the project timeline with Bountiful and Centerville. If the contract is signed prior to July 2021 there will be no payments dues until after July 1, 2021.

Not Included

***Note:** While the items below are not included in this preliminary quote (unless otherwise specified), Motorola Solutions can work with our partners to provide them, based on further discussions of your agency's exact needs.

- Esri desktop and server licensing
- Networking hardware and any required workstations unless listed in the price table above
- Third-party software requirements
- Any applicable taxes

Integrated Hub

Master Tables (names, property, vehicle)

- Utilizes a single-source database for Name, Vehicle, Property, and Wants/Alerts for instant access to updated, organized information
- Stores and organizes all system information, which can be accessed from one central repository with a single login

Message Center

- Supports sending and receiving of agency-wide email and instant messaging, connecting agency personnel to units in the field
- Displays scrolling BOLOs and other alerts along the bottom of the screen to optimize situational awareness

Warrants

- Generates a detailed history of all attempts to serve warrants, informing first responders of possible risks associated with serving a particular warrant
- Organizes warrants and tracks each one throughout its lifecycle from initial receipt to completion of service and return to court
- Displays a prominent alert when a warrant is created, enhancing officer safety

Learning Management System

- Provides online training courses on Flex modules, reducing the stress on agencies to organize and coordinate large-scale training events
- Trains and informs new and experienced users to ensure maximum leverage of the system's capabilities

Imaging and File Attachments

- Agencies can create a full-color, organized library of digital images that are fully searchable from anywhere in the system
- Allows agencies to organize their digital files for streamlined access, saving time and effort
- Integrates with CommandCentral Vault, Motorola's cloud-based digital evidence management solution, to present evidence alongside all other case information captured in the law incident

Records Management

Law Records (RMS)

- Easy report generation on crime analysis, presentation, and archiving saves time and reduces effort for agency personnel
- Reduces errors and duplicate data entry through full integration with the rest of the Flex modules
- Enhances situational awareness along with investigator and officer safety through automatic visual alerts

Evidence Management

- Maintains an organized, complete and accurate chain of custody for all evidence received
- Provides a complete evidence history, detailed evidence data, and displays evidence custody for completed and closed cases in barcode lists

Evidence Barcode and Audit

- Simplifies data entry, precise labeling, and hand-held auditing of storage locations by using a barcode reader
- Enables users to inventory and audit evidence using a handheld barcode reader, reducing effort and saving time

Pin Mapping

- Organizes and simplifies jurisdictional data by populating it on a geographic pin map
- Reduces search efforts by allowing access to any piece of data, record, or a combination of fields from any point on the map
- Provides organized, accurate and timely data to analyze incidents and crime trends, facilitating informed decision-making

Personnel Management

- Stores and organizes all information in a central repository for easy access
- Prevents redundant entry of information based on system-wide integration, saving users time and preventing duplicate records

Equipment Maintenance

- Tracks the condition, location, history, and upkeep of department equipment, enabling easy tracking with organized information
- Calculates operating cost and equipment value, simplifying budgetary decisions and saving time
- Enables easier, quicker buying decisions by tracking warranty, manufacturer, and vendor information

Mobile Software Suite

Flex Touch

- Designed to provide a quick and easy-to-use process to access an agency's Spillman Flex RMS and CAD from a smartphone or tablet.
- Provides access to dispatch information, connecting first responders to the information they need to prepare for a situation
- Receives call assignments using a mobile device, simplifying the dispatch process

Voiceless Dispatch

- Connects dispatch personnel with field personnel through status updates and the ability to add/view all comments

Mobile Mapping and AVL

- User map viewing options help organize information and enhance situational awareness
- Enables customization for easy viewing, saving time and reducing effort during resource allocation

Mobile Arrest Form

- Integrated with the Mobile Field Report, and completed as part of a related incident record, the Mobile Arrest Form organizes arrest data and saves officers time by populating arrest data into the Flex system
- Users can finalize and save prior to completing the field report, allowing them to focus on their surroundings without losing data

Mobile Field Report with Field Interview (AFR)

- Users can easily navigate fields and drop-down menus using either a touch-screen monitor or keyboard and mouse to record data and conduct field interviews, saving time
- Enables officers to quickly complete forms from their patrol vehicles, eliminating the need to return to the station
- Contains large fields that are easy to navigate with a touchscreen monitor, keyboard, or mouse, streamlining the navigation process and saving time

Mobile Records

- Empowers personnel with universal data access, simplifying the search process in the field
- Mobile personnel can search for records in multiple places without leaving the vehicle or requesting dispatch assistance, saving time and effort

Mobile State & National Queries

- Allows users to perform state and federal searches simultaneously, saving time by requiring only one query
- Returns include alerts on records containing warnings and are delivered audibly as well as with visual highlights, appealing to each officer's most effective mode of notification and saving time

Driver License Scanning

- Enables officers to scan a driver license and populate Mobile search screens with identifying information, reducing the need to enter information by hand and saving time

Interfaces

StateLink Interface

- Integrates agencies with the state, national, and other external databases for better coordination

IBR Reporting interface

- Enables agencies to compile detailed, organized crime summary and activity information such as offenses, arrests, and law incidents for submitting IBR reports that meet state and federal standards
- Automatically retrieves data from the Flex system for report generation, saving time and eliminating any manual or redundant efforts to create these reports

InSight Interface

- Integrates agencies by enhancing data sharing initiatives through secure, real-time queries of local agency records
- Enables agencies to connect and collaborate more effectively, regardless of public Safety software vendor

UTAH Citation and Accident Interface

- Mobile DI9 Form
- Mobile Citations

Hardware

Evidence Scanner Bundle

- Includes Zebra barcode printer, Datalogic Memoir 10 Barcode Scanner

Professional Services

Implementation Analyst

- Conduct initial business process review (BPR)
- Conduct administration training on all purchased products
- Serve in a lead trainer capacity as required

End User Trainer

- Provide classroom instruction, written exams, and supervised repetition of system use in a training environment

Admin Trainer

- Conduct administration training and setup on all purchased products (this role may be filled by the Implementation Analyst, depending on customer needs)
- Serve in a lead trainer capacity as required

Go-live Assistance

- Project Manager and training personnel provide hands-on assistance before and after Go-live to ensure a successful transition to Flex

Installation Technician

- Install, test, adjust, and perform preliminary configuration of the operating system for Flex
- Manage server configuration, oversee core system installation, and coordinate installation of external interfaces

Payment Milestones

Except for a payment that is due on the Effective Date, Customer will make payments to Motorola within thirty (30) days after the date of each invoice. Customer will make payments when due in the form of a check, cashier's check, or wire transfer drawn on a U.S. financial institution. If Customer has purchased additional Professional or Subscription services, payment will be in accordance with the applicable addenda. Payment for the System purchase will be in accordance with the following milestones.

Milestone	Detail	Percentage
1	July 1, 2021	50%
2	Project Completion	50%

Motorola shall make partial shipments of equipment and will request payment upon shipment of such equipment. In addition, Motorola shall invoice for installations completed on a site-by-site basis or when professional services are completed, when applicable. The value of the equipment shipped/services performed will be determined by the value shipped/services performed as a percentage of the total milestone value. Unless otherwise specified, contract discounts are based upon all items proposed and overall system package. Overdue invoices will bear simple interest at the maximum allowable rate by state law.

For Maintenance and Support Plan and Subscription Based Services: Motorola will invoice Customer annually in advance of each year of the plan.

Technical Product Descriptions

Utah StateLink Interface

Software: PCs and MDCs that are used to send transactions must have the Java virtual machine installed.

Feature List

- State and National Database Queries
- CAD Integration
- Alerts on Potential Dangers
- Multiple Response Destinations
- Mobile Integration

Utah transactions available from Mobile

Transaction type	Screen command line access	Screen name / Description	Message key(s) sent
Administrative		Change Password	PWD, CPW
		User Identification	XID
		Set Password	PWD, XID
	AM	Administrative Message (NLETS)	AM or AML
	YQ	Hit Confirmation Query (NLETS)	YQ
	YR	Hit Confirmation Response (NLETS)	YR
Boats	BQ	Boat Registration Inquiry (NLETS)	BQ
	QB	Query Boat (NCIC)	QB
Criminal History	FQ	Criminal History by State ID (NLETS)	FQ
	CHQ	Criminal History Query	UcchNameSearch or UcchDLnSearch or

			UcchSsnSearch or UcchRapsheetBySID or UcchRapsheetByFBI or SMTPPhotosForIdent
	IQ	Criminal History Query by Name (NLETS)	IQ
	JUV	Juvenile Query	AliasNameListRequest, NameListRequest
	QH	III Index Record Existence (NCIC)	QH
	QR	III Criminal History Record (NCIC)	QR
Driver license	DLQ	Driver License Query	GetDLSummary or DLSSNSearch or DLNamSearch or DLCountyDOBSearch
	DNQ	Driver Query By Name Only (NLETS)	DNQ
	DQ	Driver License Query (NLETS)	DQ or DQG
	EMRG	Emergency Contact	EMRGEmergencyContact
	KQ	Driver's History Query (NLETS)	KQ
Guns	QG	Query Gun (NCIC)	QG
Missing Person	QM	Query Missing Person (NCIC)	QM
Protection Order	QPO	Query Protection Order (NCIC)	QPO or QV or QW or QWA or QWB or QWE or QWF or QWI or QWS or ZV or ZW
Sex Offender	QXS	Query Sex Offender (NCIC)	QXS

Vehicle	QV	Query Vehicle (NCIC)	QV
	RNQ	Registration By Name (NLETS)	RNQ
	RQ	Registration Query (NLETS)	RQ or RQG
	RQH	Plate History Query	RQPlateHistory
	RQN	Vehicle Registration By Name	RQNameQuery
	RQP	Placard Query	RQPlacardQuery
	RQPVP	Partial VIN/Plate Query	RQPartialVinPlateQuery
	RQV	Vehicle Registration	RQVWAQuery
	SQ	Snowmobile Registration Query (NLETS)	SQ
Wanted	QSW	Query Statewide Warrants	Qsw
	QW	Query Wanted (NCIC)	QW or ZW or QWA or QWE or QWF or QWS or QWB or QWI or QV or ZV
	SWQ	State Warrant (NLETS)	SWQ
Name Search Screen		QW/QSW - Query Wanted	QW, Qsw
		DQ - Driver License or XDQ – Utah Driver License	DQ or DQDriversQuery

		MIP - Person Multi-Query	QWQueryWanted, Qsw, (GetDLSummary or DLSSNSearch or DLNameSearch) , DQDriverLicenseQuery, ProtectiveOrderSearch
		IQ - Criminal History or FQ - Criminal History	Iq or IQ or FQ
		KQ – Driver’s History Query	KQ
		QH – NCIC Criminal History Or QR – NCIC Criminal History	QH or QR
		JUV – Juvenile Criminal History	AliasNameListRequest, NameListRequest
		PO – Protective Order	ProtectiveOrderSearch
		RQN - Vehicle Registration Or RNQ - Vehicle Registration	RQNameQuery or RNQ
		RQ - Placard Query	RQPlacardQuery
Vehicle Search Screen		MIV - Vehicle Multi-Query	wqv, QV, QW, (RQVWAQuery or RQ),
		DQ – NLETS Driver License or XDQ – Utah Driver License	DQ or DQDriversQuery

		MIP – Person Multi-Query	QWQueryWanted, Qsw, (GetDLSummary or DLSSNSearch or DLNameSearch) , DQDriverLicenseQuery, ProtectiveOrderSearch
		RQ – Registration Query	RQVWAQuery or RQRegistrationQuery
		RQ - Partial VIN/Plate Query	RQPartialVinPlateQuery
		RQ - Placard Query	RQPlacardQuery
		RQ - Plate History	RQPlateHistory
		RQ - Permit Number	RQPermitNumber
		RQ - State Assigned Number	RQStateAssignedNumber
Boat Search Screen		BQ - Boat Registration	RQVWAQuery or BQ
		QB - Stolen Boat	QB

Requirements

Software

Software	Version	Vendor/Company	Notes
Flex	Version 4.5 or higher	Motorola Solutions, Inc.	
O/S	Windows	Microsoft	• AIX • Linux
Other Requirements			• StateLink Version: 2.0 • Executable: StateLinkUT.war (War) • Protocol: Web Services • Interface Standard: Local and NCIC 2000 Standard Transactions using NLETS National Standard • Delivery Package: Installation Package Available • NCIC 2000 Standard: Yes • Displays Images in Returns: Yes • Voiced Responses: Yes • Highlighting: Yes

			• Import to Flex: Yes • Requesting Unit Auto Forward: Yes • Hit Alerts: Yes
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Utah Flex IBR Interface

The Utah Incident-Based Reporting (UTIBR) module gives Flex users the ability to compile detailed crime information for submission to the state of Utah's UCR program. In addition to compiling crime statistics, the UTIBR module has a data auditing feature that assists users in locating data errors or questionable data prior to submission. The software will also aid users in correcting these errors. As Utah is now following the FBI's technical specifications, any submissions generated by the Flex software meets both organizations requirements.

Modules

Knowledge of the following modules is recommended
• Training in UT NIBRS procedures and Flex UTIBR module • Training in Flex Law and RMS modules

Requirements

General

The UTIBR module has been updated to meet the requirements as established by the FBI in the document *National Incident-Based Reporting System Technical Specifications v3.0*. This update includes additional updates released by the FBI in November, 2017.

Software

Software	Version	Vendor/Company	Notes
Flex	Version 6.3	Motorola Solutions, Inc.	
Hub module	Version 6.3	Motorola Solutions, Inc.	
Law module	Version 6.3	Motorola Solutions, Inc.	
RMS module	Version 6.3	Motorola Solutions, Inc.	

InSight

Agencies can enhance their data sharing initiatives by performing secure, real-time queries of local agency records. The Flex InSight module enables agencies to collaborate effectively, regardless of whether they are using Flex or a non-Flex information database. Through a multi-system, multi-jurisdictional data sharing broker, users are able to run real-time queries on the databases of participating agencies for:

- Names
- Associated images
- Vehicles
- Property information
- Other records

Strong Security

Agencies receive all the benefits of advanced information sharing, while maintaining the highest level of data security. InSight supports simultaneous, multi-agency returns with one search, and incorporates the Global Justice XML Data Model (GJXDM) and advanced data encryption and user-defined privileges.

The InSight model allows each agency to search for information outside its jurisdiction and receive critical returns. Data is protected through user-defined security privileges and 192-bit encryption – the established standard for the public safety industry. When several counties or regions want to share information, multiple InSight brokers can be connected.

XML Framework

InSight incorporates the Global Justice XML Data Model. The XML-based framework of appropriate federal specifications allows justice and public safety agencies to share information at all levels. Using XML, Flex provides the power needed to share mission-critical data among other law enforcement agencies, regardless of vendor and without costly interfaces.

Powerful Searching

Information such as arrest warrants, history of driving under the influence, or assaulting officers can be critical to a field officer's safety. Without leaving the patrol car, picking up the radio, or going back to the office, personnel can utilize InSight to search their own agency data and that of other jurisdictions. Users can even create subscriptions for searches, alerting them when other users are searching for the same record.

For example, an investigator can receive notification if another user is searching the system for the same name record, thereby assisting in the investigation of a suspect. Sample return information includes the following:

Sample Return Information			
Name Search	Vehicle Search	Property Search	Jail Search
First Name	License Plate Number	Item Name	Name
Last Name	State	Recovered Date	Physical Descriptions
Street Address	Registration Exp. Date	Item Value	Arrest Date
Telephone	Year	Year	Arresting Agency/Officer
SSN	Make	Brand	Location of Arrest
Height	Model	Model	Disposition
Gender	Color	Serial Number	Age of Arrest
Hair Color	Owner	Color	Arrest Type
Eye Color	Agency Code	Owner	Location Code
Ethnic Group	Responding Officer	Responsible Officer	Circumstances
Photograph	Photograph	Photograph	Arrest Comments
Alerts & Involvements	Alerts & Involvements	Alerts & Involvements	Offense Details

When InSight sends data back, the program labels the name of the agencies from which the return came, along with a link giving access to additional information on a person, vehicle, or property item. InSight is a browser-based application and has been designed to work over slower connections. It can also be fully utilized in Mobile environments as needed. With InSight, users can also see related involvements on the record.

Utah State eCitation Form

The Utah Citation Form (UT Cite) provides a simple, easy to use, tool for officers in the field to complete electronic citations. The UT Cite can be completed quickly and efficiently by officers using name and vehicle records from

the Flex database. Validation is built into the electronic citation to ensure the information entered into the electronic citation is correct.

Workflow records can be created for each citation to allow an agency to define the process for approval.

Requirements

General

Not applicable.

Hardware

Not applicable.

Software

Flex 6.2 +
Mobile 4.6+
.NET 4.0

Documentation

Mobile eCitation and State Crash Forms Manual.

Training

Training is available through the training department. Training videos are also available.

User Information

The UT Cite is opened from within Mobile. When the UT Cite is started the officer is presented with the state specific citation they are familiar with.

A list of name and vehicle records that have recently been ran by the officer are available for quickly completing the UT Cite. The electronic citation can be completed by dragging and dropping a name or vehicle record onto the citation. When the record is dropped, the appropriate fields are completed. Names and vehicles can also be added to the UT Cite by selecting the record to add to the citation and then selecting the area on the citation to populate using the keyboard.

Information specific to the UT Cite is completed by typing directly on the citation or selecting from predefined values where applicable. UT Cite specific values for each box are built into the form for the officer to choose from where appropriate.

SAA Information

- The electronic citation can be turned on or off by individual user or group.
- The completed citation is attached to the appropriate citation record within the Flex software for easy retrieval and viewing.
- A translation tool is provided to allow an agency to translate state specific coding to values in the Flex database the agency has already defined to the values required on the UT Cite.

Maintenance Information

The UT Cite is updated as state requirements are updated.

ieyeTek Crash import to Flex

The ieyeTek Crash Interface imports Crash from ieyeTek crash form into the Flex database. The changes for ieyeTek consist of a specific stylesheet used with our CitationInterface war file. On a time interval that is configurable, the ieyeTek Crash Interface pulls fixed length files alongside with the crash images from an FTP site over to the Flex server. The ieyeTek Crash Import uses a custom CitationInterface XmlSplitter (CrashXmlSplitter) to split the fixed format NIST file into XML.

1. The first pass XSLT wraps the text file in an XML element called <iyeTek.Crash> and transforms it into a record per line (with type, seqno, and length attributes) that will make it easier to transform into fully structured XML for further processing.
2. The second pass XSLT further parses each record into individual xml elements for easier consumption. This form is what crash.xslt will use to further transform the input into DEx XML.

Feature List

- Import of Crash data
- Import New Name records with system involvements, or system involvements between the Accident record and existing Name records
- Import of New Vehicle records with system involvements, or system involvements between the Accident record and existing Vehicle record
- Crash Image Import
- Local Directoy, SFTP and FTPS supported pickup methods

Modules

Knowledge of the following modules is recommended

- CitationInterface.war
- Accident Flex Tables

Requirements

General

The agency must provide an FTP server to store the XML files output by iyeTek and allow traffic between that FTP server and the Flex server.

Fields that are to be transferred must currently exist in the Flex database.

Hardware

This project has no special requirements beyond the standard Flex server requirements.

Software

Software	Version	Vendor/Company	Notes
Flex	2020.3 and above		
DEx	2020.3 and above		



MEMORANDUM

TO: Mayor & Council

DATE: May 14, 2021

FROM: Kris Nilsen, City Engineer

RE: **Notice of Award to Holbrook Asphalt for 2021 Seal Coat Project**

In this memo staff recommends awarding the 2021 Seal Coat Project to Holbrook Asphalt for the amount of \$172,835.41 to provide a high-density mineral bond sealer.

Background

Asphalt sealers have proven to be a cost-effective means to extend the life of asphalt streets. The city has identified a high-density mineral bond (HDMA) as the product that provides the best value to seal coat our streets. It has proven itself to provide a better seal than the traditional slurries and is well liked by the public. It also carries a better warranty than other seal coat products on the market. We typically only seal coat streets with new or nearly new asphalt.

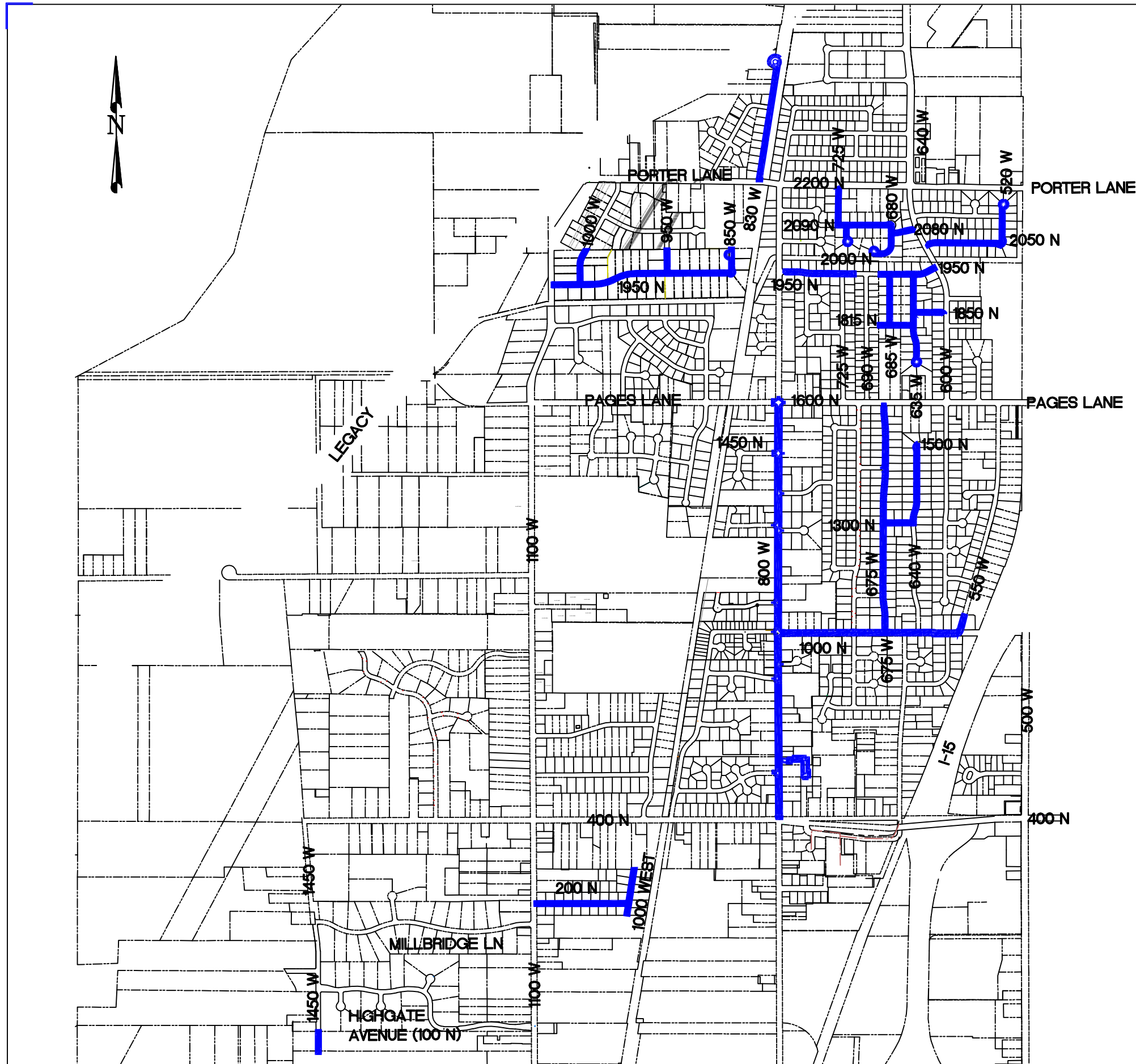
2021 Project

The locations we intend to seal coat this year include:

City Funded	Subdivision Funded
800 W	Mountain View Subdivision
See Attached Map	Tailgate Subdivision

West Bountiful City requested bids from contractors to provide a High Density Mineral Bond seal coat for the asphalt streets listed. Holbrook Asphalt provided the only bid. The unit prices of the bid are in line with staff's expectations.

Staff is recommending a contract be awarded to Holbrook Asphalt for the amount of \$172,835.41 to provide a HDMA sealer. Approximately \$20,400 that amount will be paid by developers leaving the City's portion at about \$152,400.



KEY NOTES:

1. HIGH DENSITY MINERAL BOND SEAL SHALL BE PER DEPARTMENT OF TRANSPORTATION HIGH DENSITY MINERAL BOND SPECIFICATION.
2. CRACK FILL WAS RECENTLY COMPLETED AND IS NOT REQUIRED AS PART OF THIS CONTRACT.
3. CLEAN EXISTING ASPHALT PRIOR TO SEAL COAT
4. TRIM TREES BELOW 14' HIGH HANGING OVER ROAD AS NEEDED
5. TRAFFIC CONTROL IS THE RESPONSIBILITY OF THE CONTRACTOR.
6. NOTIFICATION TO AFFECTED PROPERTY OWNERS IS REQUIRED.
7. PAVEMENT STRIPING IS NOT REQUIRED
8. TAPE ENDS OF APPLICATION FOR A STRAIGHT CUTOFF LINE.
9. CLEAN RUNOFF OFF OF CONCRETE SURFACES AND EXCESS AGGREGATE.
10. CONTRACTOR TO COORDINATE WITH OWNER TO AVOID CONFLICT WITH GARBAGE PICK UP (MONDAY OR TUESDAY).
11. WORK IS TO BE COMPLETED BY AUGUST 27, 2021
12. NO HARD CLOSURE OF STREETS AFFECTING ALL TRAFFIC.

STREETS 2021 FOR APPLICATION OF ASPHALT SEAL

CONTRACTOR WILL BE REQUIRED TO SUBMIT A WARRANTY CERTIFICATE PER THE SPECIFICATIONS AS A CONDITION TO BE CONSIDERED FOR AWARD. MATERIAL DATA SHEETS AND MATERIAL SAMPLES MAY BE REQUESTED BY THE OWNER WHICH WILL BE SUBMITTED TO AN INDEPENDENT TESTING FACILITY FOR QUALITY ASSURANCE VERIFICATION. BIDDERS WHO FAIL TO PROVIDE THE REQUISITE WARRANTY OR WHOSE MATERIAL FAILS TO MEET THE SPECIFICATION MAY BE SUBJECT TO FORFEITING BID BOND.

NO.	DATE	REVISIONS	DRAWN BY:
			KN
			FILE NAME:
			HA-5_2021
			DATE:
			4-21-2021

WEST BOUNTIFUL CITY

550 North 800 West
West Bountiful, UT 84087
Office: 801.292.4486 Fax: 801.292.6355
www.westbountiful.utah.gov



ASPHALT SEAL COAT
WEST BOUNTIFUL CITY, UTAH

EXHIBIT A

PROJECT NO:	2-013
SHEET NO.	C-01
SCALE	1:1200
	1 OF 1



MEMORANDUM

TO: Mayor & Council
DATE: May 14, 2021
FROM: Duane Huffman
RE: Water Rates

This memo provides information for a discussion on culinary water rates. Based on the council discussion at the May 18th council meeting, a resolution will be prepared for June for final adoption of the rates (staff recommends considering delayed effective dates for major changes).

History of Rates

$\frac{3}{4}$ " Residential

	2018	2014	2010	2008	2002	2001
First 8K Gal.	\$22.00	\$22.00	\$22.00			
Bond	\$18.00	\$18.00	\$18.00			
Capital	\$10.00	\$10.00	\$23.00			
Base Rate	\$50.00	\$50.00	\$63.00	\$30.00	\$22.00	\$20.00
8K-12K	\$0.69	\$0.69	\$0.69	\$0.65		
13K-30K	\$0.80	\$0.80	\$0.80	\$0.75	\$0.60	\$0.60
31K+	\$1.27	\$1.27	\$1.27	\$1.20		

Commercial

	2018	2014	2010	2008	2002	2001
$\frac{3}{4}$ "	\$63.00	\$63.00	\$63.00	\$30.00	\$24.00	\$22.00
1"	\$88.20	\$88.20	\$88.20	\$42.00	\$28.00	\$26.00
1 $\frac{1}{2}$ "	\$113.40	\$113.40	\$113.40	\$54.00	\$40.00	\$38.00
2"	\$182.70	\$182.70	\$182.70	\$87.00	\$46.00	\$44.00
3"	\$693.00	\$693.00	\$693.00	\$330.00	\$54.00	\$52.00
4"	\$882.00	\$882.00	\$882.00	\$420.00	-	-
5"	\$1,102.50	\$1,102.50	\$1,102.50	-	-	-
6"	\$1,323.00	\$1,323.00	\$1,323.00	\$630.00	-	-
12K-48K	\$0.91	\$0.91	\$0.91	\$0.65	\$0.60	\$0.60
48K+	\$1.68	\$1.68	\$1.68	\$1.50	-	-

Student Recommendations and Assumptions

A team of business school students recently completed a project that analyzed the water rates. They projected operational, capital, and debt costs for the next 10 years, and then compared water usage data to the rate structure to determine if various rates were equitable. Their final recommendation was to adjust the rates to have each class of rate payer pay for the share of costs from that group as follows:

¾" Residential

	Students	2018	2014	2010	2008
First 8K Gal.	\$23.47	\$22.00	\$22.00	\$22.00	
Bond	\$9.99	\$18.00	\$18.00	\$18.00	
Capital	\$19.54	\$10.00	\$10.00	\$23.00	
Base Rate	\$53.00	\$50.00	\$50.00	\$63.00	\$30.00
8K-12K	\$2.40	\$0.69	\$0.69	\$0.69	\$0.65
13K-30K	\$2.85	\$0.80	\$0.80	\$0.80	\$0.75
31K+	\$4.50	\$1.27	\$1.27	\$1.27	\$1.20

Commercial

	Students	2018	2014	2010	2008
¾"	\$87.00	\$63.00	\$63.00	\$63.00	\$30.00
1"	\$134.00	\$88.20	\$88.20	\$88.20	\$42.00
1 ½"	\$260.00	\$113.40	\$113.40	\$113.40	\$54.00
2"	\$585.00	\$182.70	\$182.70	\$182.70	\$87.00
3"	\$700.00	\$693.00	\$693.00	\$693.00	\$330.00
4"		\$882.00	\$882.00	\$882.00	\$420.00
5"		\$1,102.50	\$1,102.50	\$1,102.50	-
6"	\$1,760.00	\$1,323.00	\$1,323.00	\$1,323.00	\$630.00
12K-48K	\$1.80	\$0.91	\$0.91	\$0.91	\$0.65
48K+	\$3.40	\$1.68	\$1.68	\$1.68	\$1.50

The students' recommendations are highly dependent on assumptions regarding beginning cash balances, capital projects, future inflation, and interpretations on what is equitable.

Beginning Cash Balance for Capital

The students used a beginning cash balance of \$1,750,000 that would be available to go towards capital needs. Upon further analysis, staff believes \$3 million is a more accurate figure.

Capital Projects

The students used a total capital needs of \$11.9 million over the next 15 years. That was based on the following projects costs as included in the city's capital facilities plan:

- Replace 36,000' of Cast Iron Pipe: \$8.3 million

- 500 S Water Line: \$1 million
- Additional Water Storage: \$2 million
- Other Capital: \$600 K

Staff believes that that the city is to the point of needing a new complete capital facilities plan for the water system (as well as the roads and storm system) to better determine future capital needs. Until that is complete, staff is comfortable recommending using a capital needs figure of around \$9 million over the next 15 years.

For context here is how the recommendations would change based on these new assumptions and keeping tiers at today's level:

$\frac{3}{4}$ " Residential

	Updated	Students	2018	2014	2010	2008
First 8K Gal.	\$26.39	\$23.47	\$22.00	\$22.00	\$22.00	
Bond	\$10.80	\$9.99	\$18.00	\$18.00	\$18.00	
Capital	\$11.10	\$19.54	\$10.00	\$10.00	\$23.00	
Base Rate	\$48.29	\$53.00	\$50.00	\$50.00	\$63.00	\$30.00
8K-12K	\$0.69	\$2.40	\$0.69	\$0.69	\$0.69	\$0.65
13K-30K	\$0.80	\$2.85	\$0.80	\$0.80	\$0.80	\$0.75
31K+	\$1.27	\$4.50	\$1.27	\$1.27	\$1.27	\$1.20

Commercial

	Updated	Students	2018	2014	2010	2008
$\frac{3}{4}$ "	\$78.53	\$87.00	\$63.00	\$63.00	\$63.00	\$30.00
1"	\$119.43	\$134.00	\$88.20	\$88.20	\$88.20	\$42.00
1 $\frac{1}{2}$ "	\$241.77	\$260.00	\$113.40	\$113.40	\$113.40	\$54.00
2"	\$578.11	\$585.00	\$182.70	\$182.70	\$182.70	\$87.00
3"	\$697.93	\$700.00	\$693.00	\$693.00	\$693.00	\$330.00
4"			\$882.00	\$882.00	\$882.00	\$420.00
5"			\$1,102.50	\$1,102.50	\$1,102.50	-
6"	\$1,819.85	\$1,760.00	\$1,323.00	\$1,323.00	\$1,323.00	\$630.00
12K-48K	\$0.91	\$1.80	\$0.91	\$0.91	\$0.91	\$0.65
48K+	\$1.68	\$3.40	\$1.68	\$1.68	\$1.68	\$1.50

Options and Policy Questions

At the council meeting on May 18th, staff will have a spreadsheet prepared that will allow the council to adjust assumptions (capital costs, inflation, etc.) and potential rates to see in real-time the impact of various scenarios. In advance of that meeting, staff asks that the council consider the following policy questions:

1. How comfortable is the council with a strong increase in tiers for additional residential usage?
 - a. Pros:
 - i. Helps create a more equitable rate structure.
 - ii. Promotes water conservation.
 - b. Cons:
 - i. May destabilize revenues.
 - ii. Impacts residents that do not currently have access to secondary water.
2. How comfortable is the council with strong increases in commercial rates?
 - a. These rates have not increased in over 10 years.
 - b. If we assume that a per gallon basis is the way to determine an entity's share of the system, data is clear that commercial users are not currently paying their fair share.
 - c. However, it could be argued that the commercial system requires far less pipe than the residential system, and that the residential system should carry a higher proportional share of the system.
 - d. Would it be better to phase increases over a few years rather than one large jump?
3. How often does the council want to adjust water rates moving forward?
 - a. Should rates have a 5-year term?
 - b. Should rates have small adjustments for inflation each year?

PENDING – NOT YET APPROVED

Minutes of the Joint meeting of the West Bountiful City Council and Planning Commission held on **Tuesday, April 27, 2021** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

MEMBERS: Mayor Ken Romney, Councilmembers James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, Rod Wood, Planning Commission Chairman Alan Malan, Corey Sweat, Laura Charchenko, Mike Cottle, Dennis Vest.

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Cathy Brightwell (Community Development), Kris Nilsen (City Engineer), and Debbie McKean (Secretary)

PUBLIC: Chris Jenson, Chad Wilson, Sean Hugoe, Al Jones, Jay Jenkins, Gary Jacketta, Dee Dee Naff, E'lane Arbuckle, John Janson, Kevin Arbuckle, Kim Knight, Jake Young, Kevin Thacker, Merilee Thacker.

Duane Huffman explained that tonight's joint session provides an opportunity to discuss current land use issues and for the city council to provide direction to the planning commission on these issues.

1. Planned Unit Development Discussion

Duane Huffman gave a brief history of city's planned unit development (PUD) ordinance, noting the most recent PUDs in our city were Cottages at Havenwood (Ovation Homes) and Kinross Estates. In 2017, the PUD code was modified which included changing the density bonus from 35% to 20%, two of the main features of the PUD ordinance being rural site design and providing substantial public benefit to the community.

Mr. Huffman discussed the pros and cons of a PUD. For example, if a developer proposed a minimum one-acre lot subdivision without using the PUD ordinance, the city has no input on architectural standards, roles of a Homeowners' Association, or any investment in the community beyond impact fees. A PUD proposal, which is a legislative decision, gives the city the authority to negotiate improvements it deems are beneficial to the city as a tradeoff for flexibility on lot sizes and density.

As an example, Mr. Huffman noted that a PUD concept was recently submitted for the Brookside Ranch development on the west side which includes 126 lots on 126 acres. The developer's proposal would likely use the full 20% bonus density allowed. The proposed lot sizes range from .50 to 3.2. He emphasized that this development is far from being approved and is used only as an example for tonight's discussion.

Some discussion took place on what should be considered open space as a benefit to qualify for bonus density. If space is already not developable, should it be counted as open space, such as power corridors and wetlands? All members concurred that the city needs to get value for bonus density.

Mayor Romney asked for a straw poll to know where people stand regarding the current 20% PUD bonus density amount and see if other concerns exist. The majority concurred that benefits need to

align with the amount of density that is granted and that the current PUD ordinance is a sufficient tool in making those decisions. They like the idea that the city be careful with easement in a benefit analysis for a PUD. They would also like to see lot sizes closer to the base lot size, and involvement of surrounding neighbors through the process.

2. Housing in Certain Commercial Areas Overlay (HCCO)

Duane Huffman explained that we need tools in our municipal code to allow for high density housing that corresponds with our General Plan. He introduced a draft for their review that our contracted city planners, John Janson and Jake Young, developed regarding an overlay that could allow housing in commercial areas along our 500 South and 500 West commercial corridors.

Mr. Janson explained that commercial areas in the state are changing and it may be time to consider some alternative uses of these retail properties that are being vacated. For that purpose, they developed a draft proposal that introduces more flexible housing types that could be used within the C-H and C-G zones along 500 South and 500 West, and to create a greater mix of uses in locations that provide transportation options and more services. If adopted, the project areas could be rezoned to include residential uses such as townhouses, stacked flats, and mixed-use buildings subject to certain site and building design requirements. A detailed application and approval process was included in the legislative proposal.

Discussion followed. West Bountiful is unique in that its primary commercial areas are clearly separated from its residential areas. This separation would allow higher density residential uses as proposed to be less impactful on the traditional residential zones in the city. As commercial businesses attempt to recover from the past year's difficulties and a change in the way consumers shop, along with a significant shortage of housing, this proposal allows a way for smaller units such as apartments, condos, etc., to exist within a mixed use development that benefits both the commercial and residential users.

There was some concern about allowing multi-family housing in the city and the idea that it could lead to future expansion. The legislature is very concerned about the impact the housing shortage has on affordable housing and has implemented requirements the past couple of years that provide incentives to address the problem. The proposal being discussed tonight allows the city to select the areas it deems most attractive for this type of housing while protecting its primary residential areas.

The city council asked the planning commission to work on this proposal and make a recommendation.

4. Accessory Dwelling Units (ADU) Discussion

Cathy Brightwell introduced a discussion on accessory dwelling units (ADU) noting that they have been around for decades but are making a resurgence and gaining popularity as an effective solution to challenges in limited and affordable housing availability, and as a source of income.

West Bountiful has allowed ADUs since 2011 and currently defines an ADU as a separate dwelling unit, within or attached to an owner-occupied single-family dwelling. ([WBMC 17.82](#)). Utah's current Land Use Development and Management Act (LUDMA) definition includes the option for detached,

"Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot. (Utah Code §10-9a-103 (1))

The planning commission has been considering changes to the city's ADU ordinance to eliminate the conditional use requirement as sufficient standards exist in code to mitigate any detrimental effects. In their discussions, there was interest in expanding the definition to include detached accessory dwelling units. These could be units over or behind a detached garage or home, "tiny" homes or small on-site "stick built" homes on a foundation in the side or rear yard.

SB 82, which becomes effective October 1, 2021, encourages the development of internal accessory dwelling units throughout the state and makes the following changes to State Code; it does not mandate detached ADUs.

- Internal accessory dwelling units are a permitted use in primarily residential zones.
- Eliminates "unrelated" in single family definition referring to whom the ADU can be rented.
- Prohibits minimum size, lot area, and frontage requirements in most cities, and
- Changes Building code to make it easier to convert/establish internal ADUs in existing homes.

Over the years, there was concern about how detached ADUs might affect the "single-family" dwelling distinction in our Code, but many cities have determined that regardless of its physical form, an ADU is legally part of the same property as the main home. It cannot be bought or sold separately as a condo or dwelling on wheels might be. The owner of the ADU is the owner of the main home.

Planning Commission is in the process of re-evaluating permitted and conditional uses in each zone. Internal ADUs are recommended to be moved from conditional to permitted use. Staff is looking for direction from city council on whether to allow detached ADUs and if so, should they be permitted or conditional? They would also like input on requiring business licenses from ADU property owners.

Following discussion, most of the city council did not support allowing detached ADU's at this time. In addition, it was felt that property owners should not have to obtain a business license for ADU's as it would result in a lot of work for staff. Mr. Huffman pointed out that monitoring ADU's is a difficult task for city staff.

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, May 18, 2021.

Cathy Brightwell, City Recorder

PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on **Tuesday, May 4, 2021** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

MEMBERS: Mayor Pro Tem Mark Preece, Councilmembers James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Rod Wood.

EXCUSED: Mayor Ken Romney

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Steve Maughan, (Public Works), Chief Brandon Erikson, Cathy Brightwell (City Recorder), Kris Nilsen (City Engineer), Patrice Twitchell (Finance Specialist), and Dallas Green (Golf Director).

PUBLIC: Davis County Commissioner Elliott, Alan Malan, Michelle Curtis

Mayor Pro Tem Mark Preece called the meeting to order at 7:35 pm and gave an Invocation. The Pledge of Allegiance was led by James Ahlstrom.

1. Approve the Agenda.

MOTION: *James Bruhn made a motion to approve the agenda. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

2. Public Comment.

Michelle Curtis, 465 N 660 West, thanked the city for putting up speed limit signs on 660 West. She said they have helped tremendously. She asked about plans the city might have to add sidewalk. Duane Huffman responded that 660 West has been identified as a street in need of improvements water line and asphalt improvements, but when it can be addressed is dependent on how the council prioritizes it against other similar projects, adding that current funding is sufficient for a complete road project that would add full curb, gutter, and sidewalk. He said there are several projects that will be included in the budget discussion later tonight. There was discussion about the road being used as a route to school. Ms. Curtis commented that 660 West is also used by junior high students walking to school or bus stops and feels it is important to address the issue as soon as possible.

Commissioner Elliott said the county commissioners are making the rounds to all the city councils to provide updates on county activities. He shared a flyer showing the restoration and reconstruction of the old Farmington Courthouse building to the north of the current county offices. The new building will include legal services, medical services, conference facilities, and storage. Construction is expected to be complete next year. There are also changes being made to the Fairgrounds. It will become a sports complex with an indoor/outdoor arena. USU will manage the facility as part of a partnership agreement with the County.

Commissioner Elliott also provided a Covid update. Eighty percent of people 70 and older in Davis County have received their vaccinations, which is a great achievement. There was discussion about the success of the drive-through vaccination facility at the fairgrounds and Commissioner Elliott commented that most of the people on-site were volunteers; they did it with no compensation except the county provided their meals which was around \$150k.

The county will receive about \$69M as part of the 2021 America Recovery Act. They are waiting for guidance before deciding how to spend it. He said they are open to ideas and would love to get suggestions.

Mayor Pro Tem Preece thanked him for the update.

3. Ordinance 441-21, An Ordinance Modifying Height and Setback Regulations in Residential Zones.

The Planning Commission has been discussing modifications to height regulations in residential zones for several months. A sliding scale was adopted in 2019 when requests for increased height were moved from a conditional use to a permitted use. Since that time, staff and city council have identified areas needing clarification and re-evaluation.

The Commission re-evaluated minimum and maximum heights for both primary and accessory structures in each of the residential zones; reviewed the sliding scale used for setbacks when additional height is requested; and looked for consistent measurement points to uniformly determine the height of structures.

They concluded that 1) the current maximum height levels in residential zones are appropriate and changes are not recommended. Recent complaints of a building in the agricultural zone that is too tall are better handled by increasing setbacks than reducing height limitations. As a result, setback adjustments are recommended. In the A-1 and A-S, minimum side setbacks for accessory and non-commercial structures increase from 6 ft to 10 ft for the standard 35 ft height and increase for each additional foot in height up to 40 ft. Changes in other zones are also recommended. Clarification was included that minimum setbacks for calculating additional height for accessory structures is based on the standard setback of 6 feet not the reduced setback for fire-rated construction of 3 feet. 2) Uniform measurement standards are best achieved using a consistent base point for all properties by measuring from top back of curb, or crown of road if no curb exists. Currently, height is measured from the lowest visible foundation point which can be significantly above or below the curb depending on the lot. They recognized that certain lot-specific circumstances may require consideration so several exemptions were included that can be determined and approved by the city engineer.

MOTION: *James Ahlstrom made a Motion to approve Ordinance 441-21 Modifying Height and Setback Regulations in Residential Zones. James Bruhn seconded the Motion which PASSED with a vote as follows:*

James Ahlstrom – aye
Kelly Enquist – aye
Rod Wood – aye

James Bruhn – aye
Mark Preece – aye

4. Expenditure Approval for a Turf Sweeper and Street Striping.

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 1) a turf sweeper (\$10,000) that is used to clean up aeration plugs and sweep debris such as leaves and sticks to be used primarily at the golf course. It was in the budget for next year, but we found a used one in great condition at a savings of approximately \$2100. 2) Street striping – the city budgets to spend \$24,000 annually on street striping which is generally done in August. Public Works is interested in moving the work to earlier in the summer to get better use from the paint before winter. This will involve moving the expense from FY 22 to FY 21 budget.

Both requested expenditures will require a budget amendment.

MOTION: *Rod Wood made a Motion to approve the purchase of the turf sweeper and street striping. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

5. Approve West Bountiful City Polling Location and Vote Centers for the 2021 Municipal Election.

The 2021 Municipal Election will be conducted by mail, but the County will have at least one location set up in each Davis County city on election day to accommodate voters who cannot vote independently on a paper ballot, did not receive a ballot in the mail, have misplaced their ballot or choose to submit their ballot in person at a polling location. West Bountiful's polling location will be at city hall.

Designating the polling places in each of the other Davis County cities as Vote Centers will also enable West Bountiful residents to vote in any of those vote centers on election day.

MOTION: *James Bruhn made a Motion to Approve City Hall as the Official West Bountiful Polling Location and Adopt Designated Polling Locations in Other Davis County Cities as Vote Centers. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

6. Fiscal Year 2022 Draft Budget Development Discussion.

Duane Huffman reviewed the current draft of the FY 22 budget which is required to be presented at the first meeting in May.

- General Fund balance = \$1,559,666 (30%)
- Police officer. The budget includes one new police officer. There was discussion about adding the second requested officer now or waiting until we have a better idea of property and sales tax revenues. Duane said it is important to first understand our ongoing fund availability, decisions on the west yard, etc. The second officer can be added later in the year as part of a budget amendment when we have a better picture of ongoing revenues.
- Sales tax revenues are budgeted at 3% from adjusted base (over current year).

- Budget presumes city hall will be paid off, but we are not sure what the amount will be for new debt service for a public works facility.
- Capital projects – new sidewalks to fill in gaps; road project priorities – 1) 600 West between Porter Ln and Pages Ln broken into 2 phases (1950 N to Pages and 1950 N to Porter), 2) 700 North from 1100 W to 975 W, and 3) 660 West from 400 N to 1000 N. This can be done as a water project or expanded to a full road project including curb, gutter, sidewalk but that will cost more than we have available funds. Storm drain issues require more homework due to elevation changes and there is no storm drain money available.

It was proposed that Capital Projects be limited to sidewalk gaps and 600 W from 1600 N to 2200 N (main water line, lateral connections, etc., and rebuild the road).

- American Recovery Funds (\$600k) – we are waiting for guidance on how the money can be spent. It will likely be available for water, sewer, and internet but no details are available at this point.
- Parks – 1) we previously discussed installing a drinking fountain at the Pages Ln trailhead. Cost appears to be around \$9k. Is this still something the city wants to do? There was agreement that it was not a good expenditure at this time. If there is a west side park in the future, a drinking fountain can be included that has access to Legacy trail. 2) add poured-in-place surface material under the zip line and spinner at city park; 3) a placeholder for Charnell park is included. Neighbor comments so far indicate the desire for a small pavilion. 4) there is a need for a trail connection from 1100 W to the Prospector Rail trail somewhere between 400 N and Pages Ln. The best option may be to use 700 N and go through the south end of the golf course at 975 W behind the green on hole #2. Reasonable protection such as a fence would be required. We will look at options.
- Golf course – no transfers from RAP or General Fund are necessary; the golf course has had a great year! Projects: 1) still working on #16 along 1100 W; 2) there are 2 holes with problems on 1200 N. We can do one this year and one next year.

There was no additional discussion. Mr. Huffman explained that a public hearing will need to be scheduled and suggested it be held on June 1.

MOTION: *Rod Wood made a Motion to Adopt the Tentative FY 2022 budget and set a public hearing for June 1. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

7. Minutes from April 6, 2021 City Council Meeting.

MOTION: *Rod Wood made a Motion to Approve the Minutes from April 6, 2021. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

8. Staff Reports

Police – Brandon Erikson

- The Spillman contract for records management is being reviewed by Steve Doxey and we are working with our current company, Fatpot, to ensure a smooth transition.

- Officer Brennan Halladay has completed his second year with the city.

Public Works – Steve Maughan

- Construction is underway for Ashby Acres curb and sidewalk.
- Pickleball slab was finished today. It will take about 30 days to cure, then electrical can be added. There will be a 6 ft fence on the north and south sides and a 4 ft fence on the east and west sides and a landscape buffer with a couple trees.
- Porter Lane road project will begin once the Ashby construction is finished. Once started, we expect it to be completed fairly quickly.
- Spring clean-up was the busiest ever.

Engineering – Kris Nilsen

- 400 N well house is scheduled to begin on May 17.
- Bid opening for the Seal Coat project will be May 13.

Community Development – Cathy Brightwell

- No report

Administrative Report – Duane Huffman

- Pickleball - We are proposing two shade structures between the courts. Options include shaded table with benches or just benches – consensus was to go with bench and table combination. We also need to select colors. There was not a strong preference regarding color other than to go with something lighter which should be cooler. Consensus was to go with light green and blue.
- Water conservation – we are working on plans for water conservation that include preparing a list of what we are currently doing and what we plan to do to reduce water usage on city properties. If desired, the city has authority to implement its own restrictions.

9. Mayor / Council Reports

James Ahlstrom – YCC will meet next week.

James Bruhn – no report

Kelly Enquist – no report

Mark Preece – no report

Rod Wood – no report

10. Closed Session for the Purpose of Discussing the Purchase, Exchange, or Lease of Real Property Pursuant to UCA § 52-4-205(d).

No closed session was held.

11. Adjourn.

MOTION: *Rod Wood made a Motion to adjourn the closed meeting. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, June 1, 2021.

Cathy Brightwell, City Recorder