

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
FAX (801) 292-6355
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, 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.

MEMORANDUM



TO: City Council

DATE: June 15, 2021

FROM: Kris Nilsen, City Engineer

RE: **Ferlin 1-Lot Subdivision**

Rick and Lori Ferlin have applied for a one (1) lot subdivision with frontage on the north side of Porter Lane (2200 North) at address 924 West (parcel ID 06-011-0143). The property is within the A-1 zone and consists of 2.4 acres. The lot meets the required A-1 zoning requirements for size and frontage (as represented).

Property History

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 remaining land 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 2-lot subdivision for this property. This process helped this property to obtain a legal status after the improper Tingey lot line adjustment. However, the Ferlin's did not proceed with recording the subdivision, and the subdivision approval has expired.

For reference, below is a summary of the conditions for the original 2-lot subdivision from 2018.

1. Install one streetlight near the driveway entrance to the proposed flag lot.
2. Secondary water required to be extended to provide service to the development.
3. Curb, gutter, sidewalk, and associated improvements were deferred. The rationale included findings that there is no existing curb immediately adjacent to the proposed development and that the property is in the A-1 zone whereas other nearby property with curb is in the R-1-10 and R- 1-22 zones. Improvements terminate on the property east of the original parcel that was improperly divided. If this property had been properly subdivided in 2015, it would likely have had the required improvements.
4. Water rights required to be deeded to the city or payment of water right fee.
5. Title report reviewed by the city attorney with no objectional entries.
6. Payment of impact and inspection fees.
7. Post appropriate improvement bonds.
8. Approval by Weber Basin for the secondary water service design.

Current Application

The Ferlins have abandoned their plans for a 2-lot subdivision with a flag lot, and now wish to place a single home on the 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).

Review

Staff has reviewed materials recently provided by the Ferlin’s for a 1-lot subdivision and presents the following notes:

1. Ferlin Subdivision Plat
 - a. Revise the boundary area in the written description to match the drawing area of 2.526 acres.
 - b. Security for Public Improvements to be completed within 18 months, subject to any deferrals granted by the city.
2. Street and Storm drain public Improvements to be completed prior to Building Permit Issue or as a condition of a deferral agreement. **Planning Commission recommended a deferral be granted for these street and storm drain improvements.**
 - a. Widening improvements on Porter Lane Street frontage of Lot 1:
 - i. Provide design for review and approval by West Bountiful City for street widening improvements.
 - ii. 5” thick asphalt, street widening asphalt width is approximately seven feet along the property frontage.
 - iii. 8” of base coarse
 - iv. 12” of subbase.
 - v. geotextile fabric mirafi 200x or equivalent.
 - vi. 30” curb on 6” base coarse.
 - vii. sidewalk (4’ wide by 6” thick concrete, with 6” base coarse).
 - viii. Relocate power pole.
 - ix. Relocate phone pedestal.
 - x. Relocate communications hub.
 - xi. Seal coat
 - b. Storm Drain improvements on Porter Lane Street for Lot 1:
 - i. Provide design for review and approval by West Bountiful City for storm drain improvements.
 - ii. 15” RCP storm drainpipe.
 - iii. Standard Inlet box.
 - iv. Connect to existing SD manhole.
 - v. Street/trench repair.

3. Secondary Water public Improvements to be completed prior to Building Permit Issue or as a condition of a deferral agreement. **Planning Commission did NOT recommend a deferral be granted for these secondary water improvements.**
 - a. Approval by WBWCD for the secondary water service design and connection.
 - b. Weber Basin Water Conservancy District (WBWCD) service is located approximately 136 feet west of the property in Porter Lane. System is operated by Bountiful City Irrigation.
 - c. Approximately 326 feet of 6" C-900 mainline.
 - d. Loop 6" C-900 under existing petroleum/gas pipes
 - e. Street/trench repair.
4. Install lateral services.
 - a. Culinary Water
 - i. West Bountiful City approval of meter location and size.
 - b. Sanitary Sewer
 - i. South Davis Sewer District approval of lateral location, size, slope, etc.
5. Complete Encroachment/crossing permits with existing petroleum/gas utilities.
 - a. Rocky Mountain Pipeline Easement, Marathon Pipeline, White Plains Pipeline or others.
 - i. Lot lateral services will cross the existing utilities and easement. Provide written acceptance or permit for crossing Rocky Mountain Pipeline easement and utility.
 - ii. Public street and utility improvements will cross the existing utilities and easement.

The Planning Commission considered the Ferlin Subdivision at its meeting on May 25, 2021 and provided the following recommendations for Preliminary Plat approval.

1. Revise record of survey to represent a one-lot subdivision.
2. Address all city review comments.
3. Deferral be granted for the street and storm drain improvements.
4. Deferral NOT be granted for the secondary water improvements.

Recommendation by Staff

After review of the submitted Plat and Site Plan, a recommendation for approval by the City Council should be subject to the following conditions:

1. Recordation of completed final plat.
2. Street Improvements: Staff is comfortable with the request for a deferral UNLESS the council is interested in funding the extension of improvements across the Tingey property (this idea was discussed in 2018).
3. Secondary water improvements: Staff agrees with the Planning Commission that a deferral is not warranted in this case. Secondary water is reasonably close to the property (see attached exhibit), and the city's culinary water system and impact fees are not designed to allow development without access to secondary water.
4. Water rights will need to be deeded to the city or payment of water right fee.
5. Title report: Review the proposed location of home for conflicts with existing easements on the title report/plat at the time of building permit review.
6. Payment of impact and inspection fees.
7. Post appropriate improvement bonds.

DEFERRAL REQUEST:

May 13, 2021, Email to Kris Nilsen and Cathy Brightwell:

West Bountiful City Council,

Regarding our Building Permit application submitted on April 12, 2021.

I understand that there are two requirements for our building application that needs to be approved by the city council through deferral requests.

First,

Regarding secondary water: I request a deferral to connect to and use secondary water until such time that a connection is available.

Justification: A service connection to secondary water is not currently available and according to Weber Basin Water Conservancy District, there are no plans to extend mainline stubs to either side. (There are currently two secondary water mainline stubs on Porter Lane. The one to the west of my lot ends at the west side of Hadlows lot, and the one on the east ends on the East side of Tingey's lot.)

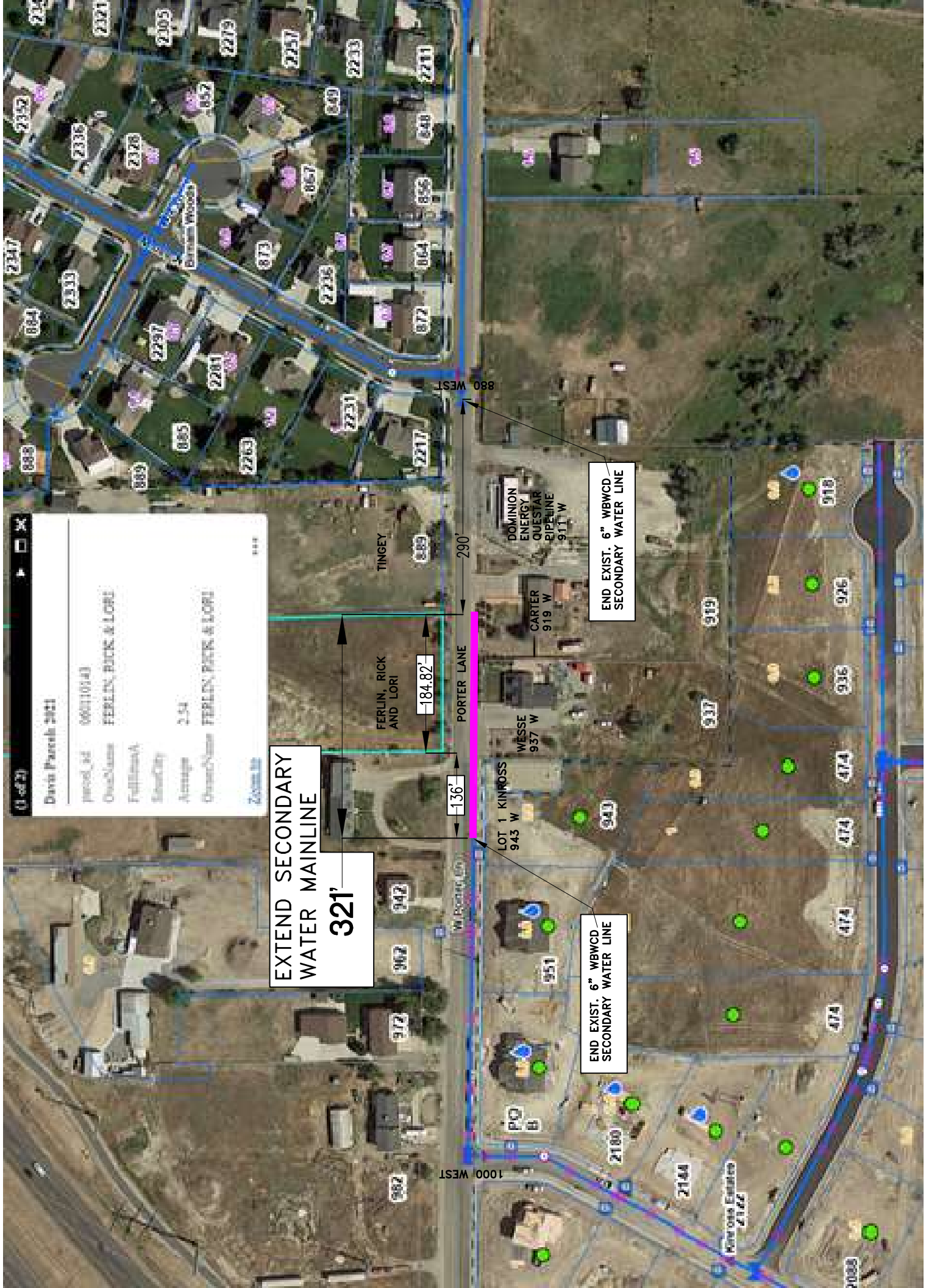
Second,

Regarding lot improvements to install curb and sidewalk: I request a deferral to curb and sidewalk lot improvements until such time that a project is initiated to complete curb and sidewalk to adjacent lots.

Justification: Installing curb and sidewalk to my lot only at this time would create an island of curb and sidewalk that connects to nothing. Ends of the concrete work on each end would be subject to damage from wear and tear. Water run-off that would flow in the gutter would likely flow to the west end and collect/puddle in front of Hadlow's driveway. There would be no 'flow' to the use of a 185' long sidewalk which would be about 15' north of the edge of asphalt. The ends of the sidewalk would begin and end at barbed wire fencing currently located on the east and west sides.

Regards,

Rick and Lori Ferlin
801-915-7978



(1 of 2)

David Parcel 2021

Parcel ID	000110143
Owner Name	FERLIN, RICK & LORI
Full Name	
Address	254
Owner Name	FERLIN, RICK & LORI

Zoom In

EXTEND SECONDARY
WATER MAINLINE
321'

TINGEY

FERLIN, RICK
AND LORI

184.82'

136'

PORTER LANE

290'

LOT 1 KINROSS
943 W

WESSE
957 W

CARTER
919 W

DOMINION
ENERGY
QUESTAR
PIPELINE

911 W

END EXIST. 6" WBWCD
SECONDARY WATER LINE

END EXIST. 6" WBWCD
SECONDARY WATER LINE

WEST BOUNTIFUL CITY

RESOLUTION #496-21

A RESOLUTION IMPLEMENTING 2021 WATERING RESTRICTIONS

WHEREAS, on May 13, 2021, Governor Spencer Cox issued an Executive Order declaring a state of emergency due to continued drought conditions, and,

WHEREAS, water is a valuable resource that should be used wisely and as efficiently as possible; and,

WHEREAS, conservation efforts are critical in this time of drought to protect water supply inventories for both present and future water needs; and,

WHEREAS, the Weber Basin Water Conservancy District implemented watering restrictions on June 11, 2021; and,

WHEREAS, the City Council recognizes the need to have consistent requirements across the city:

NOW THEREFORE, BE IT RESOLVED that the City Council of West Bountiful implements the following watering restrictions through 2021 or until additional action is taken:

1. No daytime watering between 10 am and 6 pm.
2. No more than 2 waterings per week (one watering equals 20 minutes of overhead spray or 40 minutes of rotor spray).

To help mitigate the impact of these restrictions, the city recommends:

- A. To delay the installation of new sod landscape projects until 2022.
- B. To set grass mower height to 2.5 - 3 inches and mow frequently enough so that no more than one-third of grass blade is removed.

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

Passed and approved by the City Council of West Bountiful City this 15th day of June 2021.

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

Ken Romney, Mayor

ATTEST:

Cathy Brightwell, City Recorder

WEST BOUNTIFUL CITY

RESOLUTION #497-21

A RESOLUTION REAFFIRMING CULINARY WATER RATES

WHEREAS, West Bountiful City owns and operates a culinary water system, and;

WHEREAS, Section 10-8-22 of Utah Code authorizes the city to set rates to be paid for use of water furnished by the city; and

WHEREAS, per Resolution #488-20, the Capital Improvement portion of the culinary water rate was extended until July 1, 2021 by the City Council, and;

WHEREAS, the city council has carefully reviewed the projected operational, capital, and debt service needs of the water system, and has determined that the current residential culinary water rates are reasonably associated with the services provided, and;

WHEREAS, there is value to residents and businesses to have stable and predictable utility rates:

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful, Utah that the following rates for residential culinary water (3/4 inch meter) in the Consolidated Fee Schedule are as follows:

WATER BASE RATE	Current Monthly	Renewed Monthly
Operations	\$22.00	\$26.00
Bond Repayment	\$18.00	\$12.00
Capital Improvement ¹	\$10.00	\$12.00
Monthly Residential Base Rate (first 8,000 gallons)²	\$50.00	\$50.00

¹ The Capital Improvement portion of the rate expires **July, 2024**, unless renewed by the City Council.

² There is no change to monthly overages (tier system) at this time.

EFFECTIVE DATE. This resolution shall take effect immediately upon passage.

Passed and approved by the City Council of West Bountiful City this 15th day of June 2021.

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

Kenneth Romney, Mayor

ATTEST:

Cathy Brightwell, Recorder

WEST BOUNTIFUL CITY

RESOLUTION #498-21

A RESOLUTION ENACTING THE SECOND AMENDMENT TO THE FISCAL YEAR 2020-2021 BUDGET

WHEREAS, Section 10-6-125 of Utah Code enables the governing body to change the totals of any of the city's budgeted funds; and,

WHEREAS, the City Council finds that adjustments are necessary to recognize transfers, revenues, and expenditures; and,

WHEREAS, a draft of the amendments has been available for public review and a public hearing was properly set, noticed, and held on June 1, 2021, to receive public input regarding proposed changes to the city budget.

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful, Utah that the Fiscal Year 2020-2021 budget is amended per the attached Exhibit A.

EFFECTIVE DATE. This resolution shall take effect immediately upon passage.

Passed and approved by the City Council of West Bountiful City this 15th day of June 2021.

Ken Romney, Mayor

<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 Woods	_____	_____

ATTEST:

Cathy Brightwell, Recorder

WEST BOUNTIFUL CITY

RESOLUTION #499-21

A RESOLUTION ADOPTING THE WEST BOUNTIFUL CITY BUDGET AND PROPERTY TAX RATE FOR THE FISCAL YEAR 2021-2022

WHEREAS, the city is required to adopt an operating and capital budget for each fiscal year; and,

WHEREAS, the tentative budget was adopted May 4, 2021, has been available for review and comment by the public on the city's website and at city hall; and,

WHEREAS, a public hearing was properly noticed and held on June 1, 2021 to receive public comment on the tentative budget; and

WHEREAS, the city is required to adopt a property tax rate for each fiscal year; and,

WHEREAS, the Davis County Clerk/Auditor has provided and approved a Certified Tax Rate of 0.001301 to West Bountiful City for Fiscal Year 2021/2022:

NOW THEREFORE, BE IT RESOLVED by the city council that:

- I. The Fiscal Year 2021/2022 Budget is hereby adopted as established in the attached Exhibit A, and with it the following:
 - a. The certified property tax rate for 2021/22 of 0.001301 is hereby adopted;
 - b. The city's pay scale is increased by 2% for inflation, including public officials;

EFFECTIVE DATE. This resolution shall take effect immediately upon passage.

Passed and approved by the City Council of West Bountiful City this 15th day of June 2021.

Kenneth Romney, Mayor

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

ATTEST:

Cathy Brightwell, Recorder

WEST BOUNTIFUL CITY

RESOLUTION #500-21

A RESOLUTION AMENDING THE WEST BOUNTIFUL CITY EMPLOYMENT POLICIES AND PROCEDURES MANUAL REGARDING CREDIT CARD USE

WHEREAS, Section 10-3-717 of Utah Code authorizes the city council to establish by resolution personnel policies and guidelines; and,

WHEREAS, periodic reviews and modifications are necessary to ensure that policies and guidelines are lawful, proper, and effective; and,

WHEREAS, the West Bountiful City Council now desires to amend the Employment Policies and Procedures Manual to add a section on credit card use:

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful that:

1. The *West Bountiful City Employment Policies and Procedures Manual* is amended as shown in the attached Exhibit A.
2. The provisions of the *Manual* shall be severable, and if any provision thereof or the application of such provision under any circumstance is held invalid, it shall not affect any other provisions of the *Manual* or the application in a different circumstance.
3. This resolution shall be in effect upon adoption.

Passed and approved by the City Council of West Bountiful City this 15th day of June 2021.

Kenneth Romney, Mayor

Voting by the City Council:	Aye	Nay
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Wood	_____	_____

ATTEST:

Cathy Brightwell, City Recorder

West Bountiful Credit Card Policies and Procedures

The purpose of this policy is to communicate eligibility, usage and payment of expenditure requirements for the City credit card.

1. West Bountiful City will issue a corporate credit card to eligible employees for job-related expenses. Being a cardholder is a special privilege.
2. Employees shall use their corporate credit cards to charge city-related expenses only. Except in emergencies involving natural disasters, expenses must be for approved budget items only.
3. Personal purchases of any type are strictly prohibited.
4. The employee is responsible for all charges made to the card. The employee will be held liable for any unauthorized items appearing on the credit card statement.
5. Any items that do not have a receipt or adequate record will be the financial responsibility of the cardholder.
6. Cardholders are required to sign the "cardholder agreement" indicating they accept these terms. Individuals who do not adhere to these policies and procedures risk revocation of their credit card privileges and/or disciplinary action.
7. The City Administrator is responsible for authorizing the use of corporate credit cards and assigning the credit limit, if applicable.
8. Before any purchase is made, the employee should verify that the funds are available in his or her budget to cover the expense.
9. The card is not intended to avoid or bypass appropriate purchasing or payment procedures.
10. The employee must obtain a receipt for the purchase and include a brief description of the business purpose and the budget account code with the receipt. In the case of meals, each receipt should include the names of all persons involved in the purchase, in accordance with Internal Revenue Service regulations.
11. The employee must notify the City Administrator immediately in the event a card is lost or stolen.
12. The credit card is the property of West Bountiful City. An employee leaving the employment of the city must surrender the credit card.
13. Employee card holders may not lend their card to another employee.

CARDHOLDER AGREEMENT

I, _____, hereby acknowledge receipt of the credit card XXXX - XXXX - XXXX – XXXX. I understand that improper use of this card may result in disciplinary action as well as personal liability for any improper purchases. As a cardholder, I agree to comply with the terms and conditions of this agreement and the Credit Card Policies and Procedures for West Bountiful City. I acknowledge receipt of the Credit Card Policies and Procedures and confirm that I understand the terms and conditions. As a holder of this credit card, I agree to accept the responsibility and accountability for the protection and proper use of the card. I will return the card to the City Administrator upon demand during the period of my employment. I understand that the card is not to be used for personal purchases and that I must provide a receipt for every purchase. If the card is used for personal purchases or for purchases for any other entity or if I fail to provide a receipt substantiating a legitimate business expense by the end of the current month, West Bountiful City will be entitled to reimbursement from me of such purchases (up to and including, deduction of my paycheck), except where there is credit card fraud involved. West Bountiful City shall be entitled to pursue legal action, if required, to recover the cost of such purchases, together with costs of collection and reasonable attorney fees.

Signature _____ Date _____
(Cardholder)

Signature _____ Date _____
(Department Head)

MEMORANDUM



TO: Mayor and City Council

DATE: June 11, 2021

FROM: Duane Huffman

RE: **Fraud Risk Assessment**

This memo introduces the recently required fraud risk assessment as required by Auditor Alert 2020-01.

Background

Fraud and the potential of fraud is an issue that West Bountiful City takes very seriously. City staff has worked with external auditors to review practices and procedures, ultimately taking necessary steps to limit the opportunity of fraud. The city has policies and practices that address fraud at any level. The city also recently hired accounting support. City staff supports the idea of a regular fraud risk assessment, and is committed to continual improvement in this area.

In February of 2020, the Office of the State Auditor issued an alert that requires every local government to complete an annual assessment.

Fraud Risk Level

Attached with this memo is the completed assessment. This is based on 1. the potential adoption of a new credit card policy earlier on the agenda, and 2. the completion of the Introductory Training for Municipal Officers by two more council members prior to the council meeting.

For FY 21, the city's "risk level" (according to the Office of the State Auditor) is Low Risk (320 points). This is an improvement from FY 20's High Risk (220 points).

Even with moving from high to low, staff is committed to continued improvement for FY 22.



Fraud Risk Assessment

INSTRUCTIONS:

- Reference the *Fraud Risk Assessment Implementation Guide* to determine which of the following recommended measures have been implemented.
- Indicate successful implementation by marking “Yes” on each of the questions in the table. Partial points may not be earned on any individual question.
- Total the points of the questions marked “Yes” and enter the total on the “Total Points Earned” line.
- Based on the points earned, circle/highlight the risk level on the “Risk Level” line.
- Enter on the lines indicated the entity name, fiscal year for which the Fraud Risk Assessment was completed, and date the Fraud Risk Assessment was completed.
- Print CAO and CFO names on the lines indicated, then have the CAO and CFO provide required signatures on the lines indicated.

Fraud Risk Assessment

Continued

*Total Points Earned: 320 /395 *Risk Level: Very Low Low Moderate High Very High
> 355 316-355 276-315 200-275 < 200

	Yes	Pts
1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?	Y	200
2. Does the entity have governing body adopted written policies in the following areas:		
a. Conflict of interest?	Y	5
b. Procurement?	Y	5
c. Ethical behavior?	Y	5
d. Reporting fraud and abuse?		5
e. Travel?		5
f. Credit/Purchasing cards (where applicable)?	Y	5
g. Personal use of entity assets?	Y	5
h. IT and computer security?	Y	5
i. Cash receipting and deposits?		5
3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?		20
a. Do any members of the management team have at least a bachelor's degree in accounting?	Y	10
4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?	Y	20
5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training (training.auditor.utah.gov) within four years of term appointment/election date?	Y	20
6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?	Y	20
7. Does the entity have or promote a fraud hotline?	Y	20
8. Does the entity have a formal internal audit function?		20
9. Does the entity have a formal audit committee?		20

*Entity Name: West Bountiful City

*Completed for Fiscal Year Ending: June 30, 201 *Completion Date: June 15, 2021

*CAO Name: Duane Huffman *CFO Name: Patrice Twitchell

*CAO Signature: _____ *CFO Signature: _____

*Required

Basic Separation of Duties

See the following page for instructions and definitions.

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

* MC = Mitigating Control

Basic Separation of Duties

Continued

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

☺ If all of the questions were answered “Yes” or “No” with mitigating controls (“MC”) in place, or “N/A,” the entity has achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will be answered “Yes.” 200 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

☹ If any of the questions were answered “No,” and mitigating controls are not in place, the entity has not achieved adequate basic separation of duties. Question 1 of the Fraud Risk Assessment Questionnaire will remain blank. 0 points will be awarded for question 1 of the Fraud Risk Assessment Questionnaire.

Definitions:

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

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

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

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

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

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

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

UTAH OPEN & PUBLIC MEETINGS ACT

UTAH CODE ANN. §52-4-101et seq.

Annual Training Per UCA §52-4-104
June 15, 2021

Declaration of Public Policy

- West Bountiful City exists to aid in the conduct of the people's business.
 - **Actions will be taken openly**
 - **Deliberations will be conducted openly**



ALL THOSE IN FAVOR
OF WHAT WE DISCUSSED
IN OUR E-MAIL THREAD
AND AT LARRY'S SON'S
BIRTHDAY PARTY SAY 'AYE'

'Aye'

'Aye'

'Aye'

I

... HAVE
NO IDEA
WHAT'S
GOING ON

I THOUGHT
THIS MEETING
WAS OPEN?

WINK
NUDGE

To Whom Does the Law Apply

- Any administrative, advisory, executive, or legislative body that:
 - Was created by statute, rule, ordinance, or resolution; and
 - Consists of two or more persons; and
 - Expends, disburses, or is supported in whole or in part by tax revenue; and
 - Is vested with the authority to make decisions regarding the public's business (including recommendations to the City Council)

For West Bountiful, This Includes:

- City Council
- Redevelopment Agency
- Planning Commission
- Emergency Preparedness Advisory Committee
- Arts Council
- Youth City Council

What Is a Meeting?

- Quorum must be present
 - Including workshops
 - In person or electronically
- Purpose is to:
 - Discuss, or
 - Receive comment, or
 - Act on anything you have jurisdiction or advisory authority over.

What is Not a Meeting?

- A chance meeting
- A social meeting
- Convening a public body with both legislative and executive responsibilities where no public funds are appropriated and meeting solely for discussion or to implement administrative/operational matters

Meetings

- Must be open to the public unless properly closed;
- Must be properly noticed;
- Must be properly recorded.

Notice

- Must be Posted at City Office and Utah Public Notice Website at least 24 hours before the meeting and include:
 - Agenda
 - Date
 - Time
 - Location
- Annual notice of meetings throughout the year.

Electronic Meetings

- An ordinance/rule/policy “governing the use of electronic meetings” must be adopted by Public Body
- Can meet by phone, computer, or other electronic means
- Notice requirements still apply
- Public must be able to attend or participate

EXCEPTIONS: COVID-19 Pandemic

Governor Herbert issued an Executive Order on March 18, 2020 modifying the Open Meetings Act until the termination of the current declared state of emergency.

- Electronic Meetings & Hearings may be held without ordinance/rule/policy as long as:
 - Public is able to remotely hear or observe
 - Public is able to remotely make comments
- Posted written Notice is not required at principal office
- Anchor location is not required for the public to meet

Agenda

- “Shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting”
- “Each topic shall be listed under an agenda item”
- Items not on the agenda that are raised by the public may be discussed, but cannot be acted upon

Minutes

- Minutes For All Open Meetings Must Include:
 - Date, time, place;
 - Names of members present and absent;
 - Substance of all matters proposed, discussed, or decided;
 - Record, by individual member, of each vote taken;
 - Name of each individual giving testimony or comments, and a summary of what was said; and
 - Any additional information requested by a member.

Minutes, continued

- Body must establish and implement procedure for approval of minutes
- Pending minutes must clearly indicate that the public body has not approved the minutes and are subject to change, e.g., “Pending” or “Not Yet Approved”
- Pending minutes, Approved Minutes, and a Recording of a public meeting are public records under GRAMA
- Must be available to the public within 3 days of approval
- Minutes must be retained permanently

Audio Recordings

- Each meeting must be recorded
- Recording of open meetings must be available to the public
- Recording of closed meetings are protected records under GRAMA

Emergency Meetings

- Emergency means emergency
- Must give as much notice as possible
- Must attempt to notify all members
- A majority of members must approve the meeting
- Minutes must include a statement of the unforeseen circumstances that made the meeting necessary.

Electronic Message Transmissions

UCA § 52-4-210:

”Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting. “

Closed Meetings/Executive Session

- Closed meetings are used to discuss specific items that fall into one or more of the following categories:
 - An individual's character, professional competence, or physical or mental health;
 - Pending or reasonably imminent litigation;
 - Purchase, sale, lease, exchange of real property
 - Deployment of Security personnel, devices or systems; or
 - Criminal misconduct.

Closed Meetings, continued

- Meeting must begin as an open meeting;
- Must have a 2 / 3 vote to go into a closed meeting;
- Purpose of the closed meeting must be publicly stated;
- The discussion cannot stray from stated allowed purpose;
- May not interview candidates applying to fill an elected position;
- Must be held at the regular meeting location if held on the same day; and
- No official actions can be approved, or final votes taken.

Enforcement/Violations

- Intentional closed meeting violation = Class B misdemeanor
- Court may:
 - Void an action taken
 - Compel compliance
 - Award attorney fees and court costs to successful plaintiff
- Attorney General and County Attorneys are charged with Enforcement
- Any aggrieved individual can bring suit

	Legislative	Administrative	Quasi Judicial
Characteristics	Very Broad Authority Broad Public Input	Restricted Authority Limited or No Public Input	Very Restricted Authority Input Restricted-Involved Parties
	• Creates New Law • Allows for Citizen Input as Basis for Decision • Vision/Goal Setting	• Enforces Current Law • Bound by Law Rather than Public Opinion • Does Not Create or “Bend” Law	• Based on Established State Law • No ex-parte communication
Responsible Body	<u>Land Use Authority (es)</u> • Planning Commission (advisory) • City Council	<u>Land Use Authority (es)</u> • Planning Commission • City Council • City Engineer • City Recorder • Enforcement Officer	<u>Land Use Authority (es)</u> • City Council <u>Courts</u>
Land Use Actions	• General Plan • Zoning Ordinances • Subdivision Ordinance • Amendments • Annexation Policy	• Business License • Building Permit • Conditional Use Permit • Subdivision Approval • Variances	• Appeals

Questions/Concerns?

PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on **Tuesday, May 18, 2021** at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

MEMBERS: Mayor Ken Romney, Councilmembers James Bruhn, Kelly Enquist, Mark Preece, and Rod Wood.

EXCUSED: Council member James Ahlstrom

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

PUBLIC: Alan Malan, Dennis Vest, Kim McKinley, Laurie Harvey, Josh Chandler, Michelle Curtis, Denis & Cynthia Hopkinson, Richard Thrombly, Kyle Gotschall, Heather Koplin, Dave Wank

Work Session – UTOPIA Fiber

Mayor Romney opened the work session at 6:33 pm and turned it over to Kim McKinley – Sales & Mktg, Laurie Harvey – CFO, and Josh Chandler General Counsel representing UTOPIA Fiber.

Kim McKinley explained that UTOPIA is a political subdivision of the state of Utah, an interlocal agency. The company began in 2004 and now there are currently 6 cities with residential fiber and many more commercial locations generally along I-15 from Idaho to Las Vegas. A large portion of their business provides connectivity to schools, libraries, cities, state facilities, wireless towers, water facilities, and smart city applications such as video surveillance, automated metering, smart irrigation control, disaster recovery, traffic control/monitoring (UDOT), air quality sensor network, smart lighting, etc.

UTOPIA operates as an open access network; almost all Utah based internet providers depend on and utilize UTOPIA fiber infrastructure to offer their services. This infrastructure makes remote education, telehealth, work from home, entertainment, etc., more accessible, and reliable. There are no overage charges, evening slow-downs, weather-caused outages, or surprise rate hikes as are common with other carriers – the sky is the limit.

A payment of \$30 by an end-user provides a dedicated connection on the UTOPIA network and gives them 10 gb (residential) or 100 gb (business). A second fee goes to the Internet Service Provider (ISP). There is unlimited usage and no installation fees, contracts, or termination charges. This connection, compared to Interstate 15, gives the customer their own private lane.

Ms. McKinley noted that customer satisfaction scores are high, and demand is skyrocketing. In November 2014 there were about 12,000 customers and there are now approximately 40,000. They put 1.7 million feet of conduit in the ground last year.

Josh Chandler explained there are two entities – Utah Infrastructure Agency (UIA) and UTOPIA. Under the current proposal, West Bountiful would be with UIA. There are three pieces to the service: a connection to the city, a main line within the city, and a connection to the home.

With the UIA proposal, the agency would issue sufficient bonds to install the system within the city. Subscriber fees would go towards the debt service, and the city would guarantee to cover any shortfall in the debt service after the first two years. Any payments made by the city would eventually be paid back through subscriber fees.

UIA estimates that between a 30%-40% “take-rate” would be required to make the debt service payments. Cities recently coming on board with UIA have all hit or exceeded their take-rates, e.g., Payson reached take rate in 1.5 yr. and it was higher. Every project done has been very successful.

Duane Huffman asked several questions. He expressed some concern with the city taking a share of the risk without any ownership stake in the system. UTOPIA representatives responded that the city would be protected by contract and by the fact that UTOPIA is a government entity.

If the city is interested, Ms. McKinley suggested several options to move forward. The city can survey residents, issue an RFP, or just have city council vote.

Mayor Romney said he prefers to start with surveys. There is some support, but we want to look at all options. UTOPIA representatives offered to conduct non-branded surveys to help with the process. Mr. Huffman also asked for a written proposal.

Mayor Romney called the regular meeting to order at 7:34 pm. Mark Preece gave an invocation, and the Pledge of Allegiance was led by James Bruhn.

1. Recognize Denis Hopkinson for His Service to the City

Mayor Romney thanked Denis Hopkinson for his long-time contribution to the city and recognized his service on the planning commission beginning in 2006 and as Chairman of the Commission since 2012. He presented Denis with a plaque.

2. Approve the Agenda.

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

2. Public Comment.

Michelle Curtis, 465 N 660 West, said she was back to pitch her request for sidewalks on 660 West. She thanked Chief Erikson for the additional police presence, but it is not a permanent fix. She said she has researched the process for how road projects have been handled and respects the decisions the city council must make but would like them to also consider relative impact. 600 West which has tentatively been selected as the priority project for next year needs new water pipes which are

important, but it should not be the only priority. 600 West already has sidewalks, but 660 West which is a pedestrian route for elementary, junior high and high school students does not. The road is narrow, and children must walk out into the road to get around cars as well as making it difficult for handicapped people living in the neighborhood.

4. Public Hearing to Release the East Side Public Utility Easement at 842 W 2400 North for the Roberts.

Duane Huffman summarized the request from the Robert's to release the east side public utility easement on their property at 842 W 2400 North. While all major utilities have agreed to allow the easement to be vacated, there was discussion about the location of the city's irrigation line. Steve Maughan confirmed that the line is on the city property side to the east of the easement being released.

MOTION: *James Bruhn made a motion to open the public hearing. Kelly Enquist seconded the Motion which PASSED by unanimous vote of all members present.*

There were no public comments.

MOTION: *Kelly Enquist made a motion to close the public hearing. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

5. Ordinance 442-21, An Ordinance Approving the Requested Release of Easement at 842 W 2400 North

MOTION: *Kelly Enquist made a Motion to approve Ordinance 442-21, releasing the east side easement at 842 W 2400 North. James Bruhn seconded the Motion which PASSED with a vote as follows:*

James Ahlstrom – excused	James Bruhn – aye
Kelly Enquist – aye	Mark Preece – aye
Rod Wood – aye	

6. Public Hearing to Release the South Side Public Utility Easement and Reduce the Width of the West Rear Easement at 2347 N 830 West for Kyle Gotschall.

Duane Huffman summarized the applicant's request. Mr. Gotschall is asking to have the south (side) easement released and the west (rear) easement reduced by seven feet so he can build a detached garage. All major utilities have agreed to the proposed changes.

MOTION: *James Bruhn made a motion to open the public hearing. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.*

There were no public comments.

MOTION: *James Bruhn made a motion to close the public hearing. Kelly Enquist seconded the Motion which PASSED by unanimous vote of all members present.*

7. Ordinance 443-21, An Ordinance Approving the Requested Changes to the South and West Public Utility Easements at 2347 N 830 West.

MOTION: *Rod Wood made a Motion to approve Ordinance 443-21 Releasing the South Easement and Reducing the West Easement from Ten Feet to Three Feet for the Property at 2347 N 830 West. James Bruhn seconded the Motion which PASSED with a vote as follows:*

James Ahlstrom – excused	James Bruhn – aye
Kelly Enquist – aye	Mark Preece – aye
Rod Wood – aye	

8. Ordinance 444-21, An Ordinance Approving a New Beer Ordinance for West Bountiful City.

Cathy Brightwell explained that staff began reviewing the city's beer regulations several years ago to revise and clarify certain provisions and ensure compliance with state law. This project was delayed several times but is now ready for consideration.

Major changes include:

- Establishing a one-time non-refundable application fee to process beer applications.
- Establishing a process to handle applications for Single Event and Temporary Beer Event Permits issued by the State.
- Simplifying beer license classifications by reducing the number from four to three – Off-premise, on-premise, and temporary beer event, and
- Establishing a process for suspensions and revocations with tiered fines.

MOTION: *Kelly Enquist made a Motion to approve Ordinance 444-21 Adopting Changes to the City's Beer Regulations (W BMC 5.12). James Bruhn seconded the Motion which PASSED with a vote as follows:*

James Ahlstrom – excused	James Bruhn – aye
Kelly Enquist – aye	Mark Preece – aye
Rod Wood – aye	

9. Motorola/Spillman Records Management System for Police Department.

The police department is proposing to move to a new records management system. With the consolidation of dispatch, EMTs, etc., throughout the county, this new system will provide consistency and access across all organizations. The department's current system is outdated, and support is limited.

The Agreement for the system is as a Shared Agency which means we will receive the software and modules we have chosen but another agency will be the host agency which houses the main server and database. Our implementation cost for the system is \$80,835.31 and is included in the tentative budget. The second-year maintenance cost is \$5,227, down from the \$17,000 the city currently pays to the incumbent provider.

MOTION: *Mark Preece made a Motion to Approve the Shared Agency Agreement for the Motorola/Spillman Records Management System. Rod Wood seconded the Motion which PASSED a vote as follows:*

James Ahlstrom – excused	James Bruhn – aye
Kelly Enquist – aye	Mark Preece – aye
Rod Wood – aye	

10. Notice of Award to Holbrook Asphalt for 2021 Seal Coat Project.

Asphalt sealers have proven to be a cost-effective means to extend the life of asphalt streets. West Bountiful requested bids from contractors to provide a High-Density Mineral Bond seal coat for selected streets. We typically only seal coat streets with new or nearly new asphalt but this project also includes several streets that have not been done in 8 -10 years.

Holbrook Asphalt submitted the only bid, and its unit prices are in line with staff's expectations. Staff is recommending a contract be awarded to Holbrook Asphalt for \$172,835.41 to provide a HDMA sealer to selected streets. Approximately \$20,400 of that amount will be paid by developers (Mountain View and Tailgate subdivisions) leaving the City's portion at about \$152,400. This also provides some flexibility for other options for the older streets that may not be good candidates for HDMA.

MOTION: *James Bruhn made a Motion to Award the 2021 Seal Coat Project to Holbrook Asphalt. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

11. Discussion of Water Rates.

Following up on discussion from the May 18th city council meeting, Duane Huffman provided information on culinary water rates in preparation for a Resolution to be considered in June adopting new rates.

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. They assumed that all water costs the same. Their final recommendation was to adjust the rates to have each class of rate payer pay for their share of costs from that group. For example, they proposed basic residential rates increase from \$50.00/month to \$53.00/month while basic commercial rates increase from \$63.00/month to \$87.00/month. As pipe size increases, these commercial rates increase significantly. For a 2 inch connection, they propose the rates go from \$182/month to \$585/month.

James Bruhn stated that he sees no reason for residential subscribers to subsidize business. Duane Huffman commented that while business customers use a lot more water, they may not require the same infrastructure as residential customers. He added that if the Council decides to increase business rates, we may want to delay implementation so we can provide more notice. He intends to make a list of commercial customers including what size meter they have and what their average usage runs.

Mr. Huffman explained that the safest route is to keep residential rates the same, continuing to base it on three legs of a stool – water usage (8k gallons/month), bond, and capital, but there has been inflation on the operational side even though debt service has gone down. Operational costs of the new well are uncertain, and it is unclear if we need additional reservoir space, especially with future west side development.

A work session will be scheduled for the next meeting to provide more information and discuss the following policy questions: 1) How comfortable is the council with a strong increase in tiers for additional residential usage, 2) How comfortable is the council with strong increases in commercial rates, and 3) How often does the council want to adjust water rates moving forward.

12. Fiscal Year 2022 Draft Budget Development Discussion.

Duane Huffman reviewed several budget items that have changed since the tentative budget was adopted at the last meeting.

FY 2020-2021 Amendments (#2)

Revenues:

- General Fund revenue increases - unanticipated growth in sales tax; higher number of building permits and plan checks; alcohol grant for police department; and miscellaneous revenue.
- Development street impact fees
- Development park impact fees
- RDA tax increment funds
- Development incremental water impact fees
- Golf course increases in revenue

Expenditures:

- Increase for new public defender
- Increase for a new accountant to help close our budget year and train Patrice and Duane on year-end adjustments. (\$6,000/yr)
- Increase in building inspections (offset from increase in plan review fees)
- Legal settlement
- Professional planners
- Police salaries adjustments based on personnel changes
- Alcohol grant offset
- Roads – street striping may be spent this year, if not, will leave it in next year's budget
- Parks building/supplies/maintenance
- Sales tax sharing to Bountiful from Gateway and The Commons offset
- RDA payments to The Commons

- Capital improvement fund for 800 W project
- Streets cap improvement
- New well expenses split between years
- Storm drain system maintenance pumps on 800 West increase
- Bank fees increased (more than double) due to more credit card payments this past year.
- Disaster clean-up from windstorm
- Turf sweeper – recently approved for current year
- Golf supplies increase e.g., golf balls for driving range due to more use
- Golf merchandise purchases offset (sold more so needed to buy more)

FY 2021-2022 Tentative Budget

- Seal coat project
- Firefighting services is back to a 10% increase, but further discussion necessary
- Road repairs reduction to help cover 600 W
- Seal Coat
- Storm drain improvements

\$30k unassigned for \$3M budget is good.

Mr. Huffman asked for questions. There was discussion about the status of the 975 West trail connection. He responded that staff is currently working on numbers and looking at options. There was also discussion about funding sources for the 600 W project and possible 660 West project.

600 West project will need \$780k.

660 West project will need over \$200k just to place sidewalk on both sides of the road.

A public hearing on the amended budget and tentative budget will be scheduled for June 1, with final adoption planned for June 15.

13. Minutes from April 27 and May 4, 2021 City Council Meeting.

MOTION: *Rod Wood made a Motion to Approve the Minutes from April 27 and May 4, 2021 meetings. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

14. Staff Reports

Police – Brandon Erikson

- Vehicles are still not here; they may arrive by the end of the month.
- Hiring process for our new officer will close on Friday.
- Will be supporting the Special Olympics sports run next week with Bountiful.

Public Works – Steve Maughan

- Pickleball courts update - wiring will be installed this week, prepping for artificial turf on the north side, and trying to figure out how to set up irrigation without getting water on the courts.
- Ashby Acres public improvements is underway and may be paved end of the week.

- Well construction is scheduled to begin this week.
- Weather has been good, and grass is growing. Short of help as regular employees are taking time off and we can't find seasonal help.

Engineering – Kris Nilsen

- Working on Doug's Corner and Highgate -2 subdivision reviews for planning commission.

Community Development – Cathy Brightwell

- Brookside Ranch updated their PUD filing last week and presented it to planning commission. Their base density is shown as 105 units which increases to 126 units with a 20% bonus. Lots range from .5 acre to 2+ acres. One of the benefits they propose with a PUD is a 10-acre park deeded to the city from UDOT that they intend to contribute \$500,000 toward construction costs.
- WholesomeCo – has invited city officials to meet with them to talk about the city's experience over the past year as one of the first cities in the state to have a medical cannabis pharmacy and to host a tour of their facility.

Administrative Report – Duane Huffman

- No report.

9. Mayor / Council Reports

James Bruhn asked about the status of the trail connection on 600 West. Duane said we received a positive response from the county, and we are working through the process.

Kelly Enquist – Mosquito Abatement meeting last week discussed a probable property tax increase to pay for new employees as they are having difficulty finding anyone to work for \$11/hr.

Salt Lake County Mosquito Abatement wants South Davis MA to participate in the cost of using their helicopter for spraying. South Davis MA does not want to participate so may have to buy them out of the Ogden airport hangar.

He asked about several streetlights that seem to be out a lot. Steve Maughan said that it is taking up to 3-4 months to get some lights fixed because of a new process used by Rocky Mountain Power with only one person handling the entire valley.

Mark Preece – EmPAC meeting today for the first time in a year. There is not a lot going on. The Safety Fair will not be held again this year.

Rod Wood – no report.

Mayor Romney updated council on possible taxing changes with South Davis Metro Fire. He also reported on a couple structure fires they have dealt with the last couple of days. One firefighter was injured but has been released from the hospital, and another had smoke inhalation.

10. Closed Session Pursuant to UCA § 52-4-205(1)(a).

MOTION: *Kelly Enquist made a Motion to move into closed session in the police training room for the purpose of discussing the character, professional competence, or physical or mental health of an individual. The regular*

meeting will adjourn simultaneously with the adjournment of the closed meeting. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.

James Ahlstrom – absent	James Bruhn – aye
Kelly Enquist – aye	Mark Preece – aye
Rod Wood – aye	

11. Adjourn.

MOTION: *xx made a Motion to adjourn the closed meeting. xx 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

PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on Tuesday, June 1, 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)

PUBLIC: Alan Malan, Richard Thornley, Todd Meyers, Whitney Ward, Tif Miller

Work Session – Water Rates

Mayor Romney opened the work session at 6:34 pm to continue the discussion on culinary water rates. Discussion of residential rates at the last meeting went well but it was clear that more work was necessary regarding business rates.

Duane Huffman led the discussion that included the following issues:

- How best to ensure all water users pay an equitable share. Under the current rate structure, it appears that residential customers are subsidizing commercial customers. This is in part due to commercial rates being old. There also appears to be serious inequities between high commercial users vs. regular-to-low users.
 - Small commercial users with 2 inch pipes are pretty close to paying their fair share. The problem is with larger users, for example, one customer used 11 million gallons of water and paid \$20k; their fair share would have been close to \$47k.
- Will adding usage tiers help both residential and commercial users? It may provide an incentive for customers to conserve water. For example, one commercial user had a water leak and did not bother to fix it for many months. After repairing the leak, their usage went from 1.7 million gallons in January to 87,000 gallons in August.
- How does lack of secondary water impact culinary water rates/usage? While most properties in the city have secondary water, there are a few subdivisions that do not. These customers end up using more culinary water in the summer to irrigate their yards because they do not have the same choices as other residents do. Consider a separate tier for these customers.

Duane noted that the more we look into the issues, the more complicated they become. If we want a good outcome, we should get some outside help. He suggested talking to a consultant about doing a rate analysis. He also suggested they talk with Weber Basin about their future plans regarding metering and anything else that might impact rates and usage.

Mayor Romney directed staff to get information on companies available to do rate analysis studies, talk with Weber Basin, and get input from high usage commercial customers. He also suggested researching grants that may be available especially as the state pushes water conservation. At the

next meeting we will confirm the current residential rates so they do not expire which will give us more time to establish good rates.

Mayor Romney called the regular meeting to order at 7:32 pm. James Ahlstrom offered a thought, and the Pledge of Allegiance was led by James Bruhn.

1. Approve the Agenda.

MOTION: *Kelly Enquist 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. Public Hearing to Receive Comments on Amendments to FY 2020-2021 Budget.

The proposed Amendments to the FY 2020-2021 have been discussed in previous meetings.

MOTION: *Rod Wood made a motion to open the public hearing. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

There were no public comments.

MOTION: *Kelly Enquist made a motion to close the public hearing. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

4. Public Hearing to Receive Comments on FY 2021-2022 Tentative Budget, including the Budget for the West Bountiful Redevelopment Agency and a Proposed 2% Increase in the City's Pay Scale, Including Elected Officials.

MOTION: *Kelly Enquist made a Motion to Open the Public Hearing. James Bruhn seconded the Motion which PASSED:*

There were no public comments.

MOTION: *James Bruhn made a Motion to Close the Public Hearing. Mark Preece seconded the Motion which PASSED:*

5. South Davis Recreation Center Master Plan Presentation – Tiff Miller.

Tiff Miller – executive director for the Recreation District, Todd Meyers - Board member, and Whitney Ward presented information on the South Davis Recreation District (SDRD) Facilities Master Plan.

Mr. Miller explained they have been working on a Master Plan for several years to gauge the needs of the SDRD for the future. The District has grown by 12,000 residents since it was built in 2008 and expects to see an additional 30,000 new residents by 2050. Community use of the facility remains high with membership numbers hovering at full capacity and the demand for more recreational sports programming for both youth and adults is on the rise. Some areas of the existing facility are in need of repairs, upgrades, and expansion but there is no additional space to accommodate more equipment, larger classes or a needed aquatic expansion making it unable to meet the area's projected population growth.

Two surveys helped form the basis of the Master Plan by gathering a lot of information from member communities. Expansion needs identified by residents include adding a new 50 meter pool south of the existing building; expanding group fitness studio space, open cardio, and weight areas; and building a new smaller facility in a southwest location. Currently, SDRD utilizes school facilities for field space and gyms but as schools grow, their facilities are expected to be less available. It is preferable for SDRD to have its own space.

A 10-acre parcel is recommended to accommodate a new facility that would include fitness areas, gymnasium, leisure pool and lap pool, and running track. No location has been identified at this point.

Existing facility improvement costs are expected to run approximately \$3M to implement the repairs and upgrades needed for the existing facility and an additional \$16M to accommodate the renovations and additions at the existing SDRD facility. Costs for a second recreation center are anticipated to cost \$23,800,000 to purchase property and construct the facility and require about \$250k of operational support per year. It is preferable to do everything now to avoid higher prices in the future.

Funding for the Master Plan projects would come from a general obligation bond to be voted on in the fall. The original bond (2006/2007) will expire in 2026 and represents 1.8% of a property owner's taxes. A new bond is proposed to be issued in two parts: one for the upfront costs of the improvements and expansion, and a second bond to support the operational costs for the two recreation centers. An average homeowner with a home valued at \$391,000 would see an increase of \$32/year for the first 3 years until the existing bond expires then a total tax impact of \$76/year (\$6.33/month) thereafter. The impact to businesses will be roughly \$36/year.

Mayor Romney thanked them for the hard work that has gone into this project over the past couple of years.

6. Notice of Award for 2021 Miscellaneous Concrete Replacement Project.

Duane Huffman explained that unit bid of items needed for miscellaneous concrete replacement (repair) projects scattered throughout the city were combined for bidding purposes in schedule A.

Schedule B project was broken out in a separate schedule for the purpose of reviewing cost and flexibility in award or delay of the project.

- Schedule A includes various concrete projects throughout the city for the replacement and repair of sidewalk and street surface drainage (cross drains, curb, and gutter).
- Schedule B is the previously delayed project for the replacement and repair of street surface drainage (cross drain, curb, and gutter) at 2300 North and 700 West. This project includes replacing gutter on the east side of 700 West, replacing the valley gutter on 2300 North and associated asphalt remove and replace along all new concrete. All work is to be completed no later than September 30, 2021. This project was previously bid, awarded, and then delayed in 2020. The cost of this project was bid at approximately \$44,000 in 2020, and the current bid is \$59,603.

Staff recommends a notice of award to JMR Construction for Schedule A. Regarding Schedule B, staff recommends an award to JMR if the council feels that this project will provide sufficient value to the community.

There was discussion about the scope of work to be done and cost of Schedule B. The location is very flat with no elevation change so there is no guarantee that the project will fix the problem.

MOTION: *James Ahlstrom made a Motion to award Schedule A to JMR Construction, Inc. and table a decision on Schedule B until more information can be collected. Rod Wood seconded the Motion which PASSED with a unanimous vote*

7. Proclamation Declaring June 9, 2021, as Arbor Day.

West Bountiful has been designated as a Tree City USA for many years and supports Arbor Day as a way to celebrate the environment by planting trees to promote the well-being of present and future generations. Trees play an important role in energy conservation, modifying temperature extremes with shade and humidity, and contributing to improving air quality by reducing air pollution by removing airborne particulates from the atmosphere and helping to purify the air.

Youth Council will plant several trees at city park on Arbor Day.

MOTION: *James Ahlstrom made a Motion to Proclaim June 9, 2021, as Arbor Day in West Bountiful. James Bruhn seconded the Motion which PASSED with a vote unanimous.*

8. Minutes from May 18, 2021, City Council Meeting.

The city's computer server was down on Friday when city council packets were prepared, and the minutes could not be included. They were distributed to council members this afternoon, but it was suggested that approval of the May 18, 2021, minutes be tabled until the next meeting so members have more time to review them.

MOTION: *James Ahlstrom made a Motion to table the Minutes from May 18, 2021, until the next meeting. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

9. Staff Reports

Police – Brandon Erikson

- The two trucks have arrived and are being worked on for equipment installations.
- Tomorrow interviews will begin for the open officer position. We received 31 applications, 15 were weeded out, leaving 15 for consideration.
- FATPOT found our current contract so we will need to provide 30 days' notice prior to cancellation when the city is ready to move to the new records management system.

Public Works – Steve Maughan

- 400 N well house construction is underway. The pipe is going in and concrete will begin soon. A progress meeting is scheduled for tomorrow. There is a 24" pipe that will come out into the street as they make room for the old to come out and new to go in. 400 North will need to be closed. We will try to wait until school is out and plan for 8 am – 5 pm closure.
- Porter Lane construction is on hold until July then it should go pretty quickly.
- Still in need of seasonal Parks employees.

Engineering – Kris Nilsen

- Reviewing final plats for Highgate 2 subdivision and Ferlin subdivision.
- Working on estimates for a new trail and drainage at golf course.

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

- Closed session is requested for pending litigation
- Budget still waiting for final rates, will need to adopt at the next meeting.

10. Mayor / Council Reports

James Bruhn - Wasatch Integrated is looking at a juicer that squeezes juices out of garbage.

James Ahlstrom – YCC is accepting applications for the new term. Interviews will be scheduled for the middle to end of June. Nicole Wood will be the new Mayor and last year's mayor, Sydney Morrill will stick around to help with interviews.

Kelly Enquist asked about the status of Rocky Mountain Power working on streetlights. Steve Maughan said that he sends weekly emails but has been told that they have only one person in the valley to handle all streetlight work orders. He added that he is exploring alternatives. There are some lights we can buy out, so he is checking prices.

Mosquito Abatement – there is a surge in mosquitos this year and they are having difficulty getting chemicals.

Mark Preece – Sewer district is doing better. They are now selling gas but having difficulty getting food products in.

Rod Wood – no report.

Mayor Romney – West Bountiful only had one Covid case last week and prior to that there were a couple weeks with zero cases. Also, looking for a veteran for the July 4th flag raising.

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

MOTION: *James Ahlstrom made a Motion to move into closed session in the police training room for the purpose of discussing pending or reasonably imminent litigation. The regular meeting will adjourn simultaneously with the adjournment of the closed meeting. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.*

James Ahlstrom – aye

James Bruhn – aye

Kelly Enquist – aye

Mark Preece – aye

Rod Wood – aye

12. Adjourn.

MOTION: *James Ahlstrom 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 15, 2021.

Cathy Brightwell, City Recorder