

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Recorder
Cathy Brightwell

City Engineer
Kris Nilsen

Public Works Director
Steve Maughan

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, AUGUST 3, 2021
AT THE CITY OFFICES, 550 N 800 WEST**

AGENDA:

Invocation/Thought – Mark Preece; Pledge of Allegiance – James Ahlstrom

1. Approve Agenda.
2. Oath of Office for New Police Officers.
3. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
4. Presentation by South Davis Sewer District on ARPA North Plant Nutrient Removal Project.
5. Update and discussion on new Public Works Facility Financing and Procurement.
6. Ordinance 445-21, An Ordinance Amending W BMC 17.82 Accessory Dwelling Units and Related Sections 17.14, 17.16, 17.20, 17.24.
7. Meeting Minutes from July 20, 2021.
8. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
9. Mayor/Council Reports.
10. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
11. 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 July 30, 2021.

Minutes of the West Bountiful City Council meeting held on Tuesday, August 3, 2021, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

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

EXCUSED: Council Member Rod Wood

STAFF: Duane Huffman (City Administrator), Steve Doxey (City Attorney), Chief Brandon Erekson, Steve Maughan, (Public Works), Kris Nilsen (City Engineer), Cathy Brightwell (City Recorder), Josh Virostko (Golf Superintendent)

PUBLIC: Alan Malan, Richmond Thornley, Michelle Curtis, Corey Sweat, Matt Myers, Daisha Elvin, Mercedes Thompson, Rachel Thompson, Lance Thompson, Brent Child, Adam, Cami, and Ari Womble, Karla Womble, Nury Fiedler

Mayor Romney called the regular meeting to order at 7:30 pm. Mark Preece provided an invocation, and 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. Oath of Office for New Police Officers

Mayor Romney congratulated officers Parker Bjorndal, Kris Fiedler, Jeron Thompson, and Adam Womble for joining the West Bountiful police department. He thanked them for choosing an admirable profession and told them the city appreciates their work.

Cathy Brightwell, city recorder, conducted the oath of office for these officers.

3. Public Comment.

No comment.

4. Presentation by South Davis Sewer District on ARPA North Plant Nutrient Removal Project.

Mayor Romney welcomed Matt Myers, representing the South Davis Sewer District (SDSD). Mr. Myers explained the American Rescue Plan Act (ARPA) and that distributions were given to cities and counties, but not districts. He said the SDSD wants to partner with its five cities and Davis County to help with the expansion of the North Plant Nutrient Removal project.

The current wastewater treatment processes do not adequately address removal of nutrients, specifically nitrogen and phosphorus, from the liquid waste stream in accordance with the State regulations. In order to meet changing water quality standards related to nutrients to protect and improve Utah's limited water resources, a new process is required.

In addition to removing nutrients from the liquid waste stream and providing a plant-based byproduct (algae) that can be sold to offset operational costs, the ultrafiltration step of ABNR removes suspended solids and pathogens, resulting in a high-quality water that could be used for secondary irrigation to supplement limited water supplies.

The schedule is to finalize design and begin construction by Spring 2022 with a target commission date of 4th quarter 2023. Once complete, 15,700 lbs/day of carbon will be recycled, and 7000 dry lbs/day of algae biomass will be produced. An additional benefit is that the algae produced and sold can be used to replace traditional plastics, foams, etc., that are leading sources of pollution worldwide.

After five years of planning and engineering, the total estimated cost to construct and install ABNR is \$47,276,500. The District is seeking ARPA funds totaling \$1M from local government agencies, including \$21,000 from West Bountiful, and will apply for additional funding through the local matching grant program. With an ARPA application deadline of August 31, 2021, the District is looking to receive commitments from cities by August 18.

There was some discussion about the project and the funding proposal. Duane Huffman said he will bring back a proposal for the council's consideration at the next meeting.

5. Update and Discussion on New Public Works Facility Financing and Procurement.

Duane Huffman reviewed the process and recommendations for the 2021 Public Works Facility project which included the procurement for architect/engineering services and construction management/general contractor services, and current financing options.

He explained that to be as efficient as possible on the complete design and construction of the new facility, the city moved forward with procurement of a construction method commonly referred to as CM/GC which is very valuable in having a contractor help with the design and management of the project from the very early stages.

Two separate RFPs were issued in June using materials from the State's Division of Facilities and Construction Management (DFCM). One for architect/engineering services and one for construction management/general contractor services. These RFPs were modeled to select firms on a value-based selection method.

Five firms submitted proposals for the architect/engineering services. The selection committee was made up of Kris Nilsen (city engineer), Ben White (Taylorsville city engineer and former WBC city engineer), and Steve Maughan (WBC public works director). Darrell Hunting, Asst. Director – Capital Improvements for DFCM assisted by participating in the interviews and scoring session. After evaluation of the proposals, each committee member ranked the firms which resulted in a unanimous recommendation to select CRSA. Under the value-based method, the city is now

negotiating a fee for the services which will be in line with fees paid for similar services by the state. An agreement will be ready for the next council meeting.

For the construction management/general contractor services, the selection committee was made up of Kris Nilsen, Ben White, and Darrel Hunting. Selection committee members signed conflict of interest & confidentiality statements and non-disclosure statements. Because of their association with one of the proposing firms, neither Mayor Romney nor Public Works Director Steve Maughan were involved in evaluating firms at any level.

The fees for CM/GC services were set in advance using standards from the state of Utah. This leveled the playing field for all the proposals, helped ensure that the city is getting value-based services, and limits the potential for future disputes or conflicts of interest during the construction phase.

The proposals were evaluated, and each committee member ranked the firms. After review of the ranking matrix, the committee unanimously recommended the selection of Gramoll Construction.

Duane Huffman stated that staff recognizes the potential appearance of conflict of interest in selecting a firm that employs the mayor of the city as well as a family member of the public works director. He assured the council that no one affiliated with Gramoll Construction nor anyone that directly reports to Mayor Romney or Steve Maughan was involved in evaluating the firms or making the recommendation. The inclusion of an employee of the state's DCFM in the selection committee helped to ensure a fair process. He added that he believes the selection committee recommended this firm based on the best value to the city.

There was discussion about the process and the results. The process used is different than what the city is used to, i.e., selecting a company based on the lowest cost and never being sure about quality. The new process came about after the state was involved in a lot of suits filed years ago using the low bid system, so they started using the value-based method which provides checks and balances by having the architect and general contractor working together. This has been more successful and lowers the risk.

Duane Huffman reviewed financing options for the Project. The current estimate is \$6 million. The winning CM/GC thinks we might be able to do it for \$5.5 million but the market for materials and labor is crazy right now so it is very hard to predict how things will go. Being cautious, Mr. Huffman recommended we plan for \$6 to \$6.5 million to move forward and noted that the city currently has \$2.5 million in the capital fund for this project. He said the city is also looking at what might qualify for ARPA and state grant money and will explore other options.

The Bank of Utah has come forward with a very attractive offer. They are willing to direct purchase bonds from the city at interest rates around 1.82% to 1.84% (these rates change daily but if we move forward in the next couple of weeks, they should be very close). Two additional advantages to this transaction are: 1) We can return any funds we end up not using on the project, and 2) We can pay off the bonds in full at any time without penalty.

Duane provided examples of our debt service for 20-year bonds at \$4 million (\$239,000/year) and \$6 million (\$358,000/year). He said he is fairly confident in the General Fund's ability to make the

\$239,000/year on-going payment, but the \$358,000 is more concerning considering current inflationary pressures and future city needs, and the city council needs to know that the city may eventually need to either raise taxes or use other funds, e.g., the water fund, to help with a payment of this size.

There was discussion about the proposals. Council members commented that there does not seem to be a downside to going with the higher amount since we can return any leftover money. It is better to take the higher amount now than to try to go back for more later if it is needed.

Mark Anderson, the city's financial advisor with Zions Bank, clarified that extra payments short of paying in full will be applied to the next payment, not at the end when the rates are lower. He said rates can be locked in whenever he gets the word and followed by a 30 day closing because a parameters resolution has already been adopted authorizing certain people to make decisions. He was given direction to lock in rates when comfortable.

Duane Huffman said that a final package will be presented for decision once the rates are locked.

6. Ordinance 445-21, An Ordinance Amending WBMC 17.82 Accessory Dwelling Units and Related Sections 17.14, 17.16, 17.20, 17.24.

Cathy Brightwell presented proposed updates to the city's Accessory Dwelling Units (ADUs) regulations as recommended by the planning commission. West Bountiful has allowed attached and internal ADUs since 2011 as a conditional use in residential zones. The 2021 legislature made changes that impact ADU regulations so the city worked with our planning consultants to help the planning commission consider appropriate changes to comply with state law and other issues that may benefit residents of the city. The council had directed the planning commission not to include detached ADUs at this time.

After several months of work and a public hearing, the planning commission's proposed draft includes the following issues: 1) Application for ADU will be required and processed as a permitted use. 2) Impact fees will continue to be waived on internal and attached ADUs. 3) Exceptions for determining owner occupied status include business, medical, military service, or religious reasons for a continuous period not exceeding 3 years. At no time shall both the ADU and primary dwelling be rented as separate units; and 4) Each ADU owner will be subject to an ADU agreement recorded with the County Recorder.

Issues considered and excluded from the proposed draft include 1) regulations for short-term rentals. The city does not currently have enough information to address the issue. 2) The new state law allows cities to require the property owner of an ADU to obtain a business license. West Bountiful does not currently require such licenses for any rental property and neither planning commission nor staff were interested in implementing the requirement at this time.

MOTION: *James Ahlstrom made a Motion to Approve Ordinance 445-21 Including Proposed Amendments to WBMC 17.82, 17.14, 17.16, 17.20, 17.82. James Bruhn seconded the Motion which PASSED as reflected below.*

James Ahlstrom – aye
Kelly Enquist – aye

James Bruhn – aye
Mark Preece – aye

7. Minutes from July 20, 2021, City Council Meeting.

MOTION: *James Ahlstrom made a Motion to approve the meeting minutes from July 20, 2021, with changes to line 44. James Bruhn seconded the Motion which PASSED by unanimous vote of all members present.*

8. Staff Reports

Police – Brandon Erikson

- We are close to receiving our vehicles. An electrical issue is still being worked on one of our existing vehicles. Equipment is being installed in the other truck and one Explorer. Old vehicles were taken to the auto auction to be sold in September.
- Attended a conference with Governor Cox. He talked about the challenges with hiring and retention. There is a wage bidding war in Salt Lake County.
- Will post job announcements for the open Sergeant position and will try for outside experience.

Public Works – Steve Maughan

- 400 North well update – the water line portion has been finished, and the road under the overpass will paved now that well progress looks good.
- Seal coat and road maintenance will continue over the next two weeks causing some challenges with road closures on 800 West and 1000 North. Once complete, street sweeping and striping will be done.
- Working on storm drain cleaning and culverts. The storm drain worked extremely well with the large amount of water we had in the recent nearly 2 inch rainstorm.
- Now that July holidays are over, will take down the banners on 800 West and Pages Lane.

Engineering – Kris Nilsen

- Working with Steve on well construction and completion.
- Working on golf course irrigation and estimate for a new trail at the end of hole #2.

Community Development – Cathy Brightwell

- The focus for the Beautiful Yard Contest, sponsored by Lowe's, is changing to more water-wise landscapes in light of the current drought and water restrictions.
- Weber Basin has provided a template to help us update our landscape ordinance to be more water-wise. Once it's completed, West Bountiful can be added to their "Flip your Strip" program.
- WholesomeCo will celebrate their 1-year anniversary on August 12 with food trucks and educational booths. Everyone is invited. A tour of their facilities will be scheduled for later in the month.

Administrative Report – Duane Huffman

- Legacy Baseball is looking for someone to take over their program and has approached the South Davis Recreation District. We want our fields to be used so we will participate in discussions.

- The city has authority to review and approve new tenants in The Commons to help ensure a quality development. Several new businesses have come in for permits without any previous notice from Thackeray. We are looking at ways to handle this better. Ding's Tea Shop and Ichiro's Ramen house have been approved. Kumon is moving to the 400 North building, by Arella's, to make room for the Ramen house.
- The School District contacted us about implementing parking restrictions for pickleball once school starts. We will educate people on where to park during school. Kelly Enquist asked about posting court etiquette rules to avoid conflicts when the courts are full.
- A candidate orientation meeting was held tonight. The League of Women Voters has offered to host an event in October.
- We have an engineer working on a wetland study for our Birnam Woods property.
- Looking ahead to next Spring's projects, there is some concern about managing the public works facility project and 600 West road construction at the same time. For public works, we hope to have footings and foundation work done over the winter. The metal building may take six months to arrive once it is ordered.

9. Mayor / Council Reports

Kelly Enquist – Commented that he observed UDOT street sweepers on Parrish Lane in Centerville and wondered if we could arrange similar street sweeping on 500 South.

James Bruhn – The weeds in and at the rear of the Atwater Subdivision on 800 West are very bad. The fences do not cover the entire yards so there are a lot of weeds visible that need to be cut. Duane said the city has talked to the owners about them.

He asked for an update on the east DSB trail connection (Onion Parkway trail). Duane said updated cost projections have been prepared for the County.

The Arts Council appreciation dinner will be held this Thursday at city hall.

James Ahlstrom – Youth Council will hold its first meeting of the 2021-2022 term next week. There is a scheduling conflict with the advisors on Thursdays so a possible change will be discussed at the meeting. The council is preparing to help with Coats for Kids and Meet the Candidates Night.

Pickleball update – he asked for an update on the shade structures and reported that the lights did not shut off at 10 pm when he was there with his family. Steve said the shade structures should be here the middle of the month and he will check/reset the timers on the lights. He also suggested the city check out Farmington's court rotation system which manages court use. We may want to implement a system before it gets busier with cooler weather coming.

Mark Preece – Discussed some improvements needed at the golf course including smoothing out transitions on some cart paths.

Mayor Romney – Regarding the public works facility, he confirmed that he has not been involved in the selection of a general contractor.

10. Closed Session Pursuant to UCA § 52-4-205.

No closed session was necessary

11. Adjourn.

MOTION: *James Bruhn made a Motion to adjourn the meeting. James Ahlstrom 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, August 17, 2021.


Cathy Brightwell, City Recorder

