Mayor
Kenneth Romney

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

WEST BOUNTIFUL CITY

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

City Administrator
Duane Huffman

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, AUGUST 17, 2021 AT THE CITY OFFICES, 550 N 800 WEST

AGENDA:

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

1. Approve Agenda.
2. Public Comment - two minutes per person, or five minutes if speaking on behalf of a group.
3. Award of Architect/Engineering Services for 2021 Public Works Facility Project to CRSA for a total fee of $373,200.
4. Award of Construction Manager/General Contractor Services for 2021 Public Works Facility Project to Gramoll Construction for an estimated fee of $655,000.
5. Approval of $6,000,000 Sales Tax Revenue Bond for 2021 Public Works Facility Project.
6. Resolution 501-21, A Resolution Authorizing Allocation of $21,000 of ARPA Funding to South Davis Sewer District.
7. Expenditure Approvals: Parks Power Mower ($13,309.53); Police Vehicles and Equipment ($159,500); Golf Course Pond Irrigation Pump ($23,778.21).
8. Ordinance 446-21, An Ordinance Creating a New Section, WBMC 17.50 Clear View Area and Fence Requirements, and Deleting Related Sections 17.14.100, 17.16.100, 17.20.100, and 17.24.100.
9. Meeting Minutes from August 3, 2021.
10. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
11. Mayor/Council Reports.
12. Closed Session for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
13. 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 August 13, 2021.

Minutes of the West Bountiful City Council meeting held on Tuesday, August 17, 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, Mark Preece, and 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 (Lakeside Superintendent)

PUBLIC: Alan Malan, Richmond Thornley, Marv Putnam

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

2. Public Comment.

Duane Huffman introduced Marv Putnam, 187 N 1450 West, and explained that he contacted the city about connecting to the city's culinary water system as his well is no longer adequate. He has also expressed interest in annexing his property into the city. There was a miscommunication and Mr. Putnam came back from vacation thinking the water connection issue would be considered at tonight's meeting. Mr. Huffman said that this is not something the city does very often so more research was needed to determine what is required to complete the connection and what fees are due. Mr. Putnam's situation will be expensive as the water line will need to cross 1450 W. He said that in 1999, the city was working on a water line extension to the auto auction and Mr. Putnam granted an easement to the city to cross his property at no cost, but we are still reviewing the records which indicate that the easement has now become part of a city road. More research is also necessary to determine if water rights credits are transferable.

Mr. Huffman added that Mike Demas, at 287 N 1450 West has also contacted the city asking for a water connection and was told that the city council may want him to annex into the city if a water connection is made.

There was discussion about how to handle these requests in a timely manner. Mayor Romney noted that we will likely get several of these requests given the current drought situation and having staff handle them is probably the most efficient way.

3. Award of Architect/Engineering Services for 2021 Public Works Facility Project to CRSA for a Total Fee of $373,200.

Using materials from the State of Utah's Division of Facilities and Construction Management (DFCM), in June, the city issued two separate Requests for Proposals (RFPs) – one for Architect/ Engineering Services and Construction Management/General Contractor Services for the Public Works west yard facility. These RFPs were modeled to select firms on a value-based selection method.

For the Architect/Engineering Services, the firms were evaluated on selection criteria that included: Past Performance, Project Team Experience, Project Specific Team Experience, Team Delivery Method Experience, Team Member Availability, Project Architects Experience, Preconstruction Services, Budget Control Plan, Schedule Control Plan, Value Added Ideas, and Project Team Interaction. Firms submitted proposals addressing these issues, and the five firms that submitted proposals made presentations/interviews for the selection committee.

The selection committee was made up of Kris Nilsen (City Engineer), Ben White (Taylorsville City Engineer and former WBC Engineer), and Steve Maughan (Public Works Director). Selection committee members signed Conflict of Interest and Confidentiality Statements and Non-Disclosure Statements. Darrell Hunting, Assistant Director - Capital Improvements for DFCM participated in the interviews and scoring session to assist the city with process. After evaluation of the proposals, each committee member ranked the firms, and unanimously recommended the selection of CRSA. Under the value-based selection 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. If for any reason the city cannot come to terms with CRSA, we would move to the next highest ranked firm.

There was discussion on scoring and the fee schedule with consensus that the process was handled well with blind scoring and council members are comfortable with the outcome.

MOTION: ***Mark Preece made a Motion to Award the Architect/Engineering Services for 2021 Public Works Facility Project to CRSA for a Total "Not to Exceed" Fee of $373,200. Rod Wood seconded the Motion which PASSED as reflected below.***

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

4. Award of Construction Manager/General Contractor Services for 2021 Public Works Facility Project to Gramoll Construction for an Estimated Fee of $655,000.

Mayor Romney disclosed that he is an employee of Gramoll Construction and was not involved in the proposal submitted to the city or in the selection process by the city. If the contract is awarded to Gramoll, he proposes the Mayor Pro Tem sign the agreements.

For Construction Manager/General Contractor Services, the firms were evaluated on selection criteria that included: Past Performance, Project Team Experience, Team Member Availability, Project Manager Experience, Superintendent Experience, Project Estimator Experience, Cost Control Plan, Scope Control Plan, Site and Staging Plan, Risk Identification and Mitigation Plan, and Safety Plan. Eight proposing firms were short-listed by the selection committee to 4, and these made presentations and went through interviews.

The selection committee was made up of Kris Nilsen, City Engineer; Ben White, Taylorsville City Engineer and former WBC Engineer; and Darrell Hunting, Assistant Director - Capital Improvements for DFCM with the State of Utah. 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.

After evaluation of the proposals, each committee member ranked the firms, and unanimously recommended the selection of Gramoll Construction.

Duane Huffman stated that staff recognizes the potential appearance of a 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 and 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 DFCM in the selection process 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.

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

There was discussion about the costs included in the bid. Duane said the estimate is about $655,000. It's difficult to know exactly as the total building costs were bid at $6 million but the contractor is hopeful it will go down to $5.5 million. One of the reasons Gramoll Construction was rated so highly is their methods to ensure the best pricing and value for the project, such as putting out RFP's, etc. Rather than providing incentives if they come in lower which can result in corners being cut, value based engineering is based on performance ratings for things such as did the project come in on time and on budget. A good rating is important to the contractor if they want future work with the state.

Council member Wood added that his experience with value-based pricing has been great.

Mr. Huffman said the team has been focused on site location selecting where each part of the facility will be located and working toward having space for future flexibility for other city projects. Also looking at soil studies and future road improvements, etc. There was discussion about possibly adding some recreational space, which we may be able to consider as part of landscaping.

There was agreement that going forward the mayor should be fully involved as part of the team along with the contractor, the architect, and staff in the work process and meetings as he brings a lot of value to the project. If there are any disputes, those issues will go to the full council.

MOTION: ***James Ahlstrom made a Motion to Award Construction Manager /General Contractor Services for the 2021 Public Works Facility Project to Gramoll Construction for an Estimated Fee of $655,000 and to Authorize the Mayor or Mayor Pro Tem to Sign the Contract. Rod Wood seconded the Motion which PASSED as reflected below.***

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

5. Approval of $6,000,000 Sales Tax Revenue Bond for 2021 Public Works Facility Project.

The city has worked for several years now on planning for the construction of a new public works facility on 1200 North. The master plan completed in 2019 estimated costs at over $7 million. In 2021, the city explored cost-saving measures in the design of the facility, specifically the use of a metal-structure and combining functions such as office/shop/wash bay all into one metal building. Costs are now estimated between $5.5-$6.5 million. An architectural firm and a construction manager/general contractor have been selected through the procurement process.

After a noticed public hearing, the city council adopted a Parameters Resolution for sales tax revenue bonds. So that the city could act efficiently in the future, this resolution authorized the city administrator (or mayor in his absence) to issue bonds for the public works project, pledging sales tax revenues as the collateral. The parameters set forth were:

- Maximum Principal Amount: $7,000,000 (the city expected the amount to ultimately be lower).
- Maximum Interest Rate: 5% (the city also expected this amount to be much lower)
- Maximum Term: 21 years

The city can now move forward without any additional council action, but staff believes it prudent for the council to review and approve the final terms.

<u>Current Proposal</u>
As discussed at the August 3rd council meeting, through the help of our financial advisor with Zions Bank, the city has secured financing under the following terms through a direct purchase arrangement with the Bank of Utah with closing currently scheduled for August 26.

- Principal Amount: $6,000,000
- True Interest: 1.8215106%
- Term: 20 years
- Average Annual Debt Service: $358,500
- Call Options:
    - o Unspent funds at conclusion of the project may be returned under a one-time "strip call." The debt schedule will then be re-done to lower the annual payments.
    - o The bond may be paid in full at any time without penalty.

Duane Huffman asked council members how much they would like to be involved as the project moves forward and to contact him with any questions. He will add a section in the weekly staff notes with updates as the project moves forward.

MOTION: ***Kelly Enquist made a Motion to Approve the $6 million Sales Tax Bond Under the terms described Above. James Bruhn seconded the Motion which PASSED as reflected below.***

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

6. Resolution 501-21, A Resolution Authorizing Allocation of $21,000 of ARPA Funding to South Davis Sewer District.

The city has received the first allotment of federal ARPA funds which have been distributed through the State of Utah to mitigate the fiscal effects related to COVID-19. ARPA set forth the use of the funds to include making necessary investments in water, sewer, or broadband infrastructure.

This issue was discussed at the last meeting following a presentation by the South Davis Sewer District and request from them for a portion of the city's ARPA funds. This contribution will help achieve the objectives associated with the District's services within the City's jurisdiction through the North Plant Nutrient Removal Project.

MOTION: ***James Ahlstrom made a Motion to Approve Resolution 501-21 Allocating $21,000 of ARPA Funding to South Davis Sewer District. Mark Preece seconded the Motion which PASSED as reflected below.***

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

7. Expenditure Approvals: Parks Power Mower ($13,309.53); Police Vehicles and Equipment ($159,000); and Golf Course Pond Irrigation Pump ($23,778.21).

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

1. Parks Mower – The FY 22 budget included $13,500 for a new parks mower. Staff recommends the purchase of a John Deere mower and equipment for $13,309.53 based on a quote from John Deere.
2. Police Vehicles and Equipment - The FY 22 budget included $165,600 for three new police vehicles (two replacements and an addition to the fleet for the new position). Staff recommends the purchases for a total of $159,443. Two current vehicles will be sold with a budgeted offset of $49,000.

3. Golf Course Pump Upgrades - With the secondary water being shut off on September 20th, it will be necessary to use the pond just west of 1100 W (north of the #12 green) to irrigate. The pond is fed by artesian wells on the golf course as well as storm water run-off, and for many years it has had a small pump for similar circumstances. Staff recommends the addition of a new pump/motor and additional controls. If adequate water can be kept in the ponds, this new system should be sufficient to protect the course. Two options are provided below.
    a. The first is an upgrade to an existing small pump that would help it do its job better. If the pump is not sufficient, we may need to make an emergency connection to culinary.
    b. A larger pump replaces the existing pump and would be used instead of a culinary connection. The risk is availability of water and pump maintenance. The larger pump is out about three weeks and will take 1-2 days to install and there may be some additional cost for electrical work.

In light of the water situation, staff is currently reevaluating previously budgeted golf course improvements, and will likely hold off on doing anything significant on Hole #16 (budgeted at $60,000).

Councilmember Wood commented that Eaglewood uses 1-1.5 million gallons per day and commended Josh for an efficient operation, and both Bountiful Ridge and Eaglewood are also connected to culinary water.

Councilmember Bruhn said his experience with pumps has been a nightmare. He prefers going with the culinary connection. It is a cleaner service with less needed maintenance.

There was concern about using culinary water after the Weber shut-off and how residents may react to the city continuing to water when they cannot. It may be better to go with the larger pump to use in emergency situations for a cost of approximately $30,000.

Josh said Lakeside is the only golf course he has ever worked that did not pump its water. We must have water after September 20, so we need a pump. He recommends investing in the larger pump but noted we may also need to go with the small one due to timing.

There was concern that Rocky Mountain Power may not be able to have power for us when we need to hook up the pump. Duane said he has already contacted them to let them know we may need a quick connection.

Mayor Romney commented that he has gone back and forth on the issue. The electrical costs will be incurred either way and he is leaning toward the large pump which will decrease culinary use and not take as much as work. It will not be a waste; but will provide flexibility for future water needs.

MOTION: ***Rod Wood made a Motion to authorize expenditures 1 & 2 proposed by staff above which are included in the budget. Regarding #3, staff is authorized to purchase the large pump, for a cost not to exceed $35,000. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.***

8. Ordinance 446-21, An Ordinance Creating a New Section, WBMC 17.50 Clear View Area and Fence Requirements, and Deleting Related Sections 17.14.100, 17.16.100, 17.20.100, and 17.24.100.

Based on observations of non-compliant front yards within the city, and the desire to improve clear view area regulations, the planning commission has been considering updates to fencing regulations focusing on the following issues:

1. Clear view area. Fencing regulations are in place primarily for safety reasons. Vehicular traffic and pedestrians must be able to see clearly around corners as they pass through intersections and back out of driveways without having visibility blocked by fences or vegetation.
2. Open fencing. Existing regulations limit front yard fencing to 4 feet in height within any front yard setback and 2 feet in height within 3 feet of any street right of way or sidewalk. It does not provide an exception for open fencing. Staff has identified many properties in the city with non-compliant front yard fencing, some of which may qualify as open fencing. After researching other city's regulations, staff found that the majority allow some form of open fencing, such as chain link, rail, and some rod iron, in front yards.
3. Reorganize/consolidate regulations into a new, separate section.

After several months of review and consideration, a public hearing was held on August 10, and the planning commission recommended the following amended ordinance to the city council:

A. *Clear View Area –*
   - ***Intersections** – clarifies the clear view area for street intersections as a triangle with a 40-ft side along each intersecting street. This triangle is measured from the intersection of the back of the curb lines or asphalt lines, if no curb.*
     - *Solid fences, walls, vegetation, etc. - up to 2 ft in height;*
     - *Open fencing – up to 4 ft in height;*
     - *Trees must be pruned clear of branches up to 14 ft and be 10 ft apart;*
     - *No vehicle parking (primarily applies to commercial locations).*
   - ***Driveways** – (NEW) defines the intersection of a driveway and a street as a triangle on each side of the driveway with 2 -10 ft sides beginning at the intersection of the driveway edge and back of curb line, or edge of asphalt if no curb line, toward the interior of the lot.*
     - *Solid fences, walls, vegetation, etc. - up to 2 ft in height;*
     - *Open fencing – up to 4 ft in height;*
     - *Trees must be pruned clear of branches up to 14 ft and be 10 ft apart.*

B. *Front Yard fences – (subject to clear view area regulations)*
   - *Open fencing is allowed up to 6 ft in height.*
   - *Solid fences, walls, and hedges – up to 4 ft in height if more than 3 ft from street right of way or sidewalk, and up to 6 ft if beyond the front 30 ft. setback.*

C. *Rear and Side Yard fences – up to 6 ft.*

D. *Street Side Yard fences – (subject to clear view area regulations) up to 6 ft.*

E. *Exceptions – (NEW) open fencing enclosing a recreational facility (public or private) such as tennis court, swimming pool, ball diamond, may be up to 14 ft if at least 5 ft from property line and not within the clear view area or minimum front yard setback area.*

Cathy Brightwell referenced a staff-prepared diagram depicting the clear view areas. Council member Bruhn noted that the clear view area for the driveway needs to be lengthened. The current proposal measures 10 feet from the street along the driveway and 10 feet from the same corner along the street. The resulting triangle only includes a two foot corner of the yard when standard four foot sidewalks and four foot parkstrips are used. James suggested the length along the driveway be increased to 14 feet to provide more opportunity for drivers backing out to see oncoming traffic.

There was also discussion about whether there is a need to limit front yard fencing to four feet, as proposed, if it is outside the clear view area and not creating a safety hazard. If open fencing is used, a six foot fence may be acceptable.

Staff was asked to make the suggested changes and bring a new draft back to the next meeting.

MOTION: ***James Ahlstrom made a Motion to table this agenda item. Rod Wood seconded the Motion which PASSED by unanimous vote of all members present.***

9. Minutes from August 3, 2021, City Council Meeting.

MOTION: ***Kelly Enquist made a Motion to approve the meeting minutes from August 3, 2021, as presented. Mark Preece seconded the Motion which PASSED by unanimous vote of all members present.***

10. Staff Reports

Police – Brandon Erekson
- The new trucks have arrived and are in service. Explorers should arrive this week and the old vehicles are on schedule to be sold at auction.
- Bountiful IT will work with us to move forward on the new computer system.

Public Works – Steve Maughan
- Paving is complete and street striping is almost done.
- Miscellaneous concrete replacement project is almost wrapped up.
- Crews are cleaning out ditches as time permits.
- A contractor ran over a hydrant at 1800 N/600 W, which caused a pipe to break after a replacement was installed. The entire length of 600 W between 1600 N and 2200 N is in bad shape. This project is budgeted for later this year and there is a concern about attempting such a large project while the public works project is under construction.

Engineering – Kris Nilsen
- Pickle ball shade structures should be shipped mid-August.
- Public Works facility planning continues. The team is working on property layout and has helped with surveying.
- Well construction is progressing. Construction should be done Jan. 15, 22. If we had to, we can turn well on earlier, but building construction won't be done until Jan.

Community Development – Cathy Brightwell

- We received a Notice of Intent to Annex from Marv Putnam on 1450 West. He only wants to bring in the .81 acre parcel his home is on and not the adjoining 1.5 acre parcel to the rear of the home. A notice will be sent to the County so they can begin their notification process. We intend to contact the other property owners on 1450 W to encourage them to join in the Petition even though we are hearing some do not want to come into the city.
- Meet the Candidates night is scheduled for October 4 beginning at 6:30 pm at city hall, which is one week before ballots begin arriving in the mail.

Administrative Report – Duane Huffman

Mr. Huffman recommended a closed session to discuss the sale or purchase of real property.

11. Mayor / Council Reports

Kelly Enquist – Mosquito Abatement reported 162 possible pools of West Nile. They have sprayed and fogged nearly 300,000 acres and report that West Nile is most prolific between 10–11:30 pm.

James Bruhn – No report

James Ahlstrom – Youth Council held their first meeting last week. They will keep their meetings on the second Thursday and advisors, Kim & Pat McReynolds will help as their schedules permit. The Council is beginning to plan for a retreat in September/October.

Mark Preece – No report

Rod Wood – No report

Mayor Romney – The South Davis Metro Fire board adopted its budget last night.

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

MOTION: ***James Ahlstrom made a Motion to Move into Closed Session for the Purpose of Discussing the Purchase, Exchange, or Lease of Real Property. Adjournment of the closed session will also close the regular meeting. Kelly Enquist seconded the Motion which PASSED as reflected below.***

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

MOTION: ***James Bruhn made a Motion to adjourn the Closed Session and the regular meeting. James Ahlstrom seconded the Motion which PASSED by unanimous vote of all members present.***

13. Adjourn.

See above

\- -

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, September 7, 2021.

Cathy Brightwell, City Recorder