

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

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

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**THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD ITS
REGULAR MEETING AT 7:30 PM ON TUESDAY, JUNE 15, 2021
AT THE CITY OFFICES, 550 N 800 WEST**

THIS MEETING WILL BE HELD IN-PERSON

AGENDA:

Invocation/Thought – Kelly Enquist; Pledge of Allegiance – Rod Wood

1. Approve Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Ferlin Subdivision 1-Lot Subdivision at 924 W 2200 North, Including a Deferral Request for Public Improvements and Secondary Water.
4. Resolution 496-21, A Resolution Implementing 2021 Watering Restrictions.
5. Resolution 497-21, A Resolution Reaffirming Culinary Water Rates.
6. Resolution 498-21, A Resolution Enacting the Second Amendment to the Fiscal Year 2020-2021 Budget.
7. Resolution 499-21, A Resolution Adopting the Fiscal Year 2021-2022 Budget and Property Tax Rate.
8. Resolution 500-21, A Resolution Amending the West Bountiful City Employment Policies and Procedures Manual Regarding Credit Card Use.
9. Presentation of Annual Fraud Risk Assessment.
10. Open Meeting Training for FY 2021
11. Meeting Minutes from May 18, 2021, and June 1, 2021.
12. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
13. Mayor/Council Reports.
14. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
15. Adjourn.

This agenda was posted on the State Public Notice website, the City website, emailed to the Mayor and City Council, and provided to the Davis Journal on June 11, 2021.

Minutes of the West Bountiful City Council meeting held on Tuesday, June 15, 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, and Rod Wood.

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

PUBLIC: Alan Malan, Rick & Lori Ferlin, Richmond Thornley

Mayor Romney called the regular meeting to order at 7:30 pm. Kelly Enquist offered a thought, and the Pledge of Allegiance was led by Rod Wood.

1. Approve the Agenda.

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

2. Public Comment.

There were no public comments.

3. Ferlin 1-Lot Subdivision at 924 W 2200 North, Including a Deferral Request for Public Improvements and Secondary Water.

Kris Nilsen reviewed the history of this request. The Ferlin's have applied for a 1-lot subdivision at 924 W Porter Lane. The lot meets the required A-1 zoning requirements for size and frontage.

The land under consideration was originally part of a larger parcel owned by Jeff and Paul Tingey. In 2015 the Tingeys submitted a subdivision application to divide the larger parcel into two, but quickly discontinued the process and instead filed an improper lot line adjustment with the county to connect the eastern half of the property to a lot owned by Mr. Paul Tingey in the adjacent Birnam Woods Subdivision. Based on comments made by the Tingeys at the time, this was clearly done to avoid the subdivision process and the associated fees and required improvements. Due to this action, the city considers the parcel to the east (and Mr. Tingey's lot in Birnam Woods) to have an illegal status. The land remaining on the west side of the parcel is what is now owned by the Ferlin's.

In 2018 the Ferlins made application and the planning commission approved a conditional use for a flag lot, and the city council approved a final plat for a 2-lot subdivision for this property. Conditions for approval included extending secondary water to the development, water rights deeded to the city or payment of water right fees, installation of a streetlight, and payment of

impact and inspection fees. Also, included was a deferral of curb, gutter, sidewalk and associated improvements as there was no existing curb immediately adjacent to the proposed development. This process helped this property to obtain a legal status after the improper Tingey lot line adjustment. However, the Ferlin's did not proceed to meet the conditions imposed for the subdivision, so a final plat was never recorded, and the subdivision approval has expired.

The Ferlins have abandoned their plans for a 2-lot subdivision with a flag lot, and now wish to place a single home on their 2.4 acres. Due to the unique history of the property, legal counsel has offered as an option the concept of a "1-lot" subdivision to allow the parcel to be legitimized as a lot. Under this scenario, the Ferlins must meet all the minor subdivision requirements and record a Record of Survey with the City's written approval under WBMC § 16.16.020.F and LUDMA Section 10-9a-605(1). They have asked for a deferral of the public improvements associated with curb, gutter and sidewalk, and a deferral to install secondary water.

The planning commission reviewed the application and recommended approval with a deferral of curb, gutter, sidewalk and associated improvements. They did not recommend granting the deferral of secondary water improvements.

Council member Wood asked for an explanation of how a deferral works and at what point does the city call a deferral due? It was explained that the city has historically granted deferrals in situations where there are no adjacent improvements. The Extension for Off-Site Improvements Agreement typically allows property owners 120 days after the city makes written request that the Improvements must be installed.

There was discussion that the city might want to pay for the improvements fronting the Tingey property and file a lien for reimbursement. This would allow improvements (curb, sidewalk) to continue from Birnam Woods subdivision west across the Tingey and Ferlin properties. There was some concern about whether the city has the authority to do public improvement and then place a lien on the property. Mr. Doxey suggested that the city could give Mr. Tingey Notice that improvements are necessary and if he does not complete them, the city can lien the property.

The Ferlins have been in talks with Weber Basin about how to meet the secondary water requirement. Weber Basin has indicated that the secondary water line must be extended from the west and cross the entire property rather than just connecting at the nearest corner even though there are no plans for the line to connect to existing water lines on the east due to separate pressure systems.

In response to questions, Rick Ferlin explained that he worked with Ben White, previous city engineer, for a couple of years as they went through their due diligence on the property. He understood that the Tingey property was considered an illegal lot, but he never understood that his property was not considered a legal building lot. He said they thought it would be nice to create a flag lot for their kids if they wanted it but the costs for the subdivision were too high. They have now decided to just go forward with building their home. A month after filing for a building permit this past April, they were surprised to find out their property was not a legal building lot, and they would be required to meet the same conditions required for a subdivision before the building permit would be issued. They have since requested deferrals of the street public improvements and secondary water connection. He added that if a standard deferral is not granted for the secondary water, they

request a delay so they can complete construction on their home before they must pay these additional expenses.

Mr. Huffman stated that the city has always been clear on the history of the property, and that the improvements are triggered not just by subdivision but also by building permits.

Mr. Ferlin responded that there was clearly a misunderstanding about what was required. They did not understand the conditions for a subdivision would also be required for a building permit. If they had known, they would likely have moved forward to complete the subdivision. They believed their current option was a less expensive way to get their home built.

Mayor Romney noted that the city needs to provide direction so they can get going on construction and suggested a time period be included for secondary water completion. He indicated that he has some sympathy for the Ferlins based on the confusion and resulting delays. He offered to put Mr. Ferlin in contact with Weber Basin decision makers to clarify their requirements.

MOTION: *Rod Wood made a Motion to Approve the Ferlin 1-Lot Subdivision subject to: 1) compliance with the conditions listed in the staff memo, 2) deferral of street improvements with the standard Extension for Off-Site Improvements Agreement, and 3) Secondary Water Connection is Deferred to the Beginning of the 2023 Building Season. James Ahlstrom seconded the Motion which PASSED by a vote of 4-1 with Council member Bruhn voting Nay.*

4. Resolution 496-21, A Resolution Implementing 2021 Watering Restrictions.

This Resolution mirrors the Watering Restrictions imposed by Weber Basin for outside watering during the drought.

MOTION: *Rod Wood made a Motion to Adopt Resolution 496-21 Implementing Watering Restrictions for 2021. Mark Preece seconded the Motion which PASSED by a vote of 4-1 with Council member Bruhn voting Nay.*

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

James Bruhn – nay
Mark Preece – aye

5. Resolution 497-21, A Resolution Reaffirming Culinary Water Rates.

The current culinary water rates are set to expire on July 1, 2021. The city council has determined that a water study should be conducted to review the projected operational, capital, and debt service needs of the water system. Until the study can be completed, it is appropriate to reaffirm the current rates. Components of the rate have been shifted with the total rate paid by residents remaining the same.

There was discussion about the need to move forward with the study quickly to fix any rate inequities between residential and commercial customers.

MOTION: *James Ahlstrom made a Motion to Adopt Resolution 497-21 Reaffirming Culinary Water Rates. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

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

James Bruhn – aye
Mark Preece – aye

6. Resolution 498-21, A Resolution Enacting the Second Amendment to the Fiscal Year 2020-2021 Budget.

The proposed Amendments to the FY 2020-2021 have been discussed in previous meetings. There are some additional increases in revenue, and expenses include a transfer to the public works west yard project. Also noted was the significant increase in bank charges especially at the golf course as payment policies changed last year for COVID. The Fund Balance is \$1.3M (26%) which may still reflect underestimated sales tax revenues.

MOTION: *Mark Preece made a Motion to Adopt Resolution 498-21 Enacting the Second Amendment to the Fiscal Year 2020-2021 Budget. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

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

James Bruhn – aye
Mark Preece – aye

7. Resolution 499-21, A Resolution Adopting the Fiscal Year 2021-2022 Budget, and Property Tax Rate.

Duane Huffman reviewed final changes to the FY 2021-2022 Budget which includes the Certified Tax Rate of 0.001301. This rate has been reduced from last year due to growth in property values in the city. The budget also includes a 2% increase in the city's pay scale for inflation, including elected officials. The General Fund Balance is \$1.288M (25%).

MOTION: *James Ahlstrom made a Motion to Approve Resolution 499-21 Adopting the Fiscal Year 2021-2022 Budget and Property Tax Rate. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

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

James Bruhn – aye
Mark Preece – aye

Lori Ferlin returned and asked to address the city council following the discussion and decision made for Agenda Item 3 earlier this evening.

James Bruhn made a Motion to suspend the agenda to allow Mrs. Ferlin's comments. The Motion was seconded by James Ahlstrom and voting was unanimous in favor.

Lori Ferlin thanked the Council for their thoughtful decision. This has become a very expensive process, and they appreciate the willingness of the Council to help them. However, she feels it is important to state that she was offended by Mr. Huffman's earlier comments that implied they lied about what they knew when working with Mr. White several years ago. These issues never came up in earlier conversations and they truly believed they could build their home without the additional development fees and survey costs. She added that she and her husband take pride in being honest people.

Duane Huffman apologized and said he never intended to imply that she or her husband acted dishonestly.

Mayor Romney thanked her for coming back to share her concerns. Council member Ahlstrom assured her their integrity was never in question. He said the problem was with how Mr. Tingey handled the issue, and they are suffering the consequences.

8. Resolution 500-21, A Resolution Amending the West Bountiful City Employment Policies and Procedures Manual Regarding Credit Card Use.

Duane Huffman explained that this Resolution amends the Employment Policies and Procedures Manual to add a section on credit card use.

MOTION: *James Bruhn made a Motion to Adopt Resolution 500-21 Amending the West Bountiful City Employment Policies and Procedures Manual Regarding Credit Card Use. Kelly Enquist seconded the Motion which PASSED by unanimous vote of all members present.*

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

James Bruhn – aye
Mark Preece – aye

9. Presentation of Annual Fraud Risk Assessment.

Fraud and the potential of fraud is an issue that West Bountiful City takes very seriously. City staff supports the idea of a regular fraud risk assessment and is committed to continual improvement in this area. The city recently hired accounting support and recommends establishing an audit committee in the future.

Duane Huffman presented the annual Fraud Risk Assessment for FY-21. The city's "risk level" according to the Office of the State Auditor is Low Risk at 320 points. This is an improvement from FY-20's High Risk at 220 points.

10. Open Meeting Training for FY 2021

Duane Huffman reviewed the Open and Public Meetings Act including changes made this past year dealing with electronic meetings without anchor locations.

11. Minutes from May 18, and June 1, 2021, City Council Meetings.

MOTION: *James Bruhn made a Motion to approve the meeting minutes from May 18 and June 1, 2021. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.*

12. Staff Reports

Police – Brandon Erikson

- Received two new trucks and equipment is being installed. Once this is complete, the old ones will be ready for auction.
- There is an issue with delivery of the new Ford Explorers due to a shortage of computer chips. We have been told we will receive them in the "near future."
- We are running background checks on two new officers. If they both pass, one will be a regular officer and one could be used as reserve, then we will appoint a second detective from within current force.

Public Works – Steve Maughan

- Working on fire hydrants on Porter Lane before road construction begins middle of July.
- Pickleball - concrete was added, fencing and artificial turf should be installed this week or next, and surfacing is scheduled for next week. Once we are done, the school district can do their landscaping.
- Miscellaneous concrete work will begin soon.
- Well house construction is going well.
- Streetlight update - Duane helped with contacts at Rocky Mountain Power and we seem to be moving in a good direction. We reported 36 lights and 13 have been repaired so far. Will look at the ones we own after the other repairs are completed.

Engineering – Kris Nilsen

- Working on subdivisions, building permits, and golf course issues, including an emergency connection to the golf course for irrigation.

Community Development – Cathy Brightwell

- Candidate Filing Period began today and will run through Monday, June 7 for the mayoral seat and two city council seats.

Administrative Report – Duane Huffman

- Working on an RFP for the public works west yard. It is projected at \$6M with a metal building; three years ago, it was estimated to be \$7M with other building materials. Financing options will be provided. The hope is to have earthwork and other items completed over this winter and main construction early next year.
- Finalizing FEMA process for windstorm expenditures. We are expecting \$30-40K back.
- UTOPIA provided additional information following their earlier presentation. We responded with several questions and have asked them to confirm number of connections which seem to off by about 1000. We were able to confirm there will be no upfront costs to bring service to the home.

10. Mayor / Council Reports

Kelly Enquist - no report.

James Bruhn – Arts Council has been working on the Independence Day events scheduled for July 3 at city park. The band will begin at 8 pm and fireworks at 10:00 pm.

James Ahlstrom – Youth Council planted trees at city park on Arbor Day. They have received 20 applications for the upcoming term and interviews will be scheduled over the next couple of weeks. Nicole Wood will be the mayor for the 2020-2021 term.

Mark Preece – no report.

Rod Wood – no report.

Mayor Romney – Independence Day events: working on flag ceremony for July 3; we have rented a stage for the band and public works will put it together; fireworks will begin at 10pm.

11. Closed Session Pursuant to UCA § 52-4-205(1)(c).

No closed session was necessary

12. Adjourn.

MOTION: *James Bruhn made a Motion to adjourn the closed meeting. Rod Wood 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, July 20, 2021.

Cathy Brightwell, City Recorder
City Recorder